

**TOWN COUNCIL
MEETING MINUTES
October 12, 2010**

The Town Council met in regular session on Tuesday, October 12, 2010 at 6:30 P.M. at 500 S. State Hwy 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Jim Cunningham, Anton Mattli, Henry Lessner, and Mary Price; Town Manager John Godwin; Assistant to the Town Manager; Matt Donnell; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Pete Eckert. Councilman Ron Kasian was absent.

Mayor Israeloff called the meeting to order at 7:30 p.m. and declared a quorum was present and then 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 7, 2010 regular council meeting. B) Approve minutes of the September 14, 2010 special council meeting. C) Approve minutes of the September 22, 2010 special council meeting. D) Approved amended Plat for the Hawkswood subdivision. E) Approve abandoning a portion of Frisco Road.

Councilwoman Price requested to pull item A.

Councilman Lessner made a motion to approve items B, C, D, and E. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

Councilwoman Price requested to modify a paragraph under the Master Parks Section of the minutes. Mr. Godwin responded that this has been changed.

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

REVISED FINAL SITE PLAN FAIRVIEW APTS: Conduct a public hearing and take action regarding a Revised Final Site Plan for the Davis Development Fairview Apartments, comprised of approximately 12.2± acres generally located south of and adjacent to Fairview Parkway, west of Highway 5, east of Watertower Way, and north of Indian Springs Rd. within the Commercial Planned Development District, (CPDD).

Mr. Donnell introduced this item stating that this project does not require a new Site Plan since the Davis Development consists of the same number of units, height, etc. Mr. Donnell stated that the elevations are different by offering a higher percentage of masonry and masonry materials and the average square footage of the units are larger. Mr. Donnell stated that the planning and zoning commission unanimously recommended approval and town staff recommends approval with the condition of changing the S2 plat page to reflect 256 versus 676 dwellings.

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

Mayor Israeloff opened discussion to council. Councilwoman Price asked how the square footage of the units increased if the buildings did not or is the overall footprint of the building larger and if the color selection was their final choice. Mr. Donnell responded that the footprint is slightly larger due to the addition of the masonry materials; therefore, the average square footage was increased.

Jeff Greene, Vice President of TX Morrow, responded that the colors were picked from the guidelines, but the computer software doesn't accurately reflect them well and are not as dark as shown, but are more neutral in color.

Mayor Israeloff asked if they had a name for the complex and when they may start construction. Mr. Greene replied that they do not have a name and they are hoping to start construction by the first quarter of next year.

Councilman Mattli made a motion to approve the Revised Final Site Plan for the Davis Development Fairview Apartments, comprised of approximately 12.2± acres generally located south of and adjacent to Fairview Parkway, west of Highway 5, east of Watertower Way, and north of Indian Springs Rd. within the Commercial Planned Development District, (CPDD). Seconded by Councilwoman Price, with all in favor.

MASTER PARKS AND RECREATION PLAN: Conduct a public hearing and take action regarding an update of the Master Parks and Recreation Plan.

Mr. Dunlap introduced this item stating that the maps have been updated as requested and changed the language on page 59 to reflect that the town has no responsibility for those properties not owned by the town; therefore staff recommends approval.

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

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

Councilman Lessner made a motion to approve the update of the Master Parks and Recreation Plan. Seconded by Councilman Mattli, with all in favor.

TOWN'S DEPOSITORY SERVICES: Consider and take action regarding the town's depository services.

Mr. Wilbourn introduced this item stating that the town received and reviewed four out of the six proposals that were sent out to banking institutions for depository services. Mr. Wilbourn stated he looked at the banks' interest rates, cost of services, availability and safety and credit worthiness. Mr. Wilbourn stated out of those four, Wells Fargo meets all of these criteria and more over the current institution.

Mayor Israeloff asked if the town would see any change in the budget interest earnings. Mr. Wilbourn responded that they will see a change with higher interest rates and cost of services being lowered.

Councilman Lessner asked who the requests for proposals were sent to. Mr. Wilbourn responded that the four who responded were BB&T, Chase, American National and Wells Fargo and the two that withdrew were Regions and Comerica.

Councilman Cunningham asked how long the contract is. Mr. Wilbourn responded that it is a two year contract with an option to have two one year extensions.

Councilman Cunningham made a motion to approve Wells Fargo for the town's depository services. Seconded by Councilwoman Price, with all in favor.

TOWN'S ETJ: Adjusting the town's extraterritorial jurisdiction.

Mr. Godwin stated that they had received a request from the City of Lucas asking the town to adjust the ETJ line to the north to place all of the NTMWD property inside of Lucas's ETJ. Mr. Godwin stated that this wouldn't affect the taxes or future development, but if the town agrees, a 30 foot wide trail easement along the northern boundary could move into Lucas's ETJ.

Mayor Israeloff stated that he wouldn't want to give up the trail easement. Mayor Pro Tem Sommers Erickson stated that she would like to see the City of Lucas's plan.

Councilwoman Price stated her concern would be them using the town's services. Councilman Mattli asked why they want it and unless there was a reasonable cause, then didn't see why they should accept.

Councilwoman Price made a motion to deny the request by the City of Lucas regarding the town's extraterritorial jurisdiction. Seconded by Councilman Mattli, with all in favor.

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

Ms. Lewis Sirianni stated that there are still currently three alternate positions open on the Board of Adjustments and since the last meeting have only received a few new applications, which are included in their packet.

Mayor Pro Tem Sommers Erickson nominated Donna Cunningham. Seconded by Councilwoman Price, with all in favor. Councilman Cunningham abstained from the vote.

Mayor Pro Tem Sommers Erickson nominated Ed Hayes. Seconded by Councilwoman Price, with all in favor.

PUBLIC ARTS COMMITTEE: Consider appointment of individuals to the public arts committee.

No action taken.

GOLF CARTS ON PUBLIC STREETS: Discuss a possible ordinance allowing the use of golf carts on public streets.

Mr. Godwin introduced this item stating that currently many Fairview residents own and operate golf carts. Mr. Godwin stated that he recently received a request to consider an ordinance that would allow the use of golf carts on public streets within certain parameters.

Richard Light, 445 S State Hwy 5, stated that his concern is that the state does not register the carts and are considered legal if they go less than 38 MPH on street, but they must meet TXDOT requirements. Mr. Light stated that there should be limitations, for example, requiring a valid driver's license, an age limit, etc. Mr. Light stated his concern

is that they make street legal carts; therefore, he'd like to see the town issue an ordinance making motorized carts illegal.

Gay Kiser, 100 Man-O-War Lane, stated that her concerns are the speed limit and traffic. Mrs. Kiser stated that Heritage Ranch is a gated community and is isolated, but wouldn't want to see them on regular streets.

Mayor Israeloff asked council if they should explore and/or acquire more information regarding this topic. Councilman Price responded yes. Councilman Mattli responded yes. Councilman Lessner responded that he was okay with exploring it further. Councilman Cunningham replied no and Mayor Pro Tem Sommers Erickson responded yes.

MEANDERING WAY: Discuss and take action regarding the reconstruction of Meandering Way.

Mr. Chancellor introduced this item stating that bid was awarded to Quality Excavation and that they have indicated that they can reduce construction time by fifteen working days if Meandering Way is closed completely. Mr. Chancellor stated that staff would like council to instruct staff in regards to permitting partial or full road closure.

Mayor Pro Tem Sommers Erickson responded to close the road completely. Council members Lessner, Price, Mattli were in agreement, especially if it would lessen completion time. Councilman Cunningham asked if there was a penalty clause in the contract and what would happen if they don't finish in less time as indicated. Mr. Chancellor responded that they can add a penalty clause lessening the days of completion from 120 to 105 days.

Consensus of Council was to completely shut down the road and add penalty clause to the contract.

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

Mr. Chancellor introduced this item stating that he recently received a draft layout of sidewalks and landscaping, which would include irrigation and the hike/bike trail on the south side. Mr. Chancellor stated that they can amend the current contract or go out for bids.

Consensus of council was to seek bids for the sidewalks and landscaping.

Mr. Chancellor provided a brief update on the project and council recommended having Mr. Godwin or Mayor Israeloff talk to the CEO of Lacy Construction regarding the project and its progress.

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

Mr. Chancellor outlined some of the town's previous, current, and future drainage projects.

Mr. Chancellor stated that he continues to monitor storm water testing and regulating its quality. Mr. Chancellor stated that he's put up official signs indicating where testing is being done. Mr. Chancellor commented that the town will also be lowering residential fees from \$7.75 per month to \$5.75. Councilwoman Price asked when the fee decrease will occur. Mr. Godwin responded January 1, 2011.

IMPACT HEAVY TRUCKS ON EAST STACY ROAD: Consider an ordinance restricting the weight of motor vehicles on Stacy Road.

Mr. Godwin introduced this item stating that the weight restrictions on Stacy Road are consistent with weight limits already in place on that portion of Stacy Road operated and maintained by TXDOT. Mr. Godwin stated if the ordinance is adopted the town will notify NTWMD and begin working with Collin County and the DPS towards its enforcement. Mr. Godwin stated that the council also has the option of delaying the effective date of the ordinance.

Mayor Pro Tem Sommers Erickson stated that she'd like to delay the effective date by thirty days.

Councilwoman Price asked how you know the weight of the truck(s). Mr. Godwin responded that Collin County and DPS can do it with their weights and measures units.

Councilman Cunningham stated that he doesn't feel they should pass an ordinance that will not be enforced, but understands the state's position on this item. Councilman Mattli added that his main concern also is that passing the ordinance will not resolve the main problems, which are the damaged roads and them not compensating the town for this. Councilman Mattli stated that the biggest issue is the infrastructure and the City of Lucas not letting the drivers use their roads.

Mayor Pro Tem Sommers Erickson stated that an option is to make Stacy Road uninviting by adding speed bumps to possibly deter the drivers from using the road.

Mayor Israeloff agreed that the ordinance is a tool but doesn't stop the trucks and the town will remain to keep getting damaged roads.

Councilwoman Price asked if an engineering study could be done and if this would be helpful. Councilman Mattli stated that he believes at this point it's a political issue and should make an effort to discuss the problem with the City of Lucas and NTMWD to try to find a solution.

Consensus of the council was to not take any action.

TEXAS RECREATION AND PARKS SOCIETY: Consider a resolution by the Texas Recreation and Parks Society's (TRAPS) Legislative Committee supporting the Texas Parks and Wildlife Department.

Mr. Dunlap introduced this item stating that this resolution is to encourage the funding of grants for the Texas Recreation and Parks Society. Mr. Dunlap stated that since Fairview is a member and have received various grants for town parks, town staff recommends approval.

Mayor Pro Tem Sommers Erickson made a motion to approve a resolution by the Texas Recreation and Parks Society's (TRAPS) Legislative Committee supporting the Texas Parks and Wildlife Department. Seconded by Councilman Mattli, 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 Day Park celebration is November 13th.
- October 23rd Allen Community Outreach and Village At Fairview hosting a 5K fun run/walk.
- Town's Holiday Parade is December 11th.

Mayor Israeloff adjourned the meeting at 9:11 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR

