TOWN COUNCIL
MEETING MINUTES
May 3, 2011

The Town Council met in regular session on Tuesday, May 3, 2011 at 7:00 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; 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 7:00 p.m., declared a quorum was present 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 April 5, 2011 regular council meeting. B) Award bid for landscaping on Stacy Road.

Councilman Cunningham requested to pull item B.

Councilman Kasian made a request to approve item A. Seconded by Councilman Lessner, with all in favor.

Councilman Cunningham stated in regards to item B, that he had an opportunity to review the plans and talked with residents that had expressed that they are very excited to have this project finished out and happy with the results.

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

PUBLIC HEARING ON THE ANNEXATION 11.05± ACRES LOVEJOY ISD BLDG: Conduct a public hearing 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 Lane, and north of Teasbend Lane.
Mr. Wilbourn introduced this item stating that after being notified that the City of Allen mistakenly forgotten about two acres they had annexed within these 11.05± acres, the City of Allen has disannexed the two acres. In order to legally carry out the annexation,

the town must hold two public hearings prior to annexing. Mr. Wilbourn stated that this is the first of the two public hearings.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing remains open.

ALLIED WASTE RATE ADJUSTMENT: Consider annual rate adjustment by Allied Waste.

Mr. Godwin stated that the amendment up for approval includes the automatic renewal through April 30, 2016 with the proposal to extend through September 30th to coincide with the town's own fiscal year. Mr. Godwin stated in addition, Allied Waste is asking for their annual rate increase.

Brenda Lalonde, Municipal Marketing Manager for Allied Waste stated the she would first like to give a brief update. Ms. Lalonde stated in regards to the 2011 clean up the town had, they picked up 17 loads with 74 tons of material. Ms. Lalonde stated that in 2010 the town had 1769 tons of trash/bulk and 915 tons of recycling comparing to 2009's numbers of 2058 tons of trash/bulk and 138 tons of recycling. Ms. Lalonde stated this reflects the increase in recycling, which is excellent. Ms. Lalonde stated in customer service calls in 2009 there were 111 calls comparing to only 33 in 2010.

Ms. Lalonde stated in regards to the rate adjustment, Allied Waste is asking for twenty cents per home per month. Mr. Godwin commented that the fuel surcharge is discretionary, but the Consumer Price Index (CPI) increase is not.

Councilman Cunningham stated that the fuel surcharge seems reasonable. Councilman Lessner stated that he attended a presentation made by Allied to the HOA and it was very well done and informative. Mayor Pro Tem Sommers Erickson asked if once a quarter the town could put something in the newsletter regarding trash pickups for holidays etc.

Councilman Mattli asked and confirmed that if the fuel surcharge is discretionary and the CPI is automatic and is currently 2.47%, Allied Waste is only asking for 1.5%. Mr. Godwin replied that was correct.

Councilman Lessner made a motion to approve the rate increase of 1.5% or .20 cents per month per home. Seconded by Mayor Pro Tem Sommers Erikson, with all in favor.

FAIRVIEW SOCCER COMPLEX LEASE: Discuss and take possible action regarding the modification to the Fairview Soccer Complex Lease.

Mr. Dunlap introduced this item stating that because of financial setbacks, Mr. Olali has not been able to complete the park amenities. Mr. Dunlap stated that Mr. Olali appeared before the Park and Recreation Board asking for an extension in order to complete the lease agreement, which was granted with the modification to incorporate the new completion deadlines and penalties should the deadlines not be met.

Mayor Israeloff asked Mr. Olali to outline the difficulty he is having completing and if he is still able to operate with league play.

Mr. Olali stated that essentially he merged with another club which brought about a financial agreement and when it didn't work out, it required him to buy uniforms for children with his own monies. Mr. Olali stated that there is currently club play and there are over 200 families. Mayor Israeloff asked if he anticipates any further problems. Mr. Olali replied there is a penalty there and he will pay one way or another.

Councilman Kasian asked if he has seen an impact during certain times of the year. Mr. Olali responded that based on the business structure, July should be okay and there are leagues all year round with roughly three tournaments a year, so they are not seeing any negative impact.

Councilwoman Price asked if they will be utilizing the structure/home that is currently on the property. Mr. Olali responded that they are keeping and will maintain as an historical site.

Councilman Mattli stated that his children play on a team which uses this facility. Councilman Mattli commented that the parents would love to see patio's etc., but the fields are more important to maintain than the amenities; however, he does agree with the expectations to meet the agreement.

Councilman Mattli made a motion to approve the modification to the Fairview Soccer Complex Lease. Seconded by Councilman Kasian, with all in favor.

SPEED LIMIT/VILLAGE AT FAIRVIEW: Discuss and take possible action regarding the speed limits and stop signs on certain roads in The Village at Fairview.

Mr. Godwin introduced this item stating that there are streets including Murray Farm Road, Water Tower Way, Convention Drive, Village Drive, and Indian Springs are public easements over which we have regulatory authority. Chief Tolliver is suggesting that we adjust these with 25 mph speed limits in order to be consistent with the rest of the town as well as being able to enforce stop sign on these streets.

Councilman Kasian asked if the town plans to make the three way stops into four way stops and if the vegetation coming in on Hwy 5 has been addressed. Mr. Godwin responded that the ordinance will not include the three way stops and the town has expressed its concerns because they are on private property, but no changes have been made.

Councilman Kasian made a motion to approve an ordinance regarding the speed limits and stop signs on certain roads in The Village at Fairview. Seconded by Councilman Lessner, with all in favor.

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 introduced this item stating that they have discussed choices and NTMWD is still trying to figure out how to fix issues with least amount of money.

Mayor Israeloff stated his concern is that there is no offer on the table by next month. Mayor Israeloff suggested adopting an ordinance and differ effective date until after the temporary construction date expires. Councilman Cunningham asked if the City of Lucas already passed their weight limit ordinance. Councilman Lessner replied that they have with an effective date of July 2011. Mayor Pro Tem Sommers Erickson agreed that she would like to see an action taken tonight. Councilman Cunningham also agreed, but asked how the town will enforce the ordinance. Mr. Godwin responded that the town may use the county sheriff.

Councilman Mattli made a motion to approve an ordinance to add weight limits to trucks on East Stacy Road with an effective date being upon the expiration of the current temporary construction date. Seconded by Councilman Cunningham, with all in favor.

TURN LANE FM 1378 AND SH 5: Discuss and take possible action regarding the construction of a turn lane at FM 1378 and SH 5.

Mr. Godwin introduced this item stating that southbound traffic are passing, even off of the pavement, and others are making unsafe left turns. Mr. Godwin stated that the traffic warranted a study done by TXDOT and a turn lane is justifiable, but TXDOT indicated that they will not pay for it. Mr. Godwin stated design would be done in-house with TXDOT review and approval.

Council agreed to instruct staff to prepare a design for a south bound left turn lane with a cost estimate.

PUBLIC HEARING ON THE ANNEXATION 11.05± ACRES LOVEJOY ISD BLDG: Conduct a second public hearing 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 Lane, and north of Teasbend Lane.

Mayor Israeloff continued the second public hearing and asked for any comments. No comments were made and the public hearing was closed.

CITIZENS INPUT:

Garrett Lacara, 380 Forest Oaks Drive, stated that he is currently a candidate running for election. Mr. Lacara expressed his concern and disgust for the letter that was circulated. Mr. Lacara stated that he would like to know who this came from and is very unhappy regarding the whole campaign.

Robert Hernandez, 111 Man-O-War, stated that he is very upset about the political signs and expressed that he had asked for the signs to be removed and clearly established that he is unappreciative that the signs keep showing up in his yard when he has asked for them not to be there.

Gaye Kiser, 100 Man-O-War, expressed her appreciation to council.

Jim Date, 300 Dover Court, articulated his frustration with the letter that was sent out and that it was very hypocritical and the fact that the website domain is anonymous reflects how pathetic the site is.

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

- Special meeting will be held to Canvass Election. The Town Secretary will email council requesting availability to confirm a date.
- Councilman Mattli recognized by Mayor Israeloff for his four years as a council member and his progressive and forthcoming service he provided to the town.

Mayor Israeloff adjourned the meeting at 8:06 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW