

**TOWN COUNCIL
MEETING MINUTES
March 1, 2011**

The Town Council met in regular session on Tuesday, March 1, 2011 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Ron Kasian, Jim Cunningham, Henry Lessner, Anton Mattli, 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, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:30 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:48 p.m. Mayor Israeloff reconvened back into regular session and requested everyone to stand for the Pledge of Allegiance.

ANNEXATION PUBLIC HEARING FM 1378: Conduct a public hearing regarding the annexation of an area of property composed of FM 1378 that is adjacent to the Lovejoy Elementary School, adjacent to the Summerhill Farms subdivision, and south of Stacy Rd., north of Forest Grove Road, and east of Versailles Avenue, consisting of 0.95± acres.

Mr. Godwin introduced this item stating that this is the first of two public hearings Mr. Godwin stated the acreage that is being annexed is the road and part of the ditch in front of the school.

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

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 January 4, 2011 regular council meeting. B) Approve minutes of the February 10, 2011 regular council meeting. C) Accept 2009-2010 financial audit. D) Accept donations from the Boy Scouts of America in lieu of public art. E) Approve a resolution authorizing application for a Criminal Justice Division Grant. F)

Approve a resolution supporting redistricting within Collin County. G) Approve amended plat for the Davis Development Apartment addition.

Councilman Kasian requested to pull item C.

Councilman Lessner made a motion to approve items A, B, D, E, F, and G. Seconded by Councilwoman Price, with all in favor.

Councilman Kasian asked if the financial audit was the 2010 not the 2009 audit. Mr. Godwin replied that it is the 2009-2010 year audit.

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

AMEND BUILDING REGULATIONS : LANDSCAPING: Conduct a public hearing and take action regarding an ordinance amending Chapter 3, Building Regulations within the Code of Ordinances regarding landscaping.

Mr. Donnell introduced this item stating that this amendment will provide additional language on landscaping for public streets and street medians for all property not within the Commercial Planned Development District (CPDD). Mr. Donnell stated that it will only apply to new construction of roadways.

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

Mayor opened up discussion to the council. Councilman Kasian asked if the ordinance implies that the town will spend additional monies above what they currently spend on landscaping and didn't want this implication attached to the ordinance and if some of the language in the first "WHEREAS" in the ordinance was necessary. Mr. Godwin responded that the council can change the language within the "WHEREAS" as they choose and the town is not spending additional monies on landscaping, that this is something the town does already. Mr. Godwin stated the motivation is to make sure the town keeps their trees. Mayor Pro Tem Sommers Erickson commented that she agrees that the town should preserve what it already has.

Councilman Lessner made a motion to approve an ordinance amending Chapter 3, Building Regulations within the Code of Ordinances regarding landscaping. Seconded by Councilman Mattli, with all in favor.

AMEND ZONING: NON-CONFORMING USES: DISCONTINUATION: Conduct a public hearing and take action regarding recommendations for amending the Code of Ordinances, Ch. 14 Zoning: Sec. 14.02.006: Non-conforming Use, regarding discontinuation of nonconforming uses.

Mr. Efrussy introduced this item stating that this amendment is changing language to avoid ambiguity. Mr. Efrussy stated that the language within the ordinance specifies a time frame. Mr. Efrussy stated that the planning and zoning commission recommended approval as well as town staff.

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 Mattli made a motion to approve an ordinance amending Chapter 14, Zoning regarding Non-conforming Use, regarding discontinuation of nonconforming uses. Seconded by Councilman Kasian, with all in favor.

ANNEXATION OF LOVEJOY ISD: Consider and take action regarding the annexation of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Land, and north of Teasbend Lane.

Mr. Godwin introduced this item stating the council held the two public hearings last month and tonight the council will be annexing the property. Mr. Godwin stated at last month's meeting only. Mr. Womack, Superintendent for Lovejoy ISD, spoke in favor of this action.

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

Councilman Cunningham made a motion to approve the annexation of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Land, and north of Teasbend Lane. Seconded by Councilman Lessner, with all in favor.

BOARDS/COMMISSIONS: EDC: Consider appointments to the Economic Development Corporations' boards of directors.

Mr. Godwin stated that Gene Byrne has recently resigned due to moving out of town, which leaves an opening on the EDC Board.

Councilman Lessner nominated Frank O'Reilly. Seconded by Councilwoman Price, with all in favor.

REGULATING GOLF CARTS: Consider and take action regarding an ordinance regulating the use of golf carts on public streets and sidewalks.

Mr. Wilbourn introduced this item stating that the council had asked to make some changes to the last draft ordinance presented. Mr. Wilbourn stated that the six changes include:

- To require permit applicants to have break lights on golf carts brought after the effective date of the ordinance.
- Animals riding in golf carts must be reasonably secured.
- Golf carts may operate on paved sidewalks and hike and bike trails with a width of eight feet or greater.
- Golf carts are not permitted to park on paved sidewalks or hike and bike trails.
- The cost to obtain a valid town issued permit is sixty dollars. Permits are valid for two years, and a biennial renewal fee of sixty dollars is required to maintain the permit.

Mayor Israeloff asked in regards to item five, that the park(s) current trail(s) width is eight feet wide and is concerned that if someone is on the trail, but is within the confines of a park, then how is this item applied. Mr. McCoy, town attorney, commented that the ordinance addressed two other restrictions that apply to this concern. Mayor Pro Tem Sommers Erickson asked if it is defined within the immediate perimeter or should they clarify the distance. Mayor Israeloff suggested tweaking the language.

Councilwoman Price asked who would have the right-of-way the cart or pedestrian or is that something covered by state law. Mr. McCoy responded that it is not governed by state law and the council would need to define. Mayor Pro Tem Sommers Erickson commented that it has never been an issue at Heritage Ranch.

Councilwoman Price stated that she'd like to consider lower fees. Councilwoman Price asked what types of cost will the town incur to administer these permits and if there is a penalty for no pay. Mr. Wilbourn responded that the town will buy the stickers in bulk, which would be the major cost. Mr. Godwin added that it is mostly the man hours to administer and maintain the permits. Councilwoman Price suggested lowering the fees to thirty dollars every two years versus sixty.

Councilman Lessner asked how the town will enforce the ordinance. Mr. Wilbourn responded that there will be stickers on the front and rear end of the cart that signify the resident has paid for their permit.

Councilman Cunningham asked what happens if someone doesn't have a driver's license since there are situations where someone may not have one and if carts are on public streets, who enforces. Mr. Godwin responded that the police department will be enforcing compliance. Mr. McCoy added that the council can add to the ordinance specific reasons regarding the driver's licenses.

Councilman Kasian made a motion to approve an ordinance regulating the use of golf carts on public streets and sidewalks with adding a clarification of the distance of golf carts in relation to the parks. Seconded by Mayor Pro Tem Sommers Erickson, with all in favor.

ADMINISTRATIVE SOFTWARE: Consider and take possible action regarding administrative software.

Mr. Wilbourn introduced this item stating that town council requested staff to do more research regarding going to paperless agendas to be more efficient in preparation of town meetings. Mr. Wilbourn stated that he spoke to several outside vendors and has found that there is software that would allow council to login to a website that would allow them to fully view packets. Mr. Wilbourn stated that this website would contain the exact same information that they would have received in paper copy. Mr. Wilbourn stated the software is interactive in a couple of ways including being able to review previous meeting minutes and submit corrections electronically. Mr. Wilbourn stated that the issue somewhat lies with the technology factor, being that the town would also need to purchase seven more computers so that each council member could scroll and navigate through the agenda. Mr. Wilbourn stated the upfront costs are slightly higher being anywhere from \$21,500-\$26,000 based off of licensed software and technology updates. Mr. Wilbourn stated another option is that the town's IT provider Baxter IT has stated that they could create an application that would meet the town's needs and allow the town to customize the software and update as needed. This in-house cost would range from \$10,500-\$12,500.

Mayor Israeloff asked if this in-house cost included the software and hardware. Mr. Wilbourn responded that it includes both costs.

Councilman Cunningham stated that he likes the idea, but will staff have the ability to print the larger plats. Mr. Wilbourn responded that they would not be able to print the larger plats and would be limited to a smaller view but could zoom in on them on their computers. Mr. Godwin added that the town usually requires the applicant and/or developer to bring in the larger plats, so they are responsible for the cost associated to print these out, not the town.

Mayor Israeloff stated that the cost is not unreasonable, but not really saving any monies either, so is neutral on the idea of the software. Mr. Godwin commented that they can start on a smaller scale with minutes and upgrade the software as the town progresses.

Councilman Mattli stated that he'd like to take baby steps and would like to see the minutes and also getting the agenda items and previous minutes posted on the web.

WEIGHT LIMITS TO TRUCKS ON EAST STACY ROAD: Discuss and take possible action regarding an ordinance to add weight limits to trucks on East Stacy Road.

Mr. Godwin stated since the last town council meeting, he has met in person once with NTMWD and twice by phone. Mr. Godwin stated that they seem to be making progress. Mr. Godwin stated that they have been discussing different options and NTMWD understands the town's position, believes it is a legit problem, and looking to find a solution. Mr. Godwin suggested passing over this item until next month.

Mayor Israeloff requested staff to continue to post on next month's agenda and will check in with progress at that time.

EMERGENCY FIRE AND EMS DISPATCH: Discuss and take possible action regarding the provision of emergency fire and EMS dispatch by the City of Wylie.

Chief Price presented the town's current dispatch operation and the opportunity to switch from the town's current dispatch by Collin County to the City of Wylie. Chief Price stated that the current operation is a very convoluted process. There are four mutual aid departments, four different radio frequencies and two stations. Chief Price stated that the problems with the current method is that the dispatcher has to decide if the call first goes to Police or Fire/EMS since there is only one dispatcher in Collin County for all 911 calls. Chief Price stated this often times results in a delay in receiving recordings and the Fairview channel is not recorded. Chief Price stated the benefits to changing to the City of Wylie is that the dispatch center is run by the fire chief, dispatchers are all fire/EMD certified, dispatchers must go into the field to learn, they have knowledge and experience with CAD, will meet future in-house EMS requirements, and all calls are recorded resulting in no delay or confusion in exchange of information. Chief Price stated the cost will be shared amongst the agencies and funded with the surplus in the AMR fund. Chief Price stated the cost will roughly be \$45,000/year. Chief Price also indicated that some additional one time capital expenditures will include a station alerting system that will have an estimated cost of \$50,000 to \$60,000 and the purchasing of an additional seven radios costing roughly \$18,000, of which \$13,650 will come from AMR funds.

Chief Price stated that if the town council approves, the town would enter into an Interlocal Agreement with the City of Wylie and begin validating radio coverage, get quotes on station alerting/radio with a target date of May 1st to transition over to the new system.

The consensus of the mayor council was to pursue this item.

ACCOUNTING REPORT: Receive annual Accounting report.

Brenda Bowman, Accounting Manager gave a brief summary of what the accounting department has accomplished within the past year. These items included: monthly budget reports to staff, maintaining capital projects, hiring of a new full time employee as well as processing payroll for full time fire-fighters, which has been a new learning experience, along with having a quick and successful financial audit.

POLICE REPORT: Receive annual Police report.

Chief Tolliver presented council with a yearly comparison report as well as his yearly racial profiling report. Chief Tolliver indicated that the racial profile report tracks traffic stops only and is done annually to ensure that the town is not racial profiling. Chief Tolliver pointed out that due to the town's demographics that their highest percentage of contact is with Caucasian(s) and their lowest being Native American(s). Chief Tolliver summarized the police department's past year by stating that they currently have eleven sworn officers including one warrant officer, call volume has increased by 50%; more warnings issued, a 245% increase in arrests, and an increase in warrants, but also an increase in monies collected from warrants due to the warrant officer. Chief Tolliver stated that the warrant officer was able to clear a total of 603 warrants; of those, 111 were walk-ins and 492 warrants resulting in the officer's efforts resulting in a total of \$135,053.45 total monies collected by the town.

ANNEXATION PUBLIC HEARING FM 1378: Conduct a second public hearing regarding the annexation of an area of property composed of FM 1378 that is adjacent to the Lovejoy Elementary School, adjacent to the Summerhill Farms subdivision, and south of Stacy Rd., north of Forest Grove Road, and east of Versailles Avenue, consisting of 0.95± acres.

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

CITIZENS INPUT:

No comments were made.

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

Mayor Israeloff adjourned the meeting at 9:54 p.m.

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

Sim Israeloff
SIM ISRAELOFF, MAYOR

