TOWN COUNCIL MEETING
MINUTES
August 5, 2008

The Town Council met in regular session on Tuesday, August 5, 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, Anton Mattli, Michael Pezzulli and Carolyn Sommers; Town Manager John Godwin; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Special Projects Coordinator, Matt Donnell; and Town Secretary, Michelle Lewis Sirianni.

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

EXECUTIVE SESSION: At 6:37 pm the council recessed into executive session to discuss: Real estate, McKinney v. Fairview, Lawler v. Fairview and Economic Development.

At 7:28 pm Mayor Israeloff reconvened into regular session and requested everyone to stand for the Pledge of Allegiance.

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 July 1, regular council meeting and the July 8 and July 22 special meetings. B) Approve membership on the Atmos Cities Steering Committee. C) Approve membership on the Oncor Cities Steering Committee. D) Approve resolution suspending the June Oncor rate increase request. E) Approve annual budget for the Arts of Collin County. F) Approve agreement with the NTTA to sell toll tags at town hall. G) Approve award of low bid for reconstruction of a portion of Meandering Way. H) Approve names for the future park in Cypress Crossing and a trail on the former Pilkington property. I) Appoint new prosecutor, two assistant prosecutors, and associate judge for Fairview's municipal court. J) Approve ordinance re-codifying the Town of Fairview Code of Ordinances. K) Approve ordinance creating a school speed zone on Hart and Stoddard Roads. L) Approve an Interlocal Agreement with Collin Count for the reconstruction of eastern Stacy Rd. M) Approve an audit engagement with Fox, Byrd & Company. N) Approve agreement to provide engineering services for an elevated water storage tank. O) Approve an amended plat for the Stone Creek Estates Subdivision, located east of and adjacent to Country Club Road (FM 1378). P) Abandon a utility easement inside the City of Allen.

Mayor Israeloff asked if anyone would like to pull any items off the consent agenda. Councilman Kasian requested to pull items A, F, K, L, N and P. Councilman Mattli requested to pull items E, L and O. Councilwoman Sommers requested to pull L and N.

Councilman Pezzulli made a motion to approve items B, C, D, G, H, I, J and M. Seconded by Mayor Pro Tem Price, with all in favor.

Councilman Kasian requested to make the following amendments to the minutes:

- July 1, 2008 – No amendments
- July 8, 2008 – Page 5, Mr. Herring's first name was spelled incorrectly.
- July 22, 2008- Page 3, Comment by Councilman Kasian changed to correctly reflect his statement.

Councilman Kasian made a motion to approve the minutes as amended (item A). Seconded by Mayor Pro Tem Price, with all in favor.

Councilman Mattli stated that in regards to item E, that he believes that since this project has not been built yet that if the council is being asked to approve their budget as is, then he is not in favor, but if the council is being asked to approve their budget as to reflect that they've seen the budget, then he would be in favor. Councilman Mattli stated that he believes the salaries are too high to support. Councilman Pezzulli stated that the council is not providing an approval of their budget, but acknowledging it. Mr. Godwin asked if the council would like to collectively consent on sending a letter to acknowledge their commitment to the program and to express concern about the salaries.

The consensus of the council was to send a letter of acknowledgement and no action was taken.

Councilman Kasian stated that in regards to item F, should section 4.2 of the agreement reflect 'Town Hall' versus 'store number' in the agreement and in section 4.3 there is no signature required for pick up. Councilman Kasian stated that in order to protect the town from accountability, should the town incorporate this into the agreement. Mr. Godwin responded that the agreement is a template and is the same agreement NTTA has used with various other entities. Mr. Godwin stated that he is uncertain if they would be able to change these items. Mayor Israeloff stated that council could approve as is with the request to seek clarifications on requiring a signature upon pick up. Councilwoman Sommers stated that the town most likely has internal procedures to account for the town's accountability. Mr. Godwin responded that the town does have internal procedures.

Councilman Pezzulli made a motion to approve item F. Seconded by Councilman Mattli, with all in favor.

Councilman Pezzulli stated in regards to item K, could the school zone be extended as far as his residence or to St. James. Mr. Godwin stated that if council would like to change it, then they should specify before approving. Councilman Pezzulli proposed to extend the school zone to state:

(1) Sloan Creek Middle School: Thirty-five (35) miles per hour. FM 1378, from the southern right-of-way line of Old Stacy Road to the northern right-of-way line of Farmstead Road, a distance of 2,150 feet.

(2) Puster Elementary School: Twenty (20) miles per hour. Hart Road, from its western terminus east to a point immediately east of the Country Day School driveway; and Stoddard Road, from the southern right-of-way of FM 1378 to the southern terminus of Stoddard.

Councilman Kasian made a motion to approve as stated above. Seconded by Councilwoman Sommers, with all in favor. Councilman Pezzulli abstained from the vote.

Councilman Kasian stated that in regards to item L, that Article V in his opinion, seems redundant. Mr. Godwin responded that it references the funding and it is the County's agreement and uncertain if the wording can be changed.

Councilwoman Sommers asked under Article I, the design standards, when the town will see the specifications of the improvements, and also asked about the underground storm sewers. Mr. Godwin responded that the council should see the plans in three to four months. Councilman Mattli asked if the road improvements includes a pedestrian and/or bike path in the agreement. Councilman Mattli asked if the council should have the specifications listed within the agreement. Mr. Godwin responded that the more specific the town is in the agreement could restrict them. A pedestrian trail is included in the project.

Mayor Pro Tem Price made a motion to approve item L. Seconded by Councilman Mattli, with all in favor.

Councilwoman Sommers asked if the town was still considering the same site location for the ground water storage tank. Mr. Godwin responded that it has not been decided, but the town is still pursuing the first piece of land that the council has discussed. Councilman Cunningham asked since this item was placed on the consent agenda, would it be placed on the consent again when the town brings back the proposed elevated tank site. Councilman Cunningham stated that he would like to give the residents an opportunity to speak as well as placing the proposed location site in the newsletter. Mr. Godwin responded that it could be placed in the September newsletter regarding the water tower and then the town will be able to bid out in the spring. Councilman Pezzulli asked if town staff has coordinated with the Fire department on this item. Mr. Godwin responded that town staff has coordinated with the Fire department.

Councilman Pezzulli made a motion to approve the engineering services for an elevated storage tank for $148,000. Seconded by Councilman Cunningham, with all in favor.

Councilman Mattli asked in regards to Item O, the amended plat for Stone Creek Estates, if the subdivision moved the common space. Councilwoman Sommers asked if there was a purpose to keep the open space and did they have a land dedication. Mr. Chancellor responded that money was paid in lieu of land. Mr. Chancellor stated that the common space is a result of the road and the public frontage. The current developer needs the area to put a driveway to a house. Councilman Pezzulli asked if the road will be used as an access. Mr. Donnell commented that Mr. Jackson purchased the land to become part of his and will be maintaining the right-of-way. Mr. Donnell stated that the common space is not dedicated land, but money was paid in lieu of the land. Councilwoman Sommers stated she feels very uncomfortable in approving and asked if the minor plat has been seen by the Planning and Zoning Commission. Mr. Donnell responded that a minor plat is approved administratively by town staff and does not have to be seen by the Planning and Zoning Commission. Mayor Israeloff asked what options the council has on this item. Mr. Efrussy responded that the council needs to take some form of action after they go through remaining agenda items.

Mayor Israeloff stated that council will defer this item until they can clarify this item and will take it back into executive session.

Councilman Kasian stated that in regards to item P, he passes on it at this time.

Councilman Kasian made a motion to approve item P. Seconded by Mayor Pro Tem Price, with all in favor.

ACTION TAKEN FROM EXECUTIVE SESSION:

Councilman Pezzulli made a motion to approve the Second Amendment to the Economic Development Agreement for The Village at Fairview. Seconded by Councilman Mattli, with all in favor.

Gar Herring stated that he can publicly announce that as of today with this approval that Whole Foods has committed to being a part of The Village at Fairview. Mr. Herring stated he appreciates what Mr. Godwin has done to make this happen and is thrilled to have them part of the project.

FIRE STATION NUMBER 2: Discuss status of Fire Station #2 and hear presentation from architect.

Mr. Godwin stated that the architect team from Wignton Hoooker & Jeffry are here to make a presentation. Mr. Wignton stated that they will be showing and discussing the layout/site plan, green issues with the building and the construction costs.

Mr. Jeffry stated that the layout of the station will include sleeping areas, a community room, a loop around parking lot and a two and a half bay area for the fire apparatuses. Mayor Israeloff asked if there will be further opportunities to see the construction drawings. Mr. Godwin responded that the council needs to make changes now to avoid delaying bidding the project.

Chief Price discussed the functionality of the station and how the rising construction costs has placed the projected completion costs over the original estimated amount. Council members agreed that the functionality of the station is important in order to meet the needs of the station.

The consensus of the council was to adopt options three and four (additional 10 ft and additional storage space under beds) with the possibility of using proceeds from land sales to pay for the remaining costs of the project.

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 One and One-Half Acre Ranch Estate Zone (RE-1.5) for 7± acres, and 14.7± acres to the Flood Hazard zone (FH).

Ms. Lewis Sirianni introduced this item stating that the Rekieta property had originally been recommended to the Two-Acre Ranch Estate Zone (RE-2) for the 7± acres and the remaining 14.7± acres to the Flood Hazard Zone (FH). Ms. Lewis Sirianni stated at the July 8, 2008 Town Council meeting, no action was taken and town council directed the residential zoning to the One and One-Half Acre Ranch Estate Zone (RE-1.5). Ms. Lewis Sirianni stated at the July 24, 2008 Planning and Zoning Meeting, the commission unanimously recommended the RE-1.5 Zoning district. Mr. Rekieta was also present at that meeting and expressed that it was a good compromise to his original request to be zoned to the RE-1 Zoning district. Ms. Lewis Sirianni stated that no one else spoke in favor of or in opposition to this recommendation.

Mayor Israeloff opened discussion to the public. Ken Morris, 839 Sharon Rd, stated that the Sharon Rd is inadequate. Mr. Morris stated that he had a branch fall and took out his power. Mr. Morris stated that he would like the town council to look at the street before placing zoning on the property.

Mayor Israeloff opened discussion to the council members. Councilwoman Sommers stated that Sharon Road is narrow, but the zoning will protect the neighborhood. Councilman Cunningham stated that no one can come in and build without a plat.

Councilman Pezzulli made a motion to approve the zoning of the Rekieta property to the One and One-Half Acre Ranch Estate Zone (RE-1.5) for the 7± acres and the Flood Hazard zone (FH) for the remaining 14.7± acres. Seconded by Councilwoman Sommers, with all in favor. Councilman Kasian abstained from the vote.

MILLS PROPERTY: Conduct a public hearing and take action regarding zoning property that is annexed, but unzoned, commonly known as the Mills property, consisting of 1.588± acres, generally located south of Murray Road, west of and adjacent to State Highway 5, north of Parkvillage Avenue, and east of Emerson Court, to the One-Acre Ranch Estate Zone (RE-1).

Ms. Lewis Sirianni introduced this item stating that the Mills property is annexed but unzoned. Ms. Lewis Sirianni stated that the Future Land Use Plan within the Comprehensive Plan indicates this subject property is classified as Residential Estate. At the July 24, 2008 Planning and Zoning meeting, the commission members unanimously recommended zoning to the One Acre Ranch Estate Zone, which would aid in zoning consistency. Ms. Lewis Sirianni stated that no one spoke in favor of or in opposition to this recommendation at that meeting.

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

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

Mayor Pro Tem Price made a motion to approve the zoning of the Mills property to the One-Acre Ranch Estate Zone (RE-1). Seconded by Councilwoman Sommers, with all in favor.

COUNTRYSIDE SUBDIVISION: Conduct a public hearing and take action regarding re-zoning of the Countryside Subdivision, lots 1 through 7 from the One-Acre Ranch Estate Zone (RE-1), to the Two-Acre Ranch Estate Zone (RE-2), located east of and adjacent to Country Club Road (FM 1378), south of Sloan Creek, west of Kentucky Lane, and north of Stacy Road.

Mr. Donnell introduced this item stating that lots 1-7 are currently zoned to the One-Acre Ranch Estate Zone (RE-1). Mr. Donnell stated that lots eight and nine have been zoned to the Two-Acre Ranch Zoning District. Mr. Donnell stated in order to have zoning consistency and protect from any future developments and/or subdivisions, that town staff as well as the Planning and Zoning commission recommend the re-zoning of lots 1-7 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.

Councilwoman Sommers made a motion to approve the re-zoning of the Countryside Subdivision, lots 1-7 from the One-Acre Ranch Estate Zone (RE-1), to the Two Acre Ranch Estate Zone (RE-2). Seconded by Councilman Kasian, with all in favor.

REDUCING EXPIRATION ON PRELIMINARY AND CONCEPT PLANS: Conduct a public hearing and take action regarding reducing the twelve-year expiration to five-years for the preliminary plan in the Planned Center Zone and the concept plans in the Planned Development District Zones.

Mr. Efrussy introduced this item stating that town staff has evaluated the existing 12-year timeframe and believes it is too long. Mr. Efrussy stated it is staff's recommendation to reduce this timeframe from twelve to five years from the date of adoption. Mr. Efrussy stated that any previously approved concept plans will keep the 12-year period. Mr. Efrussy stated that if a request for an extension is submitted, then town officials may set the extension at their discretion or establish an extension of no more than five years based on the project. Mr. Efrussy stated that the Planning and Zoning Commission unanimously recommended approval.

Mayor Israeloff opened discussion to the public. Brad Northcutt, 910 Beechwood, stated that he would like to see the expiration date stay at 12 years. Mr. Northcutt expressed concern that the town is rushing developers.

Mayor Israeloff opened discussion to the council members. Mayor Israeloff stated that when the town gets a concept plan from an applicant, the end result will be either they will build or they will not build and it seems silly to tie up the land when surrounding areas will continue to change. Mayor Israeloff stated that having a deadline with the option to extend is good.

Councilman Cunningham asked if this affects existing approved plans. Mr. Efrussy responded that it does not affect current approvals and they will maintain the twelve year expiration. Councilwoman Sommers stated that she agrees with the shorter time frame. Councilman Mattli stated that five years seems very generous and the long periods of time are not benefiting to the town and that the town should limit the time frame based on the plans and even three years would seem sufficient.

Councilwoman Sommers made a motion to approve the reduction of the twelve-year expiration to five-years for a preliminary plan in the Planned Center Zone and a concept plan in the Planned Development District Zone. Seconded by Councilman Pezzulli, with all in favor.

PMAM CORPORATION AGREEMENT-FALSE ALARMS: Consider an agreement with PMAM Corporation to manage false alarms and alarm registration.

Mr. Godwin introduced this item stating that the town currently receives numerous false alarms and these alarm systems end up not being registered with the town. Mr. Godwin stated that it is difficult for the town to keep up with these 'in-house', so the town has looked at using another company to help maintain these records. Mr. Godwin stated PMAM Corporation specializes in minimizing false alarms and working with individuals failing to register their alarm systems. The cost to the company is a percentage of new revenues generated by their activities, which would bring in minimal revenue to the town, but would aid in having a higher percentage of registered alarms and fewer false alarms without adding expensive software or additional in-house staff to track them.

Mayor Israeloff asked if any feedback about the company has been received. Mr. Godwin responded that no excessive negative feedback and overall they are easy to work with and that they are only collecting fees and fines. Councilman Kasian asked how does the town determine who does not have an alarm permit. Mr. Godwin responded that vendors will normally give out that information. Councilwoman Sommers stated that her concern is that the town would be using a third party. Councilwoman Sommers asked if the town has seen sample letters that they use or seen a voice script. Mr. Godwin responded that the staff would approve any letters that are sent out and are typically reminder letters.

Councilman Cunningham asked what the length of the contract agreement is. Mr. Godwin responded that it is a twelve-month contract with a 30 to 60 day opt out. Mayor Pro Tem Price asked how they report to the town. Mr. Godwin responded that they will send monthly reports for tracking.

Mayor Pro Tem Price moved to approve an agreement with PMAM Corporation to manage false alarms and alarm registration. Seconded by Councilwoman Sommers, with all in favor.

BULK TRASH PICKUP: Discuss bulk trash pickup.

Mr. Godwin introduced this item asking council if they wished to discuss a time frame of when residents can place out their bulk trash.

Councilman Pezzulli stated that he believes that they have discussed this before. Councilman Pezzulli stated that he believes that the council had agreed that leaving their items out the weekend before either that Friday or Saturday was sufficient. Mayor Pro Tem Price stated that there was no guarantee it would be picked up, especially if there is a wind storm.

Consensus of the council was to bring a proposal back at the next meeting.

BOARDS AND COMMISSION MEMBERS: Receive town manager's monthly report on development and ordinances.

Mayor Pro Tem Price stated that she compiled a draft for assigning board members. Councilwoman Sommers stated that she would like to go ahead and appoint members tonight, especially of those that have expressed their desire to continuing serving. Mayor Israeloff asked if there was a particular board she would like to make a motion on or discuss.

Councilwoman Sommers made a motion to reappoint Pat Cunningham and Paul Hendricks to the Planning and Zoning commission. Seconded by Councilman Cunningham.

The motion took a vote of 3-3 and one abstention; motion does not pass.

Council passed on remaining reappointments until next month.

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

Mr. Godwin introduced this item stating that there are a few things to highlight:

- Overall tax rate reduction of $0.005 (from $0.365 to $0.360/$100 valuation), but increase in M&O rate.
- New warrant officer.
- New back-up fire engine.
- Employee raises averaging 4.7%.
- Net staff reductions outside public safety.

EXECUTIVE SESSION: Council recessed back into Executive Session at 10:30 pm.

At 10:40 pm Mayor Israeloff reconvened back into regular session.

CONSENT AGENDA ITEM O: Amended plat for the Stone Creek Estates Subdivision.

Councilman Pezzulli made a motion to approve the amended plat for the Stone Creek Estates Subdivision. Seconded by Mayor Pro Tem Price, with all in favor.

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

No further comments were made.

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.

No further comments were made.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:40 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW