TOWN COUNCIL
MEETING MINUTES
March 2, 2010

The Town Council met in regular session on Tuesday, March 2, 2010 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, Anton Mattli, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager, Matt Donnell; Community Development Manager, Ray Dunlap; Town Engineer, James Chancellor; Planning Director, Alan Efrussy; Management Intern, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Mayor Pro Tem Jim Cunningham and Council member Michael Pezzulli were absent.

Mayor Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:39 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 February 2, 2010 regular council meeting. B) Accept the 2009 Audit.

Councilwoman Price requested to pull item A.

Councilwoman Price made a motion to approve item B. Seconded by Councilman Mattli, with all in favor.

Councilwoman Price stated in regards to item A, she would request striking the last sentence on paragraph B. Councilwoman Price stated that the conversation was lengthy, and believes it is better to end the sentence at 'agreed with Mayor Pro Tem Cunningham'.

Councilman Kasian made a motion to approve item A as amended. Seconded by Councilman Mattli, with all in favor.

CONDITIONAL USE PERMIT- 421 HORSESHOE TRAIL: Conduct a public hearing and take action regarding a Conditional Use Permit for an accessory building located at 421 Horseshoe Trail, Fairview, TX 75069.

Mr. Wilbourn introduced this item stating that this subject property is zoned RE-1 and the applicant is requesting an additional storage building totaling 1,131.9 square feet. Mr. Wilbourn stated that the addition will encroach 16' into the setback on the west side of the building, but the neighboring residents support his request and the town has received no negative feedback. Mr. Wilbourn stated that Mr. Pace, the applicant, will be using building materials of the existing structure and that upon approval, town staff recommends the planting of evergreen materials on the west side of the building, one every 10 feet ranging in height from 6 to 8 feet tall. Mr. Wilbourn stated that at the February 25th Planning and Zoning Commission meeting, that the commissioners recommended approval with the condition of planting the evergreen materials; therefore, town staff recommends approval.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to commission members. Mayor Israeloff asked Mr. Pace if he was in agreement with the condition of planting of evergreen materials. Mr. Pace responded that he was okay with the request and brought a list this evening of potential plants to use.

Councilwoman Price made a motion to approve a Conditional Use Permit for an accessory building located at 421 Horseshoe Trail. Seconded by Councilman Mattli, with all in favor.

ZONING 44.252± ACRES DOUBLE EAGLE INVESTMENSTS: Conduct a public hearing and take action regarding the zoning of property that is annexed but unzoned, commonly known as the Double Eagle Investments LLC property, comprised of 44.252± acres, generally located north of Farmstead Road, south of Camino Real, east of and adjacent to FM 1378 (Country Club Road), and west of Kentucky Lane. Said proposed zoning is recommended for the Two-Acre Ranch Estate Zone (RE-2), for 11.612± acres, and the remaining 32.64± acres to the Open Space and Flood Hazard Zoning District (FH).

Ms. Lewis Sirianni introduced this item stating that in September, 2008 Town Council approved a Preliminary Plat, which consisted of 20 lots that ranged in size from 1.0-1.99 acres in size. Since that time, two extensions were filed due to the developer having difficulties receiving financing. Ms. Lewis Sirianni stated that the second extension has now passed and the developer has not expressed an interest in continuing the project;

therefore, town staff recommends zoning to further protect the town. Ms. Lewis Sirianni stated that since the surrounding properties are zoned RE-2, but lots sizes are two acres and larger, town staff recommends zoning the 11.612± acres to the RE-2 zoning district and the remaining 32.64± acres to the Open Space and Flood Hazard zone. Ms. Lewis Sirianni stated at the February 25th Planning and Zoning Commission meeting, that no one spoke in favor or opposition to the recommendation and was unanimously recommended for approval.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilwoman Sommers stated that there is no building in the flood plain, is that correct? Ms. Lewis Sirianni responded that yes that is correct and the map that was included in their packet indicates the current FEMA flood plain.

Councilman Mattli asked what the property to the south was zoned. Ms. Lewis Sirianni responded that the property to the south is zoned to the Planned Center zone as well as Agriculture, but the lots are two and three acres in size.

Councilman Kasian made a motion to approve the zoning of property that is annexed but unzoned, commonly known as the Double Eagle Investments LLC property, comprised of 44.252± acres, generally located north of Farmstead Road, south of Camino Real, east of and adjacent to FM 1378 (Country Club Road), and west of Kentucky Lane. Said proposed zoning is recommended for the Two-Acre Ranch Estate Zone (RE-2), for 11.612± acres, and the remaining 32.64± acres to the Open Space and Flood Hazard Zoning District (FH). Seconded by Councilman Mattli, with all in favor.

TOWN'S INVESTMENT POLICIES: Discuss and take action regarding the town's investment policies.

Mr. Godwin introduced this item stating that the current policy remains unchanged and the council may make revisions, but needs to re-authorize the policy.

Councilman Mattli stated that he is still okay with the current policy and believes it protects the town. Councilman Kasian asked in regards to the Internal Controls, if there were specific documents outlining these procedures or was it mostly something the town handles internally. Mr. Godwin responded that an annual audit compliance is done as well as procedures done internally.

Councilman Mattli made a motion to approve the town's investment policy. Seconded by Councilwoman Price, with all in favor.

ANNUAL ACCOUNTING REPORT: Receive annual Accounting Report.

Brenda Bowman, Accounting Manager, stated that in the past year, improvements have been made to accounts payable, as well as payroll procedures and have updated and improved various forms and procedures including the filing system. Mrs. Bowman stated that a lot of re-organization has occurred. Mrs. Bowman stated that she also works closely with Human Resources, Permits, and Utilities. Mrs. Bowman stated that she currently is working on keeping the financials updated so that departments can review their budgets monthly, updating fixed assets, and capital improvement projects. Mrs. Bowman stated and as part of her position and ongoing education, she will be doing an online course regarding investments to further her knowledge.

BIDS FOR STACY ROAD: Authorize advertising for bids for improvements to East Stacy Road.

Mr. Chancellor introduced this item stating that this project will replace the existing two lane asphalt roadway that currently has no drainage with concrete roadways with underground drainage as well as a sidewalk on the south side of the road. Mr. Chancellor stated the road will consist of two 12' lanes with a 6' wide bike trail. Mr. Chancellor stated that the current engineer's estimate is $3.5 million, which does not include detailed landscaping. Mr. Chancellor stated that they are ready to bid out so that approval for the bid can be awarded at the April council meeting.

Mayor Israeloff asked if there would be an elevation change to the road. Mr. Chancellor responded that they it will be lowered three feet, which will improve the site distance. Councilwoman Sommers asked if the 12' wide lanes are standard in size. Mr. Chancellor stated that it is a standard size and wider than the current width of Stacy road.

Councilman Kasian made a motion to approve advertising for bids for improvements to East Stacy Road. Seconded by Councilwoman Sommers, with all in favor.

RESOLUTION FUNDING NEW FIRE ENGINE AND TOWN HALL: Approve a Resolution expressing official intent to reimburse costs of projects funding the new fire engine and town hall.

Mr. Godwin introduced this item stating that council previously approved two purchases from the bond sale for a new fire engine and to construct a new town hall. Mr. Godwin stated that the passing of this resolution will allow the council to legally spend the funds to pay these items from existing town surpluses and then once bonds are sold, the town will re-pay the respective funds from bond proceeds.

Mayor Israeloff asked what the maximum principle amount was to be listed within the resolution. Mr. Godwin responded the maximum principle amount is not to exceed $3.4 million.

Councilwoman Price made a motion to approve the Resolution expressing official intent to reimburse costs of projects funding the new fire engine and town hall. Seconded by Councilman Kasian, with all in favor.

POLICE REPORT: Receive annual Police report.

Chief Tolliver compared the 2008 statistics versus 2009. Chief Tolliver stated that there has been an increase in actual calls for service. Chief Tolliver stated that there has been more traffic stops and with the addition of the mall, there has also been an increase in shoplifters. Chief Tolliver stated that they have seen a 72.7% increase in custody arrests comparing the 22 arrests in 2008 versus the 38 in 2009. Chief Tolliver stated that they still have the SRO officer at Sloan Creek Middle School and have also added a civilian warrant officer. Since adding the warrant officer, she has been able to collect $25,349.50. Chief Tolliver stated that during 2009 a total of 529 warrants were cleared and 480 new ones issued. Chief Tolliver stated that he is also required each year to do a racial profile to make sure there are no red flags. Chief Tolliver stated that last year's traffic-related data revealed that there were 68% Caucasian, 18% Hispanic, 3% African, and 1.5% Asian.

Mayor Israeloff asked what the procedure was for shoplifting. Chief Tolliver responded that JC Penny has a loss prevention department and they only need one set of eyes and document occurrences, but Macy's needs two people to witness the act and that the person will physically exit the building before they are brought back in, identified and then detained. Chief Tolliver stated that thefts still occur, but will continue to see an increase in activity.

Councilman Kasian asked what the largest numbers of animal complaints are. Chief Tolliver responded that most of them come from residents who see a mountain lion, bobcat or some form of wildlife. Chief Tolliver stated that they will do what they can to help the resident and often times will respond. Mayor Israeloff asked if there is an official response on coyotes, bobcats, etc. Chief Tolliver responded that if the resident wants to trap them, it is up to the resident, but they look at whether or not the animal is damaging their property, but animal control will not respond to a wild animal call.

Councilman Kasian asked what was included within the 16 fraud reports. Chief Tolliver responded that mostly the fraud reports are victims who lost their check book or have had a financial fraud occur.

REVENUE REPORT: Receive Revenue report.

Mr. Donnell introduced this item stating that utility revenues came close to budgeted amount, but was still roughly $100,000 over budget. Mr. Godwin added that utility revenues are down primarily due to the wet winter and lost utility funds and will continue to fluctuate.

Mr. Dunlap stated that in regards to sales tax, the town as of this year has collected $352,000 and budgeted for $568,000. Mr. Dunlap stated that if no more stores open this year, than the town will look to collect over a million dollars in sales tax and if new stores open, then the town will be $520,000 ± ahead before the end of the year.

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

No action taken.

CITIZENS INPUT:

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 8:38 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW