TOWN COUNCIL MEETING
MINUTES
July 1, 2008

The Town Council met in regular session on Tuesday, July 1, 2008 at 7:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Mary Price, Council Members Jim Cunningham, Ron Kasian and Carolyn Sommers; Town Manager John Godwin; Economic Development Director, Ron Clary and Town Secretary Michelle Lewis Sirianni. Councilmen Anton Mattli and Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:30 p.m. and declared a quorum was present.

CONSENT AGENDA: All items listed under the 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 3 regular council meeting. B) Accept pump station improvements and authorize release of retainage. C) Award bid to Bowman Construction for the Roadrunner Trail Park Improvements project in the amount of $104,612.20. D) Accept public improvements for the Willowpoint Estates subdivision.

Mayor Pro Tem Price made a motion to approve items A through D. Seconded by Councilman Kasian, with all in favor.

FUTURE ANNEXATIONS: Conduct a public hearing and take action regarding amending the Code of Ordinance, Ch. 154: Zoning, Sect. 154.004: FUTURE ANNEXATIONS.

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open until July 8, 2008.

Councilman Cunningham made a motion to approve the tabling to date certain, July 8, 2008, the amending of the Code of Ordinance, Ch. 154: Zoning, Sect. 154.004: FUTURE ANNEXATIONS. Seconded by Councilwoman Sommers, with all in favor.

REKIETA PROPERTY: Conduct a public hearing and take action regarding zoning the Rekieta property, consisting of 21.781 acres, generally located east of Sharon Road, and north of Red Oak Trail, to the Two-Acre Ranch Estate Zone (RE-2) and the Flood Hazard (FH).

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open until July 8, 2008.

Mayor Pro Tem Price made a motion to table to date certain, July 8, 2008, the zoning of the Rekieta property, consisting of 21.781 acres, generally located east of Sharon Road, and north of Red Oak Trail, to the Two-Acre Ranch Estate Zone (RE-2) and the Flood Hazard (FH). Seconded by Councilman Kasian, with all in favor.

<u>GROSSCUP PROPERTY:</u> Conduct a public hearing and take action regarding zoning property that is annexed but unzoned, known as the Grosscup property, consisting of 9.925± acres, generally located north of Red Oak Trial, and east of Sharon Road, to the Flood Hazard Zone (FH).

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open to July 8, 2008.

Councilman Kasian made a motion to table to date certain, July 8, 2008, the zoning of property that is annexed but unzoned, known as the Grosscup property, consisting of 9.925± acres, generally located north of Red Oak Trial, and east of Sharon Road, to the Flood Hazard Zone (FH). Seconded by Councilman Cunningham, with all in favor.

<u>SLOAN CREEK, PHASE III PRELIMINARY PLAT:</u> Conduct a public meeting and take action regarding a preliminary plat for the Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of State Highway 5, and north of Sloan Creek.

Mr. Godwin recommended passing over this item.

Mayor Israeloff opened discussion to the public. No comments were made and the public meeting will remain open.

<u>SLOAN CREEK, PHASE III FINAL PLAT:</u> Consider and take action regarding the final plat for the Sloan Creek Estates Subdivision, Phase III, within the CPDD, located east of State Highway 5, and north of Sloan Creek.

Mr. Godwin recommended passing over this item.

Mayor Israeloff opened discussion to the public. No comments were made and the public meeting will remain open.

SUP W/IN CPDD FOR MANUFACTURING SOAPS, DETERGENTS AND CLEANERS: Conduct a public hearing and take action regarding a three-year extension of an existing Special Use Permit for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), located at 990 S. State Highway 5, suites 100 and 101.

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open until July 8, 2008.

Mayor Pro Tem Price made a motion to table to date certain, July 8, 2008, the three-year extension of an existing Special Use Permit for the manufacturing of soaps, detergents and cleaners, within the Commercial Planned Development District (CPDD), located at 900 S. State Highway 5, suites 100 and 101. Seconded by Councilman Kasian, with all in favor.

AMEND CPDD ORDINANCE, LAND USE MATRIX, ZONES A,D,E,H AND K: MULTI-FAMILY UNITS: Conduct a public hearing and take action regarding amending the Commercial Planned Development District (CPDD) Ordinance, Exhibit C, Land Use Matrix, for zones A, D, E, H and K, regarding multi-family uses.

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open until July 8, 2008.

Councilman Cunningham made a motion to table to date certain, July 8, 2008, the amending of the Commercial Planned Development District (CPDD) Ordinance, Exhibit C, Land Use Matrix, for zones A, D, E, H and K, regarding multi-family uses. Seconded by Mayor Pro Tem Price, with all in favor.

AMEND CPDD ORDINANCE, MAX NUMBER OF MULTI-FAMILY UNITS: Conduct a public hearing and take action regarding amending the Commercial Planned Development District (CPDD) Ordinance, Exhibit C, that includes a maximum number of multi-family units within the CPDD.

Mr. Godwin recommended tabling this item to July 8, 2008.

Mayor Israeloff opened discussion to the public. No comments were made and the public hearing will remain open until July 8, 2008.

Councilman Kasian made a motion to table to date certain, July 8, 2008, the amending of the Commercial Planned Development District (CPDD) Ordinance, Exhibit C that includes a maximum number of multi-family units within the CPDD. Seconded by Councilman Cunningham, with all in favor.

CERTIFICATES OF OBLIGATION: Consider and take action on an ordinance authorizing the issuance and sale of combination tax and limited surplus revenue certificates of obligation, series 2008; 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.

Mr. Godwin introduced this item stating that the projects to be funded include miscellaneous park improvements, town hall and Stacy Road engineering. Mr. Godwin stated the Boyd London is present from First Southwest as well as Jeff Gulbas, from McCall, Parkhurst & Horton L.L.P.

Mr. London stated that the rates are rising due to the market being unsettled. However, the market is also at 30-35 year lows, which in turn, allows the rates to be good. Mr. London stated that the certificates have been rated by Moody's and by Standard and Poors, which both have increased the town's ratings. Mr. London stated that an increase in ratings indicates that town finances have improved and with the current retail project and the higher wealth surrounding the town have helped with the improved rating. Mr. London stated the bonds will sell at 4.26% with a 20 year debt. Mr. London stated that he recommends approval. Mr. Gulbas added that he has no further comments, but also recommends approval.

Mayor Israeloff opened discussion to the council members. Councilman Cunningham asked if a town of this size was in good shape with the bonds. Mr. London responded that the town is looked at as a developing community and these are in his opinion the best ratings he's seen for a town of this size. Mr. London responded that it is a very good rating and very favorable to the residents of Fairview.

Mayor Israeloff stated that the town has been improving their financial reserves and has had very conservative spending and commends the Town Manager with the financial status of the town. Mayor Israeloff asked what information the companies look for when they are processing their ratings. Mr. London responded that the companies do look at the financial aspects, but also the management style and how the town is run.

Councilwoman Sommers made a motion to approve an ordinance authorizing the issuance and sale of combination tax and limited surplus revenue certificates of obligation, series 2008; 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. Seconded by Councilman Cunningham, with all in favor.

INTER-LOCAL AGREEMENT/STACY ROAD: Consider an inter-local agreement with Collin County for the reconstruction of a portion of eastern Stacy Road.

Mr. Godwin introduced this item stating that in order to receive funding from the county, which would match half of the engineering costs, the town needs to approve the agreement. Mr. Godwin stated that the sale of the certificates of obligation would fund the town's share, and an agreement with KSA Engineers to provide the engineering design and construction services. Mr. Godwin stated the town recommends approval.

Mayor Israeloff opened discussion to the council members. Councilwoman Sommers asked if the lanes on Stacy Road would be three lanes and would that require larger easements. Councilman Kasian asked if that portion of Stacy Road would be two lanes with a narrow turn lane. Mr. Godwin responded that the design has not been completed, but there will be two continuous travel lanes. Additional easements might be necessary. A bike lane could be constructed, as would turn lanes of some type. Councilman Cunningham asked who would do the design of the road. Mr. Godwin responded that it will be the town's decision and they will be involved through the process of the construction of the road.

Councilman Kasian made a motion to approve an inter-local agreement with Collin County for the reconstruction of a portion of eastern Stacy Road. Seconded by Councilman Cunningham, with all in favor.

KSA ENGINEERS/EASTERN STACY ROAD IMPROVEMENTS: Consider an agreement with KSA Engineers, Inc. to provide engineering services for the reconstruction of a portion of eastern Stacy Road.

Mr. Godwin introduced this item stating that the town is well within the estimated costs for this project. Mr. Godwin stated that the town has used KSA Engineers on a number of projects for the town. Mr. Godwin stated that they did the pump station and water tower. Mr. Godwin stated that Mr. Chancellor negotiated to have the cost reduced and is recommending approval to the professional services agreement.

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

Councilwoman Sommers made a motion to approve the agreement with KSA Engineers, Inc. to provide engineering services for the reconstruction of a portion of eastern Stacy

Road in the amount of $297,950.00. Seconded by Mayor Pro Tem Price, with all in favor.

ARCHITECT NEW TOWN HALL: Consider an agreement with Ron Hobbs Architects to provide architectural services for the construction of a new town hall facility.

Mr. Godwin introduced this item stating that the agreement presented by Ron Hobbs architects has been reviewed by staff and is acceptable and reasonable for the services to be provided. Mr. Godwin stated that Mr. Hobbs was in attendance and would be making a small presentation.

Mr. Hobbs stated that he would like to share with council other projects that his firm has completed as well as how they approach to meet the needs for each individual city. Mr. Hobbs stated they like to design a building that responds to their environment as well as reflects the town's personality.

Councilwoman Sommers stated that she likes the personality of each project shown and this is a large project for the town and likes what the firm has done with other cities, but in her opinion, would like to interview several architects and possibility form a committee to help make a decision. Councilman Kasian agreed with Councilwoman Sommers. Mr. Hobbs commented that his job as the architect is not to impose wishes on the town, but his role is to identify what's important and have work sessions with the town to help make those decisions.

Mayor Israeloff stated that he trusts staff with their decision and thinks it would be better handled by staff and the architect through work sessions to make decisions on what would work best for the staff and town. Councilman Cunningham agreed. Mayor Israeloff added that the architect should not have a set portfolio and seeing various works done indicates that they have a broad range of experience and can adapt to each city and/or town.

Mayor Pro Tem Price stated that in her opinion, she thinks it is premature to select given the size and scope of the project. Councilwoman Price commented that she agrees with Councilwoman Sommers and Councilman Kasian.

Mr. Godwin stated that with the current fire station project, the town staff including the fire chief had interviewed six candidates and brought forward their top choice. Mr. Godwin noted that the council shouldn't pick a firm because of how they like things, but because they know 'how to build' and incorporate specific needs by the town. Mayor Pro Tem Price added that the fire station project is concentrated on one area and is a project that has to have certain amenities and doesn't feel that this is the same kind of project.

Councilman Kasian and Mayor Pro Tem Price volunteered to be on a sub-committee to sit down with the top three or four pre-qualified candidates.

Mayor Israeloff asked town staff to place item back on the agenda so that a sub-committee could be appointed with Councilman Kasian and Mayor Pro Tem Price tentatively on the committee along with one or two other council members and staff.

SEPTIC MANAGEMENT ORDINANCE: Consider an ordinance revising local septic management requirements.

Mayor Israeloff tabled this item to July 8, 2008.

SALES TAX DISCOVERY SERVICE/MUNISERVICES: Consider authorizing the Town Manager to enter into a professional services contract with MuniServices, LLC, to provide sales tax discovery service.

Mr. Clary introduced this item stating that MuniServices LLC is a leading provider to help municipalities verify and improve local sales tax collection. Mr. Clary stated that MuniServices has proposed to provide their professional consulting service to the town on a contingent fee basis. Mr. Clary stated that their effort will be focused on finding additional sales tax revenues for the town. Mr. Clary stated that the town recommends authorizing the town manager to enter into a professional service with MuniServices, LLC.

Mayor Israeloff opened discussion to council members. Councilman Cunningham stated that his concern would be if any snooping would occur within residences or the sharing of the zip code with McKinney would cause problems. Mr. Clary added that there is no downside to this service. Mr. Clary responded that they also provide additional services by doing audits on hotels and locating businesses that should be paying sales tax. There is no additional cost to the town since the fees are on a contingent based percentage of the recovered proceeds. Mr. Clary responded that the company's primary concerns with identifying businesses would include: businesses selling taxable products/services within local boundaries, businesses that are incorrectly reporting local sales taxes to another jurisdiction, businesses that have moved into a city without properly filing address changes and home based businesses and out of state sales that may not be 'visible' to a city.

Councilwoman Sommers made a motion to approve the authorization of the town manager to enter into a professional services contract with MuniServices, LLC, to provide sales tax discovery service. Seconded by Mayor Pro Tem Price, with all in favor.

PARK GRANTS: Consider resolutions authorizing the submission of three applications to Collin County for possible park and open space funding.

Mr. Godwin introduced this item stating that each year Collin County offers joint funding for parks and open space projects. Mr. Godwin stated that the park board has reviewed and approved three projects. Mr. Godwin stated that in order to receive 50% funding for each project that is approved, the town needs to approve a resolution for each project. Mr. Godwin stated that the town recommends approval for all three projects.

Mayor Pro Tem made a motion to authorize the submission of three applications to Collin County for possible park and open space funding. Seconded by Councilman Kasian, with all in favor.

APPOINTMENT OF INDIVIDUALS TO BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on various boards and commissions.

Mayor Israeloff tabled this item to July 8, 2008.

TRAFFIC SIGNAL SH 5 AND FM 1378: Discuss the need for a traffic signal at the intersection of SH 5 and FM 1378.

Mayor Israeloff tabled this item to July 8, 2008.

WIND ENERGY: Discuss wind energy in Fairview and consider certain related possible expenditures.

Mayor Israeloff tabled this item to July 8, 2008.

SERVING ALCOHOL AFTER HOURS: Consider an ordinance defining the hours of operation for restaurants serving alcoholic beverages.

Mayor Israeloff tabled this item to July 8, 2008.

2008-09 BUDGET: Discuss the 2008-09 budget.

Mayor Israeloff tabled this item to July 8, 2008.

DEVELOPMENT PROJECTS & ORDINANCES: Receive town manager's monthly report on development and ordinances.

Mr. Godwin highlighted the following developments in the town:

- Pleasantville (Skorburg red barn site) – The project has been withdrawn. An apartment project possibly looking to purchase.
- Rickman/Harper –A plat was submitted with only 18 single family lots on a portion of this site.
- Stoddard Road- delay in road construction due to electrical and phone companies not being able to move lines on time. The road will not be completed prior to the school opening.
- Sloan Creek- Phase III approved by P&Z.

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.

Brad Northcutt, 910 Beechwood Lane, asked if Frisco Road was part of the town and/or managed by town. Mr. Northcutt stated that there is hole on the access road on US 75 that is large enough for a car to get stuck. Mr. Northcutt expressed his concern about the traffic flow on Hart Road and that there is only one entrance into Fairview Meadows. Mr. Northcutt asked what the possibility was to place speed bumps on that road. Mayor Pro Tem Price responded that you cannot place them along the main road, but that they could be placed inside the neighborhood. Councilwoman Sommers stated that there is a process to follow to petition for the speed bumps, but could request a copy of this information from the town.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:05 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW