TOWN COUNCIL REGULAR
MEETING MINUTES
December 2, 2008

The Town Council met in regular session on Tuesday, December 2, 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; Assistant to the Town Manager, Matt Donnell; and Town Secretary, Michelle Lewis Sirianni.

Mayor Sim Israeloff called the meeting to order at 7:37 p.m., declared a quorum was present 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 November 11 regular council meeting. B) Approve a resolution dedicating park land south of the Stone Creek subdivision and west of FM 1378.

Mayor Pro Tem Price made a motion to approve items A and B. Seconded by Councilman Kasian, with all in favor. Mayor Israeloff abstained from item A.

REVISED CONCEPT PLAN BOY SCOUTS OF AMERICA: Conduct a public hearing and take action regarding a Revised Concept Plan for the Village at Fairview regarding a Boy Scouts of America facility comprising a general office, meeting space, and light retail uses, generally located on the south side of the intersection of Fairview Village Drive (formerly Murray Rd.) and the frontage road of Central Expressway (US 75), within the Commercial Planned Development District (CPDD), Zone K.

Mr. Efrussy introduced this item stating that the Circle Ten Council of the Boy Scouts of America have submitted a concept plan for a building that will include retail and office space as a part of their plan. Mr. Efrussy stated that due to the lot's size and configuration no building plan will be able to provide a 90' setback. Mr. Efrussy stated that the Planning and Zoning commission supported the request for the 90' setback and finds that the plan meets all other requirements. Mr. Efrussy stated at the November 13, 2008, the project architect requested a 30' landscape setback, which was supported by town staff and the Planning and Zoning Commission. Mr. Efrussy stated that he believes that the proposed building is an excellent use on this subject property and recommends approval.

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

Mayor Israeloff opened discussion to council members. Councilman Kasian asked what the expected lifespan was of the building or would they be restricted to expand the building in the future. Mr. Efrussy responded that during the pre-application meetings the size of the building seemed that it would serve for a sustainable period of time. Greg Landry, architect for the project, added that the build out was projected at twenty years and the building does have room to expand on the second floor where the office space will be since they will not be using all this space at once. Mr. Landry stated that they do have the room to expand, but not very likely that they will need to. Mr. Landry stated that this building serves as a satellite facility to support that area and will be more than enough to accommodate the area.

Councilwoman Sommers asked why the 90' setback would be required if it wouldn't accommodate any building. Mr. Efrussy responded that it is a visual area and the presumption would be to allow a use whether it was retail versus office space and to evaluate it on a case by case basis.

Councilman Mattli stated his concern is the setback allowance and if enough parking would be available or if there is overflow parking. Mr. Efrussy responded that the proposed plan has met all requirements within the Commercial Planned Development District. Mr. Landry added that the functional or the day to day use of the facility would not impact the parking and that they are putting in as much parking spaces as possible along with putting in more landscaping. Mr. Godwin added that from the northwest corner of The Village is a parking lot allowing for additional parking close by.

Councilman Kasian made a motion to approve the Revised Concept Plan for the Village at Fairview regarding a Boy Scouts of America facility comprising a general office, meeting space, and light retail uses, generally located on the south side of the intersection of Fairview Village Drive (formerly Murray Rd.) and the frontage road of Central Expressway (US 75), within the Commercial Planned Development District (CPDD), Zone K. Seconded by Councilwoman Sommers, with all in favor.

UPDATING THE COMPREHENSIVE PLAN: Conduct a public hearing and take action regarding amending and updating the adopted Fairview Comprehensive Plan.

Ms. Lewis Sirianni stated that this is essentially an administrative procedure that is done every few years. Ms. Lewis Sirianni stated that updating the Comprehensive Plan will reflect the zonings and revisions that have already been made. Ms. Lewis Sirianni stated that the update includes amending the Future Land Use Plan, the revisions to the Transportation Plan and also implementing a policy that would allow town staff where feasible to zone land to the lowest density available and only would be applied to residential areas. Ms. Lewis Sirianni stated that along with the recommendation of town staff and the Planning and Zoning Commission, staff recommends approval for updating the Comprehensive Plan.

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

Mayor Israeloff opened discussion to council members. Mayor Israeloff requested the word "future" referencing the institutional/schools to be removed from parcels that now have schools.

Councilman Cunningham asked in regards to the three year annexation plan, if the town should update now or wait to reflect year three. Mr. Godwin responded that all annexations are currently reflected within the Comprehensive Plan and planned as residential lots. Mr. Godwin stated they can always amend the plan again next year.

Councilman Mattli asked if the three parcels removed from town limits were now in Collin County. Mr. Godwin responded that two are in Collin County within McKinney's ETJ and the other one is in Lucas.

Mayor Pro Tem Price made a motion to approve the amending and updating of the adopted Fairview Comprehensive Plan. Seconded by Councilman Cunningham, with all in favor.

FINAL PLAT THE RESERVE SUBDIVISION: Consider and take action regarding the Final Plat for The Reserve subdivision, consisting of 5.956 acres, generally located south of and adjacent to Stone Creek Drive, east of Maple Creek Drive, west of Country Club Road (FM 1378), and north of Sloan Creek.

Mr. Donnell introduced this item stating that this plat was submitted as a minor plat, which met all the subdivision requirements. Mr. Donnell stated that the final plat also meets all subdivision requirements and town staff recommends approval with the condition that a 10 ft electrical easement will be placed across lots one and two.

Mayor Pro Tem Price asked why the easement is not needed to be placed across lot three. William Spencer, representative, stated that they just need the easement to reach lot three and not to go through it.

Councilman Mattli made a motion to approve the Final Plat for The Reserve subdivision, consisting of 5.956 acres, generally located south of and adjacent to Stone Creek Drive, east of Maple Creek Drive, west of Country Club Road (FM 1378), and north of Sloan Creek. Seconded by Councilman Kasian, with all in favor.

ON-STREET PARKING CYPRESS CROSSING: Consider an ordinance restricting on-street parking in Cypress Crossing.

Mr. Godwin introduced this item stating that Cypress Crossing has very narrow streets and when vehicles are parked on both sides it is difficult to get through. Mr. Godwin stated that the subdivision is only half built out and since there are fewer traffic islands and the driveways are short, it is easier to propose restrictions now while a majority of lots remain empty. Mr. Godwin added that he sent out letters of the proposed ordinance to all the homeowners. Mr. Godwin stated that the proposed ordinance would restrict parking only on one side of the street, typically the same side as the fire hydrants.

Mayor Israeloff opened discussion to the public. Ronda Gilliam, 436 Plumwood Way, stated that she strongly encourages the council to not restrict the entire subdivision that the streets in the back of the development are wider and farther apart.

Kathleen Rivera, 409 Rosemont, stated that the entrance of the subdivision is a problem, but there is nowhere else to park. Ms. Rivera stated that the garages are good, but outside is an issue due to the narrow streets and she has viewed buses and public safety vehicles not being able to pass through.

Mayor Israeloff opened discussion to council members. Councilwoman Sommers asked if the contractors were a problem during the day. Councilman Cunningham stated that they have seen the same problem in the Villages of Fairview subdivision. Councilman Cunningham asked if the town is receiving complaints from the residents of that subdivision. Mr. Godwin responded that they have received a few but it is also a continuing problem in this subdivision.

Councilwoman Sommers stated that she believes it should be limited to one side of the street, but requests that the town pursue receiving additional information to find a resolution to the problem.

Mayor Pro Tem Price stated that she believes that council should take action for safety purposes while continuing to work on finding a solution.

Councilman Mattli stated that minimal action should be taken with restricting one side of the road.

Councilman Cunningham asked if these were town streets. Mr. Godwin responded that they are town streets.

Mayor Israeloff recommended restricting the north side of Rosemont from 409 to 413 to provide some relief.

Councilman Mattli made a motion to approve an ordinance restricting on-street parking on the north side of Rosemont from 409 to 413. Seconded by councilman Pezzulli.

Mayor Pro Tem Price asked town staff to commit to resolving the parking issue with the Home Owners Association and to continue to recommend a solution.

The motion passed with all in favor.

AWARD BID FIRE STATION #2: Award a bid for construction of Fire Station #2 to Tegrity Contractors, Inc. in an amount not to exceed $2,505,380.

Mr. Godwin introduced this item stating that the original bid was $2.55 million. Mr. Godwin stated the bid did not include furniture and trees; items that didn't seem feasible to pay out over a long period of time. Mr. Godwin stated that the low bid from Tegrity is very close to the original project estimate and therefore significantly below the most recently provided estimate that suggested additional funding from the land sale would be required to supplement the project funding. Mr. Godwin stated that he is very pleased with the architect and appreciates the time he has spent with staff and council and where they are on the project thus far.

Young Chung, architect for Wiginton Hooker Jeffry, stated that they did research the company and they are very qualified and feel like they will work very well with them on the project.

Fire Chief Price stated that he believes that they have made some clear decisions on the project and that the base structure is very functional. Fire Chief Price stated that they will also try to use some operating funds to do some things internally to help save money.

Councilman Pezzulli asked what the plan and cost is associated with the heliport. Chief Price responded that it is something that they'd like to have maybe in the future, but the cost of concrete wouldn't be significantly more. Mayor Pro Tem Price commented that it seems more resourceful if they add it now since the concrete will be poured for the main building. Mayor Israeloff stated that council will defer the helipad until a later date.

Councilman Cunningham asked the architect if they had communicated with other entities that Tegrity was involved in building and what the anticipated start date would be for the station. Mr. Chung responded that they did talk with other persons that were involved with Tegrity projects and they were relatively pleased and happy with the finished project. Mr. Godwin responded that the start date could possibly be before Christmas, but within probably in January.

Councilman Mattli asked if the landscaping was not included in the bid than where was the funding being allocated from. Mr. Godwin responded that they will use some funding from the Pilkington land sale for the landscaping.

Councilwoman Sommers made a motion to award a bid for construction of Fire Station #2 to Tegrity Contractors, Inc. in an amount not to exceed $2,505,380. Seconded by Councilman Mattli.

Councilman Pezzulli asked if the bid is approved, would this preclude council from going back and looking at other items. Mayor Pro Tem Price added that she would like to see a few things added, possibly including the helipad. Chief Price responded that town staff can look at these additional items and can request when ready for them to be reviewed by council.

The motion passed with all in favor.

HART ROAD IMPROVEMENTS: Discuss future improvements to Hart Road.

Mr. Godwin introduced this item stating that the county turned down a grant request for the new sidewalk. Mr. Godwin commented that public works and engineering are currently rating the streets in town to prioritize the road improvement projects for the upcoming year. Mr. Godwin stated that Hart, from Saint James east to FM 1378, is one of the worst roads in town and the sidewalk could cost approximately $154,000 and the roadwork could cost up to $500,000. Mr. Godwin stated that improvements to Hart Road are needed, but would like feedback from council on its interest in pursuing other funding options.

Mayor Pro Tem Price asked if the town sent a diagram for the grant and stated that the sidewalk was part of a trail system not solely for the purposes of the school. Mayor Pro Tem Price asked why the grant would be turned down if all the requirements for the funding were met. Councilman Pezzulli stated that he spoke with Joe Jaynes regarding the grant and that there is a committee that makes recommendations and usually the decision of the committee is how they grant the funds. Councilman Pezzulli stated that they could try to persuade or change their minds, but would it probably not do any good.

Mr. Godwin stated that the county awards grants in October and the federal awards safe school grants in the spring or summer. Councilwoman Sommers asked how soon they could apply for the grants. Mr. Godwin responded that at this time it is an uncertainty.

Mayor Israeloff recommended deferring to see if the town can wait until the spring for the sidewalk and/or resubmitting to the county in order to receive a grant.

Mayor Israeloff asked council their thoughts in regards to the roadwork.

Councilwoman Sommers stated that Hart Road is in dire need of repair and something needs to be done.

Councilman Pezzulli stated it is very dangerous where FM 1378 rounds the corner and intersects and if there is anything that can be done. Mr. Chancellor responded that the town asked TX DOT for a left turn lane, but it depended on funds and financing if the lane would be included.

Mayor Pro Tem Price asked if Hart Road is improved, would it be encouraging more traffic. Mr. Godwin responded that it would increase the traffic since the road would be repaired.

Mr. Godwin stated that the town had debated between making improvements to Hart or Stoddard Road. Mr. Godwin added the town can wait until development to fix or have the 'ultimate' road, which would give a brand new road with drainage work, curbs and gutters, etc., but it is an unknown to when this may be.

ANNUAL POLICE DEPT. REPORT: Receive annual police department report.

Mayor Israeloff stated this item is being passed over this evening.

CITIZENS INPUT:

No comments were made.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:02 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW