

**TOWN COUNCIL REGULAR
MEETING MINUTES
January 6, 2009**

The Town Council met in regular session on Tuesday, January 6, 2009 at 6:30 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; Community Development Manager, Ray Dunlap and Town Secretary, Michelle Lewis Sirianni.

Mayor Sim Israeloff called the meeting to order at 6:33 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:34 pm the council recessed into executive session to discuss Real estate and McKinney v. Fairview.

Mayor Pro Tem Price was not present for the remaining items due to illness.

At 7:38 pm Mayor Israeloff reconvened into regular session and requested everyone to stand for the Pledge of Allegiance.

PRESENTATION: Presentation of proclamation recognizing Eagle Scout candidate Kasey Widhalm.

Mayor Israeloff presented Kasey Widhalm with a proclamation of appreciation for his work on Roadrunner Trail and his efforts towards becoming an Eagle Scout.

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 December 2, 2008 meeting. B) Approve an amended plat for the Village At Fairview Lots 1C-17C, Block A, Lot 1R, Block B, Lot 1, Block C, Lot 1R, Block D and Lot 1R and 2R, Block E. C) Approve an ordinance establishing a school zone on FM 1378 at Sloan Creek Middle School.

Mayor Israeloff requested to pull item B.

Councilman Pezzulli made a motion to approve items A and C. Seconded by Councilman Kasian, with all in favor.

Mr. Chancellor, town engineer, stated that in regards to item B that there are a few minor changes that were brought to his attention after the original submittal. Mr. Chancellor stated that to accommodate minor line changes that entail the moving of a few lines for the frontage of the Dillard's project, that staff recommends approval of the amended plat with these minor changes.

Councilman Mattli made a motion to approve item B with the changes stated. Seconded by Councilwoman Sommers, with all in favor.

CONCEPT PLAN WHOLE FOODS: Conduct a public hearing and take action regarding a Concept Plan for the Whole Foods Development, generally located west of Fairview Parkway, north of Stacy Road, and east of Central Expressway (US 75), within the Commercial Planned Development District (CPDD), Zone K.

Mr. Efrussy introduced this item and stated that to assist the MG Herring group and the Whole Foods project team due to time constraints that staff is requesting to table this item. Mr. Efrussy stated that a public hearing was held before the Planning and Zoning Commission on December 11, 2008 and the commission gave a recommendation of approval. Mr. Efrussy stated that staff is recommending to table this item to January 13, 2009.

Councilman Kasian made a motion to table the Concept Plan to January 13, 2009 for the Whole Foods Development. Seconded by Councilman Pezzulli, with all in favor.

SITE PLAN WHOLE FOODS: Conduct a public hearing and take action regarding a Site Plan for the Whole Foods Development, generally located west of Fairview Parkway, north of Stacy Road, and east of Central Expressway (US 75), within the Commercial Planned Development District (CPDD), Zone K.

Mr. Efrussy introduced this item and stated that same comments apply and staff is recommending tabling this item to January 13, 2009.

Councilman Kasian made a motion to table the Site Plan to January 13, 2009 for the Whole Foods Development. Seconded by Councilman Pezzulli, with all in favor.

R-O-W THOMPSON SPRINGS SUBDIVISION: Discuss possible abandonment of town right-of-way between 111 and 112 Weston Dr. in the Thompson Springs subdivision.

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Councilman Mattli excused himself from this discussion since he resides in this subdivision.

Mr. Godwin stated that there is currently a connector between two residences located on Weston Drive, which was initially kept for a future roadway that could connect to the Stover tract. The connector remains undeveloped and there is no reason to expect that a road connector will be needed at this location in the future. Mr. Godwin stated that neighbors have requested the town to consider abandonment so that contiguous property owners can maintain the right-of-way area. Mr. Godwin commented that the parks board has asked that the town retain a strip for a future trail connector that would link the two neighborhoods for pedestrian traffic and provide access to Beaver Run Park.

Councilman Pezzulli asked if the town has talked to the land owners, how deep are the lots and if the width of the trail has been discussed. Mr. Godwin responded that the town has talked to the land owners and the lots are at least one acre in size and 100 feet deep and that most trails are eight to twelve feet wide. Councilman Pezzulli commented that he preferred the easement to be twelve feet wide.

Mayor Israeloff stated that he likes the idea of the pedestrian connection and commented that a split rail fence was installed for separation in Oakwood Estates, which is similar to this situation and would perhaps be an idea to consider in this location. Councilman Cunningham asked if the homeowners would maintain the area. Mr. Godwin responded that the homeowners would maintain it if the town relinquishes the right-of-way, but keeps the easement. Councilwoman Sommers stated that she agrees with Mayor Israeloff and likes the idea of connecting a trail connector and placing a fence there for separation.

Council members were in consensus of keeping an easement for a trail with the width being twelve feet wide, abandoning the remaining right-of-way

Councilman Mattli reentered after discussion ended and was informed of the consensus.

EASTERN WATER TOWER SITE: Discuss eastern water site.

Mr. Godwin stated most council members have been able to see and walk the site, but can discuss any further questions they may have.

Councilwoman Sommers asked if the tower was being placed as close as possible to the existing tower. Mr. Godwin responded that he believes it is, but depends on construction. Councilman Mattli asked if the town could get in writing from the engineering firm that the tower will be placed as close to existing as possible so that both the town and firm have the same understanding of the placement of the tower.

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

Police Chief Tolliver presented his annual report and highlighted the following:

- Total of 3,099 contacts for traffic-related incidents for annual racial profile report of which 69.2% were Caucasian.
- In 2007 there were 4,178 radio incidents versus 2008 there were 5,625 reflecting an increase of 35%.
- In 2007 there were 1,737 citations and 191 written warnings versus 2008 there were 2,568 citations and 307 written warnings reflecting a 48% increase in citations and a 61% increase in written warnings.
- In 2007 there were 14 arrests versus 22 in 2008; a 57% increase in custody arrests.
- Currently have a School Resource Officer at the Sloan Creek Middle School, which is assigned full time to the school throughout the school year.
- Two new officers added to staff bringing department total to eight sworn officers.

Councilwoman Sommers asked what was attributed to the increase in citations. Chief Tolliver responded that he attributes it to primarily the two new officers having more opportunity for traffic enforcement. Councilwoman Sommers asked if the officers still patrol the neighborhoods. Chief Tolliver responded that they are still out making their presence within the neighborhoods.

Councilman Kasian asked what type of vandalism do they see and where do most wrecks occur. Chief Tolliver responded that most wrecks occur at US 75 and on Country Club Road and the types of vandalism occur in various locations of town, but primarily deals with vandalism to homes under construction where the inside is being damaged.

Mayor Israeloff asked if the department was seeing an increase in crimes in any particular area or if gang activity was perceptible in the town. Chief Tolliver responded that they have seen an increase in attempted suicides, but have seen no real prevalent gang activity and was mostly juvenile mischief.

The mayor and council extended a big thanks to the chief and his staff for their work.

EXECUTIVE SESSION: Take action on matters discussed in executive session, if necessary.

No action taken.

CITIZENS INPUT:

No comments were made.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:32 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR

