TOWN COUNCIL MEETING
MINUTES
September 4, 2007

The Town Council met in regular session on Tuesday, September 4, 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, Michael Pezzulli, Anton Mattli and Mary Price and Town Manager John Godwin and Interim Town Secretary Michelle Lewis Sirianni. Councilman Jim Cunningham was absent.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:33 pm the council recessed into executive session to discuss: McKinney versus Fairview, Economic Development, Real Estate and Personnel – Town Manager, Economic Development Director.

At 7:45 pm Mayor Israeloff reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

Mayor Israeloff stated that he apologized for the slight delay that council still had another item to discuss in executive session and will reconvene after they finish with the remaining agenda items.

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 August 22, 2007 special council meeting. B) Approve minutes of the August 7, 2007 council meeting. C) Approve a resolution requesting Lovejoy ISD to pay impact fees. D) Approve a resolution denying Atmos GRIP request. E) Deny a request by Roger Lawler requesting disannexation. F) Authorize Town Manager to execute licensing agreements with Dallas Area Rapid Transit for DART right-of-way water and sewer line crossings on Murray Road and Fairview Parkway. G) Authorize Town Manager to execute licensing agreements with Dallas Area Rapid Transit for DART right-of-way road crossings on Murray Road and Fairview Parkway. H) Approve an ordinance revising water tap fees. I) Confirm Michelle Lewis Sirianni as Town Secretary.

Councilman Kasian requested to pull item B for revisions. Mayor Israeloff requested to pull item B until the next meeting so that all council members could review those changes. Mayor Israeloff noted in reference to item A, that language should be changed from '36.5 % to 36.5 cents per $100 valuation'. Councilman Kasian commented that the language 'Councilman Ron Kasian was absent' should be changed to 'Councilman Ron Kasian was out on business'.

A motion was made by Councilman Pezzulli to approve items A as amended, C, D, E, F, G, H, and I. The motion was seconded by Councilwoman Price, with all in favor.

PRESENTATION: Coserv Gas made a presentation to the Fairview Fire & Rescue Department.

Mr. Paul Kennedy and Mr. Dennis Engelke of Coserv Gas presented Dick Price with a check for $20,000. The check will be used for the purchase of three laptops and software for emergency response vehicles to improve response time and to secure vital information while on the scene of an emergency.

PRESENTATION: Police Chief, Granver Tolliver presented two new officers to the Mayor and Council.

Chief Tolliver introduced Jeff Flournoy. Chief Tolliver stated that Officer Flournoy spent twenty two years in the army, spent several years in San Antonio as an officer and has most recently been with the Collin County Community College in Plano as campus security.

Chief Tolliver introduced Victoria Armendariz. Chief Tolliver stated that Officer Armendariz is a true rookie and has been recruited from the Cedar Valley Community College Police Academy. Officer Amendariz will be spending the next six months with the Chief for field training.

ANNUAL FIRE DEPARTMENT REPORT: Fire Chief Dick Price presented an update for the Mayor and Council regarding the Fire Department.

The following items were presented by Chief Price:

- Mission Statement – The mission of the Fairview Fire & Rescue department is to provide a professional response to our customers in their time of need; promote fire and life safety at all times by maintaining highly trained personnel and equipment and by sharing our skills to help prevent and reduce incidents of fire and other potentially harmful events.

- Growth in the Town: Fire/EMS Calls – In 2007, there is an average of one call per 18 residents (vs 23 in 2006). In 2009, it is projected that the fire/EMS will respond to 782 calls or +38% (vs 2006 est.) or 2.1 per day. The call volume will increase 152% from 2006 to 2009.

- Personnel Staffing and Coverage – The department currently has 24 people on staff (4 Officers, 3 Engineers, 17 Firefighters). Out of those 24, 79% are Advanced SFFMA or Basic TCFP trained. The goal is to have 40 Firefighters/EMT's by the end of the first quarter of 2008. In 2007, the department created a new Fire Officer Selection program as well as a new recruit training program. (Recruiting video shown).

- Apparatus – In 2007, the department acquired a new squad vehicle.

- New Station - Chief Price mentioned proposed features and estimated timeline to build.

- Grants and Savings – Chief Price talked about recent grants received in 2007 and how the money from those grants will be spent.

- Cost of Gear – The price differences between Full Bunker Gear and Class-B Uniform.

- Outdoor Warning System – Chief Price stated that locations are installed, the control electronics are calibrated and ready, new radios had to be ordered to be compatible with Allen, and the in service date is anticipated to be Mid to end of September 2007.

- Community Events – Parades, Neighborhood Block Parties, Mosaic Church and 9-11 Ceremonies are a few of involvements by the department.

- Inspections and Plan Reviews – Jeff Bell, Fire Code Inspector made a brief presentation regarding new software being used to maintain annual inspections, residential and commercial inspections and the benefits of this software and its capabilities.

LOLLER PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed but unzoned, commonly known as the Loller property, consisting of 2.332 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2).

Mr. Efrussy introduced this item by stating that the next four zoning cases are annexed but unzoned. The zoning of these properties will provide fur further zoning consistency in each subject area. At the August 23, 2007 meeting, the Planning and Zoning commission unanimously approved the next four zoning cases.

Mayor Israeloff opened discussion to the public. No comments were made.

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

Councilwoman Price made a motion to approve the zoning of property that is annexed but unzoned commonly known as the Loller property, consisting of 2.332 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Councilman Pezzulli, with all in favor.

BLEVINS PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed but unzoned, commonly known as the Blevins property, consisting of 2.291 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2).

Mayor Israeloff opened discussion to the public. No comments were made.

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

Councilman Kasian made a motion to approve the zoning of property that is annexed but unzoned, commonly known as the Blevins property, consisting of 2.291 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Mayor Pro Tem Sommers, with all in favor.

DIEP PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed but unzoned, commonly known as the Diep property, consisting of 5.0 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2).

Mayor Israeloff opened discussion to the public. No comments were made.

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Councilman Mattli made a motion to approve the zoning of property that is annexed but unzoned, commonly known as the Diep property, consisting of 5.0 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2). Mayor Pro Tem seconded that motion, with all in favor.

HARTSELL PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed but unzoned, commonly known as the Hartsell property, consisting of 5.22 acres, generally located north of and adjacent to Stacy Road, south of Summit Court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2).

Mayor Israeloff opened discussion to the public. No comments were made.

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Councilman Kasian made a motion to approve the zoning of property that is annexed but unzoned, commonly known as the Hartsell property, consisting of 5.22 acres, generally located north of and adjacent to Stacy Road, south of Summit court, west of County Road 317, and east of the Heritage Ranch subdivision to the Two-Acre Ranch Estate Zone (RE-2). The motion was seconded by Councilman Mattli, with all in favor.

2007-2008 BUDGET & TAX RATE: Conduct Public Hearings on the 2007-2008 annual town budget and ad valorem tax rate.

Mr. Godwin introduced this item by stating that the Maintenance and Operations rate is the portion of the property tax that goes into the general fund to pay for the operations of the town. This year's Maintenance and Operations rate is 15.9534 cents per $100 valuation. The proposed rate is a slight decrease from last year with no major changes. Mr. Godwin also noted that there is no utility rate increase for the sixth consecutive year. Mr. Godwin stated that the other portion of the tax rate is called the interest and sinking rate. It provides for the payment of principal and interest on debt service. This year's interest and sinking rate is $18.5466 cents per $100 valuation. The proposed new rate is $20.5522, an increase of approximately $0.02 due to the GO bond sale for the fire station. The total tax rate is proposed to go from $0.345 to $0.365.

Mayor Israeloff opened discussion to the public. Dennis McClintick, 591 Bluebird Lane, had a question concerning the new commercial property that would be constructed in Fairview. In regards to the tax rate, Mr. McClintick commented that the town has not seen a tax rate increase of any kind and now they are seeing their property taxes increase, which in Mr. McClintick's opinion was a concern. Mr. Godwin responded that the tax increase that is being reflected is due to the sales tax and not the property tax. The increase itself is coming from the new Fire Station that will be constructed. The voters decided in the May, 2007 election to pass this development. The council did not decide in any way to promote the development.

Joe Rice, 5590 Jameson Crossing, asked if a senior citizen tax freeze rate has been considered. Mayor Israeloff responded that they have not discussed this recently, but have done so in the past. A senior citizen tax rate has pro's and con's. Mayor Israeloff stated that in lieu of the freeze they have increased the homestead exemption rate, which in comparison to other adjacent cities is much higher. Mayor Israeloff stated that the Town of Fairview's senior citizen homestead exemption is roughly $60,000 compared to other cities which are roughly around $15,000 to $25,000. Mayor Pro Tem Sommers added that Fairview is a very young town and there is a lot of growth left yet to occur and need everyone to help out.

Mr. Godwin noted that there will be an additional public hearing on September 11, 2007 at 7 pm and a special council meeting to adopt the budget and tax rate on September 18, 2007 at 6 pm.

BOND SALES: Consider adoption of an Ordinance authorizing the issuance and sale of Town of Fairview, Texas, General Obligation Bonds, Series 2007; Levying an Annual Ad Valorem Tax for the Payment of Said Bonds; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject.

Consider adoption of an Ordinance authorizing the issuance and sale of Town of Fairview, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2007; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Certificates; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provision Relating to the Subject.

Mr. Godwin introduced Mr. Boyd Lundin, financial advisor with First Southwest. Mr. Lundin presented ratings that were done by Moody's Investors Service and Standard & Poor's Rating Group, a division of McGraw-Hill, Inc. Mr. Lundin stated that the ratings reflected are good ratings and reflects that the management and day to day operations and economy of the town are very good. Mr. Lundin presented the council and town staff with a handout that reflects the reports and/or ratings completed by the two companies. Mr. Lundin referenced to 'tab A' which reflected the interest rates. Mr. Lundin referenced to 'tab B' which has the rating reports and to 'tab C' which covered the General Obligation Bonds and Certificates of Obligation. Mr. Lundin stated that due to the given market he is very pleased with where the rates are.

Councilman Pezzulli made a motion to authorize the issuance of sale of General Obligation Bonds, Series 2007; Levying an Annual Ad Valorem Tax for the Payment of Said Bonds; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject. The motion was seconded by Councilman Mattli, with all in favor.

Mayor Pro Tem Sommers made a motion to authorize the issuance and sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2007; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Certificates; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject. The motion was seconded by Councilwoman Price, with all in favor.

SOCCER COMPLEX ECONOMIC DEVELOPMENT AGREEMENT: Consider approval of a lease agreement for 74.6 acres of town-owned land to be developed as a soccer complex with Sammy Olali, representing AYSES.

Mr. Godwin introduced this item by stating that Mr. Olali and the Town of Fairview have come to an agreement to build a soccer facility. The complex will be built by the developer and will include soccer fields for tournament and recreational use in three

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Mayor Pro Tem Sommers made a motion to authorize the issuance and sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2007; Levying an Annual Ad Valorem Tax and Providing for the Security for and Payment of Said Certificates; Approving the Official Statement; Providing an Effective Date; and Enacting Other Provisions Relating to the Subject. The motion was seconded by Councilwoman Price, with all in favor.

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Mr. Godwin introduced this item by stating that Mr. Olali and the Town of Fairview have come to an agreement to build a soccer facility. The complex will be built by the developer and will include soccer fields for tournament and recreational use in three phases; town will issue a performance bond to each construction phase that will either require the developer to finish the work or put the land back to its original state; developer will pay rents in excess of $72,000 per year at build out, plus a percentage of on-site retail sales, if any; developer will pay 100% of construction, operation and maintenance costs; developer has the right to bid on the purchase of the site; and town will retain authority to approve how required public soccer leagues are operated, and proposed changes to the site layout, and how the public portions of the complex are constructed.

Mayor Pro Tem Sommers made a motion to approve the lease agreement for 74.6 acres of town-owned land to be developed as a soccer complex with Sammy Olali. The motion was seconded by Councilwoman Price, with all in favor.

ENVIRONMENTAL COMMITTEE: Consider approval of a resolution creating an environmental advisory committee.

Mr. Godwin introduced this item by stating that the resolution if approved would officially create the environmental management advisory committee. Membership would include one council member, and there is a three-year sunset provision.

Councilwoman Price recommended Councilman Pezzulli for the committee. Councilman Mattli and Mayor Pro Tem Sommers agreed.

Councilwoman Price made a motion to create an environmental advisory committee and appoint Councilman Pezzulli to that committee. The motion was seconded by Councilman Mattli, with all in favor. Councilman Pezzulli abstained from the vote.

Mayor Israeloff asked for the Town to post the new committee in the newsletter as well as solicit to anyone the council may know to apply to serve on the committee.

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

Mr. Godwin stated that there is one position open on the Planning and Zoning Commission and one position open on the Board of Adjustments.

- Board of Adjustments

Mayor Pro Tem Sommers recommended appointing Mr. Richard Popkes to the full time position.

Mayor Pro Tem Sommers made a motion to appoint Mr. Richard Popkes to the full time position on the Board of Adjustments. The motion was seconded by Councilwoman Price, with all in favor.

Mr. Godwin stated that this now leaves an alternate position open on the Board of Adjustments.

Councilman Pezzulli recommended Mr. Daryl Sims. Mr. Sims was present and stated that his first choice would be to serve on the Planning and Zoning Commission. Mayor Pro Tem Sommers stated that there are applicants from last year that they should also consider. Councilman Mattli suggested rolling the appointment of an alternate Board of Adjustments member to the next meeting. Council was in agreement.

- Planning and Zoning Commission

Mayor Pro Tem Sommers recommended Darion Culbertson to the Planning and Zoning Commission. Councilman Mattli stated that he talked to Mr. Wells, Chairman of the Planning and Zoning Commission and took Mr. Wells recommendations since he had talked to various applicants.

Mayor Pro Tem Sommers made a motion to appoint Darion Culbertson to the Planning and Zoning Commission. The motion was seconded by Councilman Pezzulli, 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:

- Annexation zonings – P&Z is beginning the process of zoning areas that will be annexed on October 16, so that they can be zoned immediately after annexation.
- Red Barn Site – There has been a series of meetings to convert form traditional apartments to retirement housing.
- Hawks Wood II – The preliminary plat was first approved by council on January 9, 2007; their extension was denied.
- Willow Point – Plat approved by council on August 7th; no construction approved.
- Rickman Property – residential development to possibly occur; 26 ± acres; will be a challenge due to the flood plain that runs through the property.
- Stover Tract – No contact since late 2006.

CITIZENS INPUT: Mayor Israeloff 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.

Dennis McClintick, 591 Bluebird Lane, asked what the sign regulations are in regards to the sign ordinance. Mr. McClintick stated that his street currently has vehicles that have signs on them. Mr. McClintick suggested that since these are not appeasing to the eye that the town issue citations for these offenses. Mr. Godwin responded that they are illegal, but there are a number of vehicles with signs in the residential areas. Mr. Godwin stated that he will check the ordinance to see if there are restrictions, but people are allowed to use their vehicles to sell their business.

Chuck Turner, 1383 Shadow Creek Dr., addressed his concern regarding the bridge and under pass where many trucks get stuck. Mr. Turner asked if hanging bars could be installed to provide a better warning to the drivers other than the flashing lights and sign that are currently in place. Mayor Israeloff responded that this issue has been an ongoing battle with DART. There is an oral agreement currently with DART on the principal, but the town is waiting on the follow through. Mr. Turner also asked if there was a public hearing on the Soccer Complex and if there will be night use of the complex. Mr. Israeloff responded that there were three to four hearings regarding the complex. The Parks & Recreation Board also discussed it on numerous occasions. Mr. Godwin noted that there will be no initial night time use, but long term there will be.

Daryl Sims, 5599 Emerson Court, commented that he wanted to bring attention to the council in regards to serving on a board and/or commission. Mr. Sims received a call from Councilman Pezzulli to talk about serving on a board. Mr. Sims appreciated the call and volunteered his time to serve and help the town. In Mr. Sims opinion, he does not agree with the process of how the council went about appointing the open positions. Mayor Pro Tem Sommers responded that depending on the availability of open positions, the town keeps applicants on file and they like to consider everyone's application including ones that were accepted the prior year.

EXECUTIVE SESSION: At 9:30 pm the council reconvened back into executive session to finish discussing item D, Personnel-Town Manager, Economic Development Director.

At 10:00 pm Mayor Israeloff reconvened back into the regular session.

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

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:00 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW