

**TOWN COUNCIL
MEETING MINUTES
August 3, 2010**

The Town Council met in regular session on Tuesday, August 3, 2010 at 7:15 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Jim Cunningham, Ron Kasian, and Henry Lessner; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; and Town Attorney, Clark McCoy. Council members Carolyn Erickson Sommers, Anton Mattli and Mary Price were absent.

Mayor Israeloff called the meeting to order at 7:15 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:55 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 July 6, 2010 regular council meeting.

Councilman Kasian requested a correction on page ten.

Councilman Kasian made a motion to approve the minutes as amended. Seconded by Councilman Cunningham, with all in favor.

COLLINWOOD ACRES AND COLLINWOOD ACRES NORTH: Conduct a public hearing and take action regarding zoning Collinwood Acres and Collinwood Acres North Subdivisions to the Planned Center Zone (PC).

Mr. Efrussy introduced this item stating that these two subdivisions have several different lot sizes, setbacks, and land uses, etc. Mr. Efrussy stated that the most appropriate zoning is the Planned Center (PC) zoning district, which would allow all the lots to be legal conforming uses. Mr. Efrussy stated that at the July 8, 2010 public hearing, there were three citizens who asked questions and no one who spoke either in favor or opposition to

this project. Mr. Efrussy stated that the commission unanimously recommended approval conditioned upon adding the ratio reduction for accessory buildings and setbacks and that the existing uses be legal conforming uses.

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

Mayor Israeloff opened discussion to the council. Councilman Cunningham asked if the property owners would be able to divide their lots if they chose to at a later date. Mr. Efrussy responded that any increase or decrease in lot sizes will have to go through the public hearing process, but would allow them to request the replat of their lot.

Councilman Kasian made a motion to approve the zoning of Collinwood Acres and Collinwood Acres North Subdivisions to the Planned Center Zone (PC). Seconded by Councilman Lessner, with all in favor.

FAIRFIELD RESIDENTIAL APARTMENTS SITE PLAN: Conduct a public hearing and take action regarding Revised elevations for the Site Plan for the Fairfield Residential apartments located within the CPDD, Zone K.

Mr. Donnell introduced this item stating that within the CPDD, Exhibit B, it is a law that all utilities have to be screened from view, which includes satellite dishes. Mr. Donnell stated that each building is wired to serve all units within each building and will reduce the aesthetics of having multiple dishes on balconies. Mr. Donnell stated that the commission unanimously recommended approval and town staff supports this recommendation and believes this plan is the most feasible way to provide residents with another choice in service.

Mayor Israeloff opened the public hearing. Larry Lee, Fairfield Residential, stated that the plan was very well received at the commission meeting and added that currently 92% of apartments over retail are leased and 58% of the garden apartments are leased. Mr. Lee added that they are also doing additional landscaping and believes that this plan will be a solution from individual dishes being on each balcony.

Councilman Kasian asked if the residents are aware of this option and will they have the provider of choice or will they be restricted through their lease. Mr. Lee responded that the dishes are not installed and that they wanted to get approval before moving forward. Mr. Lee stated that they will explain to residents upon signing of their choices.

Councilman Cunningham asked what their restrictions and/or options are. Mr. Lee responded that there is currently no option and residents will be able to sign up for satellite service or regular cable.

Mayor Israeloff asked if the proposed elevation would be in violation. Mr. Godwin responded that it would not be if approved since it will be part of the Planned Development (PD). Mayor Israeloff asked if the residents would be charged a mark up fee. Mr. Lee responded that there are no additional fees or profit made. Councilman Lessner asked how they will handle the existing residents who have service and may already have an agreement with a service provider. Mr. Lee responded that they will work with each resident individually and would try to provide some incentive. Mr. Godwin added that the town could also write tickets since they are in violation.

Mayor Israeloff closed the public hearing and opened discussion to council. No additional comments were made.

Councilman Lessner made a motion to approve the revised elevations for the Site Plan for the Fairfield Residential apartments located within the CPDD, Zone K. Seconded by Councilman Kasian, with all in favor.

FINAL PLAT VILLAS IN THE PARK: Conduct a public hearing and take action regarding a final plat for phase II of the Villas in the Park subdivision.

Mr. Donnell introduced this item stating that this is the Final Plat for Phase II of the Villas in the Park. Mr. Donnell stated that the plat meets all code and regulations and has been unanimously recommended by the commission and town staff supports their recommendation. Mr. Donnell stated that Anthony Natale of Grenadier homes is present to answer any further questions.

Mayor Israeloff opened the public hearing. Anthony Natale, President of Grenadier Homes, stated that he is happy to be back to submit the Final Plat. Mr. Natale stated that they've recently changed the size of the townhomes from two story to one story based on the request of the buyers and the market demand. Mr. Natale commented that they are selling four to five a month, which has exceeded their expectations. Mr. Natale stated that they have done extensive landscaping and have kept with the architectural standards and/or guidelines.

Councilman Kasian asked if the square footage of the townhomes has been reduced. Mr. Natale responded that they are about the same or bigger, but the lot sizes have been enlarged. Mr. Natale added that there is also a floor plan that has the option to have a second story game room.

Mayor Israeloff asked who their lifestyle buyers are. Mr. Natale responded that the buyers are mostly single with no kids or are older individuals. Mr. Natale stated that there may be one or two kids throughout the whole neighborhood, but are older kids that will be off to college in a few years. Mr. Natale stated that the appeal is that everything is maintained for them and they don't have to worry about maintenance issues.

Councilman Cunningham asked if they had to drop units to build the single story units. Mr. Natale stated that they lost about 20% of the lots, but increased the price due to the increase in the lot sizes, but received no complaints. Mr. Natale commented that they are building less, but have increased the standard amenities within each home and the lifestyle center nearby has been helpful in selling the units.

Councilman Cunningham made a motion to approve the Final Plat for Phase II of the Villas in the Park subdivision. Seconded by Councilman Lessner, with all in favor.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on various boards and commissions.

Councilman Lessner nominated Gregg Custer for Board of Adjustments and Stephen Davis for the Environmental Committee. Seconded by Councilman Kasian, will all in favor.

ANNUAL ENGINEERING REPORT: Receive annual Engineering report.

Mr. Chancellor highlighted the following within the engineering department.

- Water System- line upgrades and new elevated storage tank.
- Sewer System – sewer line to Fairview Retail and 7-11.
- Public Buildings – new town hall and Fire Station #2.
- Road and Trail Projects – Meandering Way, East Stacy Road, Creekwood North emergency access.
- Drainage Projects
- Private Development Construction Projects – Cortona apartments, Whole Foods, and Boy Scouts.
- TxDOT Projects/Coordination – Stacy Road from SH5 to FM1378, permits in TxDOT right-of-way, and FM 1378 widening.
- Stormwater Quality – annual report filed with TCEQ, samplings, updates through website and newsletter articles, and draft ordinances.
- Building Inspection – 75 buildings being inspected for code compliance, inspector has CSI certification and plumbing inspector's license, and working towards backflow prevention.
- IT/Phones

EAST STACY ROAD CONSTRUCTION: Discuss and take action regarding East Stacy Road construction, and related sidewalks and landscaping.

Passed over until September.

STORMWATER UTILITY PROJETS AND BUDGET: Receive report on stormwater utility projects and budget.

Passed over until September.

EMERGENCY ACCESS EASEMENT/ MEANDERING WAY: Discuss and take action on emergency access easement at Meandering Way and Creekwood Drive North.

Mr. Chancellor introduced this item stating that town staff is recommending removal of a piece of trail now on the ground, using the private driveway as part of the town's public safety access, and constructing the remainder of the work previously approved from the new driveway east to Creekwood. Mr. Chancellor stated that this will reduce the overall cost and still adhere to the public safety access and being ADA compliant.

Councilman Kasian made a motion to approve the emergency access easement at Meandering Way and Creekwood Drive North. Seconded by Councilman Lessner, with all in favor.

PUBLIC ART AT TOWN HALL & FIRE STATION #2: Discuss and take action regarding public art at town hall and fire station #2.

Mr. Godwin introduced this item stating that the fire station required public art and need to plan for the art work in town hall. Mr. Godwin stated that one thought was to prepare a list of approved art that could be donated by businesses or individuals. Mr. Godwin stated that town council can also create a committee to review and approve the public art or can itself be the art committee per the current ordinance to aid in process.

Consensus of council was to spend no monies, but bring two to three art consultants to the September meeting.

BUDGET REPORT: Receive quarterly budget report.

Mr. Wilbourn introduced this item stating that town staff maintains that it will have a balanced budget as the fiscal year 2009-2010 comes to a close. The following are notable comments made during the 3rd quarter fiscal report given to the town council.

Revenues

- Town staff projects no deficits in revenue sources, except that we may incur a slight deficit in water sales if we have heavy rains in August and September. The 4th quarter is the town's most profitable quarter in regards to water sales.

Expenditures

Town staff estimates that the following departments will have expenditures exceeding their adopted budget:

- Fire Department- Will exceed their adopted budget due to start up costs for the new fire station, and the transition from part-time firefighters to full-time.
- Sewer- The possibility of overpaying for sewer is currently under investigation, and should clear up any possibility of overspending.

2010-2011 BUDGET: Discuss the 2010-2011 budget.

Council agreed that no separate work session was needed.

FAIRVIEW ACRES: Discuss and take action to adopt a resolution: (1) rescinding Resolution N. 2010-6-1R regarding a proposed agreement with landlord of Fairview Acres; (2) withdrawing associated offer(s); and (3) authorizing legal proceeding(s) to enforce Board of Adjustment Order 2004-8-23-1 and pursuit of related legal and equitable remedies.

Councilman Kasian made a motion to adopt a resolution rescinding Resolution 2010-6-1R regarding a proposed agreement with landlord of Fairview Acres. Seconded by Councilman Lessner, with all in favor.

CITIZENS INPUT:

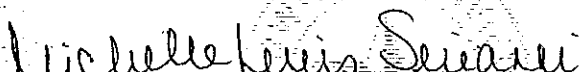
No comments were made.

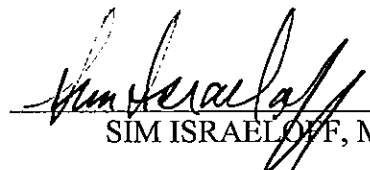
REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

- Veterans' celebration and park dedication on November 13, 2010.

Mayor Israeloff adjourned the meeting at 10:06 p.m.

ATTEST:



Michelle Lewis Sirianni, Town Secretary


SIM ISRAELOFF, MAYOR

