TOWN COUNCIL
MEETING MINUTES
October 13, 2009

The Town Council met in regular session on Tuesday, October 13, 2009 at 7:00 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers, Ron Kasian, Michael Pezzulli, Anton Mattli and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Management, Ray Dunlap; Town Engineer, James Chancellor and Planning Director, Alan Efrussy; Mayor Pro Tem Jim Cunningham was absent.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present.

At 8:01 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and considered separately. A) Approve minutes of the September 1, 2009 regular council meeting. B) Approve the minutes of the September 8, 2009 special council meeting. C) Approve minutes of the September 16, 2009 special council meeting. D) Approve an agreement with Dannenbaum Engineers to provide design engineering services for a new water main. E) Approve a contract for services with Allen Community Outreach.

Councilwoman Price requested to pull items A and C.

Councilman Kasian made a motion to approve items B, D, and E. Seconded by Councilwoman Sommers, with all in favor.

Councilwoman Price suggested revisions to item A.

Councilwoman Sommers made a motion to approve the minutes as amended. Seconded by Councilman Mattli, with all in favor.

Councilwoman Price stated that she meant to pull item E not C. Councilwoman Price asked in regards to item E if Allen Community Outreach has seen the contract, when does payment start and how much is being distributed. Mr. Dunlap responded that the funds will be distributed November 1, 2009 and any unused funds will be returned September 30, 2010 with the yearly funds equaling $3,500.00.

Mayor Israeloff stated that item C needs approval. Councilman Pezzulli made a motion to approve item C. Seconded by Councilwoman Price, with all in favor.

YEAR THREE ANNEXATIONS: Consider and take action regarding an ordinance providing for the extension of certain boundary limits of the Town of Fairview, and the annexation of certain territory consisting of 122.407± acres of land, which said territory lies adjacent to and adjoins the present boundary limits of the Town of Fairview, and said territory is annexed within Year Three of the adopted Fairview Three-Year Annexation Plan.

STOVER PROPERTY: ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 137, 113.3800 ACRES.

ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 226, 1.0 ACRES.

MUSSETT PROPERTY: ABSTRACT A0028 BOLES, CALVIN, TRACT 222, 7.9070 ACRES.

Mr. Efrussy introduced this item stating that this is year three of the Three-Year Annexation Plan that consists of two properties, the Stover and Mussett properties. Mr. Efrussy stated that the town recommends approval.

Mayor Israeloff invited the property owners to make any comments. No comments made.

Councilman Kasian made a motion to approve the annexation of certain territory consisting of 122.407± acres of land, which said territory lies adjacent to and adjoins the present boundary limits of the Town of Fairview, and said territory is annexed within Year Three of the adopted Fairview Three-Year Annexation Plan.

STOVER PROPERTY: ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 137, 113.3800 ACRES.

ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 226, 1.0 ACRES.

MUSSETT PROPERTY: ABSTRACT A0028 BOLES, CALVIN, TRACT 222, 7.9070 ACRES.

Seconded by Councilwoman Sommers, with all in favor. (6-0)

ZONING STOVER PROPERTY: Conduct a public hearing and take action regarding zoning of property that is annexed and unzoned known as the Stover property comprising approximately 114.5± acres and is generally located east of and adjacent to the Heritage Ranch development and south of and adjacent to Stacy Road, to the Three-Acre Ranch Estate Zone (RE-3).

ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 137, 113.5800 ACRES.

ABSTRACT A0028; OUT OF THE CALVIN BOLES SURVEY, BLOCK 2, TRACT 226, 1.0 ACRES.

Mr. Efrussy introduced this item stating that due to the size of this property there is the potential to zone to the RE-2 or RE-3 zoning district since they are both compatible with the Comprehensive Plan. Mr. Efrussy stated that council approved in 2008 a new objective that states 'if a property owner has property larger in size than the land use density recommended in the Future Land Use Plan within the Comprehensive Plan, and where feasible, the town officials will zone the land to the lowest density available zoning density'. Mr. Efrussy stated discussions and public hearings were held with the Planning and Zoning Commission and at that meeting, with six commissioners present, there was a 3-3 vote. Mr. Efrussy stated that Mrs. Stover has expressed her preference to be zoned to the RE-2 zoning district and has submitted a letter to council. Mr. Efrussy stated that town staff recommends the RE-3 zoning district based on the objective (1g) that was passed in 2008.

Mayor Israeloff opened the public hearing. Anita Stover, property owner, asked why the agenda had the acreage split. Mr. Donnell responded that there are two different abstract listings. Mrs. Stover stated that she thinks the RE-3 will lower her value of the property; therefore, prefers the RE-2 zoning district.

Mayor Israeloff closed the public hearing.

Mayor Israeloff opened discussion to council.

Councilman Kasian stated that he is in favor of RE-2. Councilman Mattli agreed with Mrs. Stover's comments and councilman Kasian with the RE-2 zone. Councilwoman Sommers thought that they'd be discussing RE-1 or RE-2 and RE-3 would be great, but likes RE-2.

Councilman Kasian made a motion to approve the zoning of property that is annexed and unzoned known as the Stover property comprising approximately 114.5± acres and is generally located east of and adjacent to the Heritage Ranch development and south of and adjacent to Stacy Road, to the Two-Acre Ranch Estate Zone (RE-2). Seconded by councilman Mattli, with all in favor. (6-0)

ZONING MUSSETT PROPERTY: Conduct a public hearing and take action regarding the zoning of property that is annexed and unzoned known as the Mussett property comprising approximately 7.907± acres and is generally located east of the Heritage Ranch Subdivision, north of Stacy Road, south of Summit Court, and west of County Road 317 to an Equestrian-Oriented Planned Center (PC) Zoning District.

ABSTRACT A0028 BOLES, CALVIN, TRACT 222, 7.907 ACRES.

Mr. Efrussy introduced this item stating that this property was initially discussed to be zoned to the RE-2 or RE-3 zoning district, but after talking to the Mussett's and them expressing their twelve plus years of an equestrian oriented use on the property, staff recognized the use of the Planned Center Zone (PC) with an equestrian oriented use. Mr. Efrussy stated that the Planning and Zoning Commission along with town staff recommends the Equestrian-Oriented Planned Center (PC) District along with the Site Plan that has been submitted for this property.

Major Israeloff opened the public hearing. Diana Mussett, 1761 Stacy Rd, stated that the Site Plan indicates what they plan to add to the property and agree with the proposed zoning. Councilman Pezzulli asked if she plans to add any lighting. Mrs. Mussett responded that it is a possibility, but not at this time since there is already some lighting on the property.

Mayor Israeloff closed the public hearing.

Mayor Israeloff opened discussion to council. Mayor Israeloff thinks this is a wonderful use for the property. Council members Kasian and Sommers agreed.

Councilman Pezzulli made a motion to approve the zoning of property that is annexed and unzoned known as the Mussett property comprising approximately 7.907± acres and is generally located east of the Heritage Ranch Subdivision, north of Stacy Road, south of Summit Court, and west of County Road 317 to an Equestrian-Oriented Planned Center (PC) Zoning District.

ABSTRACT A0028 BOLES, CALVIN, TRACT 222, 7.907 ACRES.

Seconded by Councilwoman Price, with all in favor. (6-0)

REVISED CONCEPT PLAN WITHIN CPDD: Conduct a public hearing and take action regarding a Revised Concept Plan for property comprising 30.897 acres within the Commercial Planned Development District (CPDD), Zone D, and generally located west of and adjacent to State Highway 5, and west of Meandering Way, north of Windmill Lane, and southwest of the Sloan Creek Estates subdivision. The proposed land uses include apartments and townhomes.

Mr. Efrussy introduced this item stating that in November 2001, council approved a Concept Plan for this subject property. The Concept Plan includes townhomes and apartments and also includes a trail design. Mr. Efrussy stated that the proposed revised Concept Plan includes about ten acres of open space and there's also been a reduction in the number of apartments and townhomes. Mr. Efrussy stated that the Planning and Zoning Commission as well as town staff recommends approval.

Paul Johnston, JLB partners, contrasted the difference between the currently approved Concept Plan versus the proposed Revised Concept Plan.

Councilman Pezzulli asked if the apartment sizes per square foot was listed on the plan and if the discussing the exterior facade was appropriate. Mr. Donnell responded that the Site Plan level will indicate the size of the apartments and the masonry requirements. Mr. Johnston added that he is aware of the town's ordinance requirements and will follow them at the Site Plan stage. Councilman Pezzulli stated that he just wanted to ensure that council was not approving any aesthetic qualities and only the conceptual plan.

Mayor Israeloff opened the public hearing. No comments were made.

Mayor Israeloff closed the public hearing.

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

Councilman Mattli made a motion to approve a Revised Concept Plan for property comprising 30.897 acres within the Commercial Planned Development District (CPDD), Zone D, and generally located west of and adjacent to State Highway 5, and west of Meandering Way, north of Windmill Lane, and southwest of the Sloan Creek Estates subdivision. Seconded by Councilwoman Sommers, with all in favor.

REVISED SITE PLAN: Conduct a public hearing and take action regarding a Revised Site Plan for the remaining development of the Villas in the Park subdivision, located west of and adjacent to State Highway 5, south of the Village of Fairview, north of the Village At Fairview, and northeast of Fairview Parkway, within the Commercial Planned Development District (CPDD), Zone H.

Mr. Donnell introduced this item stating that the Revised Site Plan is essentially to change the two story unites to one story units as well as the lot lines, which will in turn cause an overall reduction in the density. Mr. Donnell stated that the Planning and Zoning Commission unanimously approved this revised Site Plan; therefore, town staff recommends approval.

Mayor Israeloff opened the public hearing. Anthony Natale, co-owner of Grenadier Homes, stated that the revision is a market reaction and that they are responding to that change. Mr. Natale stated that the revision includes changing two story units to one story units, which will increase the square footage of each unit, but also increase the cost per unit. Mr. Natale stated that there are new designs, but they will stay consistent with the brick, stone, etc. Mr. Natale noted that they will also be increasing the landscaping around the units and along Highway 5, which will increase the aesthetic appearance.

Mayor Israeloff closed the public hearing.

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

Councilwoman Price made a motion to approve the Revised Site Plan for the remaining development of the Villas in the Park subdivision, located west of and adjacent to State Highway 5, south of the Village of Fairview, north of the Village At Fairview, and northeast of Fairview Parkway, within the Commercial Planned Development District (CPDD), Zone H. Seconded by Councilwoman Sommers, with all in favor.

REPLAT VILLAS IN THE PARK: Conduct a public hearing and take action regarding a Replat for the remaining development of the Villas in the Park subdivision, located west of and adjacent to State Highway 5, south of the Village of Fairview, north of the Village At Fairview, and northeast of Fairview Parkway, within the Commercial Planned Development District (CPDD), Zone H.

Mr. Donnell introduced this item stating that the replat is simply to reflect the dimensions of the lot lines since they will change.

Mayor Israeloff opened the public hearing. No comments were made.

Mayor Israeloff closed the public hearing.

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

Councilman Pezzulli made a motion to approve a Replat for the remaining development of the Villas in the Park subdivision, located west of and adjacent to State Highway 5, south of the Village of Fairview, north of the Village At Fairview, and northeast of Fairview Parkway, within the Commercial Planned Development District (CPDD), Zone H. Seconded by Councilman Mattli, with all in favor.

MASTER THOROUGHFARE PLAN/HART ROAD: Discuss the master thoroughfare plan and future reconstruction of Hart Road.

Mr. Godwin introduced this item by comparing two drawings with bar ditches versus the look of curb-and-gutter. Mr. Godwin stated that the first features a concrete curb-and-gutter street in sixty-five feet of right-of-way, with a relatively straight 6' wide sidewalk on the north side and the second option uses 85 feet of right-of-way, and features a roadway similar to Oakwood, with a concrete surface and open bar ditches.

Mayor Israeloff stated that he favors the concrete streets for durability even though the cost is more in the short term. Councilwoman Sommers commented that she would prefer the sidewalk on the south side of the road with bar ditches to be consistent with Oakwood. Councilman Kasian commented that Hart Road is one of the last roads in Fairview that has that country feel and would like to see the proposed project with a summary of pro's and con's, but likes the south side for the sidewalk with bar ditches. Councilman Pezzulli abstained from commenting due to having property on Hart Road. Councilman Mattli commented that the north side of the road makes sense for the sidewalk since majority of the children are from Fairview Meadows, but feels it's important to have the sidewalk either way. Councilman Mattli commented that for the drainage, he would use the town's engineer's recommendation. Councilwoman Price commented that she prefers the south side of the road for the sidewalk with bar ditches and would like to see the sidewalk have a winding affect.

For planning purposes, Mayor Israeloff stated that council agrees on the road being concrete and that there are three members who prefer the south side and one on the north side, but either way thinks the sidewalk is important. Council directed staff to bring back additional information comparing cost, design, etc. and the advantages and/or disadvantages of these comparisons.

Mr. Godwin asked if there were any thoughts about the aesthetics to the sidewalk and if council had a preference on the color etc. Councilwoman Sommers commented that she would like to see something that looks like a country trail even though it's a sidewalk. Councilwoman Price commented that she would like feedback from the Park Board. Council agreed to seek recommendations from the Park and Recreation Board for the trail aesthetics.

FOOD SERVICE REGULATIONS: Consider an ordinance establishing regulations for the operation and inspection of food service in Fairview.

Mr. Dunlap introduced this item stating that the proposed ordinance adopts the Texas Food Establishment Rules along with some amendments that will require a higher standard of quality in such areas as personnel certification, grease management, outside waste storage and mobile food vendors.

Mayor Israeloff opened discussion to council. Councilman Kasian asked if on the language 'baked goods shall be portioned and wrapped prior to sale' applies to existing businesses and if so, how does it affect the donut shop and if the town should consider revising the language. Councilman Kasian also asked how it was determined that the 15 minutes for mobile vendors was enough time. Mr. Dunlap responded that the 15 minutes is standard so that the vendors will not linger and will revise the language in section 6.06.005 so that it reads more clearly.

Councilman Kasian made a motion to approve the ordinance establishing regulations for the operation and inspection of food service in Fairview clarifying section 6.06.005 as discussed. Seconded by Councilwoman Sommers, with all in favor.

HEALTH PERMIT FEES: Consider an ordinance establishing health permit fees.

Mr. Dunlap introduced this item stating that implementing the fee structure will allow food safety inspections to be self funding.

Councilwoman Price asked if the $500 fee was correct for the mobile food vendors and if that fee was per company. Mr. Dunlap responded that the fee is per unit. Mr. Godwin added that the fee is higher to attract reputable companies along with background checks and the companies will post their permit, which will be periodically monitored by either the police department or code enforcement.

Councilwoman Sommers made a motion to approve the ordinance establishing health permit fees. Seconded by Councilman Kasian, with all in favor.

COLLIN COUNTY MASTER THOROUGHFARE PLAN: Discuss the Collin County master thoroughfare plan.

Councilwoman Sommers introduced this item by stating that she had asked for this item to be placed on the agenda because she would like to see council adopt a resolution either supporting or opposing their updated Master Thoroughfare Plan. Councilwoman Sommers stated that Collin County's plan contradicts the towns master thoroughfare plan in many areas and she feels like they need to document their position whether they are in support or opposition of it.

Mayor Israeloff requested that staff add this to the next agenda.

TOWN HALL: Consider entering into an agreement for construction of a new town hall.

Mr. Godwin introduced this item stating that the lowest bid for town hall came in at $5.1 million for the building and an additional $1.1 million for the trellises, fountain, etc. Mr. Godwin stated that this bid exceeded the building estimate and council can approve the contract as the building was initially designed including all the items, approve with changes or start from scratch. Mr. Godwin stated that the cost per square foot is equal to $154 per sq. ft., which seems high, but is a good price in the long term and would not hurt the town financially, but they could reduce the cost by making changes to the additional items or eliminate them altogether.

Councilwoman Price stated that her initial thought was to take out items such as the trellis, gradually do the landscaping etc., but after further thought her preference is to leave the building as initially designed.

Councilman Mattli stated that they could cut out the trellises, delay the fountains and reduce the landscaping over a one to two year period to reduce the cost of the building, but believes that the police do need the basement and it should be left in the design.

Councilman Pezzulli stated that the building should have everything it needs. Councilman Pezzulli stated that the police need a secure area for prisoners, security and safety for the public and to keep the integrity of everyone. Councilman Pezzulli agreed that the building should be built as designed.

Mayor Israeloff stated that he would be worried that if they don't build it today, that it would never get built and believes that financially, construction costs may never be lower and if they defer an item until later, it will cost more in the future. Mayor Israeloff agreed that the building should be built as designed.

Councilman Kasian stated that he agrees with the comments and that the building was designed for the town to grow into it. Councilman Kasian stated that he believes that the functionality and design for the building are there and should be built as designed.

Councilwoman Sommers agreed with council members and the building should be built as designed.

Councilman Pezzulli made a motion to award the town hall contract not to exceed $6.2 million to EMJ Corporation with the understanding that the change orders can be deducted at a later time. Seconded by Councilwoman Price, with all in favor.

CREEKWOOD EASEMENT: Discuss North Creekwood to Meandering Way safety access easement.

Mr. Godwin stated that staff is seeking direction from council on what to build with what is feasible based on legal requirements.

Mayor Israeloff stated that if the town builds a public access easement, it seems best to make it ADA compliant based on legal advice and if it is feasible based on the construction design.

Glenda Howard, 492 Meandering Way, stated that Roadrunner trail is not ADA compliant and it is a trail. Mayor Israeloff responded that this is why they are gathering more data before making a decision so that council will be able to make a decision based on what is practical.

Councilman Mattli stated that he would like to see staff come back with more guidance on construction materials.

Council agreed that they would like to see more data.

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

No action was taken.

CITIZENS INPUT:

Glenda Howard, 492 Meandering Way, stated that she was surprised to see the agenda changed and would have like to have been notified through email.

Pete Busby, 706 Scenic Ranch Circle, asked about putting a different logo on the water tower. Mr. Busby suggested the Lovejoy logo. Mayor Israeloff asked staff to place this item on the next council meeting agenda and to check to see if it would be feasible by cost.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:05 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary