TOWN COUNCIL
MEETING MINUTES
March 6, 2012

The Town Council met in regular session on Tuesday, March 6, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Carolyn Sommers Erickson, Ron Kasian, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Public Works Manager, Aron Holmgren; Management Intern, John Skuta; Special Projects Intern, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 6:33 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:46 p.m. Mayor Israeloff reconvened back into regular session and invited 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 7, 2012 regular council meeting. B) Approve minutes of the February 27, 2012 special council meeting. C) Approve a resolution regarding membership to NTMWD.

Councilman Lessner requested to pull item C.

Mayor Pro Tem Kasian made a motion to approve items A and B. Seconded by Councilman Culbertson, with all in favor.

Councilman Lessner stated in regards to item C that he'd like to extend his thanks to Ginny Fisher and along with her help they were able to get 203 signatures for the petition to submit to NTMWD to be considered for membership along with the proposed resolution.

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

CONDTIONAL USE PERMIT (CUP) 1381 CAMINO REAL: Consider and take action regarding a Conditional Use Permit (CUP) for the development of an accessory building for a workshop and garage, to be located at 1381 Camino Real.

Mr. Wilbourn introduced this item stating that the subject property is annexed and zoned Planned Center (PC) and consists of approximately 1.955 acres in size. Mr. Wilbourn stated that the applicant is requesting to construct a detached accessory building to serve as a garage/workshop. It would provide interior parking for an RV, boat, up to three cars for the applicant's daughters, tractor, sixteen foot trailer, tiller, gardening equipment, and two riding lawn mowers. Mr. Wilbourn stated the building would also serve as a small workshop for personal use. Mr. Wilbourn stated that due to the zoning and lot size, the lot is being held to the RE-1 standards regarding accessory buildings. Mr. Wilbourn commented that as indicated by the applicant on the Site Plan, he will be removing all existing accessory structures on the property.

Mr. Wilbourn stated that due to the size of the proposed building, the applicant is requesting three variances. The three variances are: requesting an additional 240.5 square feet, an additional five feet into the setback since there is an encroachment, and additional 7 feet since height of the building exceeds maximum height requirements due to the roof pitch to allow for the RV to fit within the building. Mr. Wilbourn stated that the applicant has agreed to provide additional landscaping to soften the view from the street, which will be approved by town staff. Mr. Wilbourn stated that the Planning and Zoning Commission unanimously approved this item along with the variance requests along with two conditions. The two conditions being that the applicant install the ridge windows as indicated on the Site Plan and not to encroach more than 25 % into the drip line of the existing tree on the NE corner of the accessory building Mr. Wilbourn added that letters of notification went out to surrounding neighbors and no feedback has been received, but the applicant has talked to surrounding neighbors and he has received letters of support from all, and they are included in the documentation submitted by the applicant to the commission.

Mr. Wilbourn stated that town staff recommends approval of the Conditional Use Permit (CUP), along with the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, the two conditions added by the Planning and Zoning Commission with the landscaping along the southern, western and eastern facades of the accessory building conditioned upon staff approval, as well as other conditions stated in the submitted Site Plan.

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

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

Councilman Culbertson made a motion to approve the Conditional Use Permit (CUP), along with the three variance requests for the proposed accessory building as submitted in the Site Plan dated January 27, 2012, the two conditions added by the Planning and

Zoning Commission with the landscaping along the southern, western and eastern facades of the accessory building conditioned upon staff approval, as well as other conditions stated in the submitted Site Plan. Seconded by Councilman Lessner with all in favor.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding the emergency access easement between Meandering Way and Creekwood Drive North.

Mayor Israeloff provided an update stating that they received a settlement offer that afternoon from the homeowner, which included a proposal for a way for every pedestrian to be able to use the access easement. Mayor Israeloff stated that council would like to receive input from the neighbors before submitting a final offer; therefore, would like to form a subcommittee of three council members plus possibly a spokesperson for that neighborhood.

Councilman Lessner made a motion to approve a subcommittee that included council members Culbertson, Cunningham, and Price to work with a community spokesperson to come up with a more specific proposal. Seconded by Mayor Pro Tem Kasian, with all in favor.

TXDOT'S PLANS HWY 5 TO FM 1378: Consider and take action regarding TXDOT's plans for Stacy Road expansion from Highway 5 to FM 1378 (Country Club Road).

Mr. Chancellor introduced this item stating that Councilman Lessner and he met with Mr. Hale from TXDOT regarding this project. Councilman Lessner stated that TXDOT is planning on building the outer two lanes and that he asked TXDOT to consider building the inner two lanes instead. Councilman Lessner stated that TXDOT's concern in doing this was how to handle the storm drains if the project was redesigned. The storm drains are designed to be constructed along the outer two lanes and, if the inner two lanes were constructed initially, extensions from that road bed to the storm drain pipelines would need to be built. TXDOT suggested a solution to this – but it was more costly and would require redesign of this section of the road project. Councilman Lessner and Mr. Chancellor asked TXDOT to further investigate the impact to the project of changing the current design and building the inner two lanes and to get to them.

Mayor Israeloff stated that he spoke with Barry Heard prior to the meeting and was told that TXDOT could have to do another environmental study if they just build the inside lanes and would have to start over on the plans due to the original submittal being just the outer lanes, which would then add three and a half years to the project and they are still looking at a year and a half out before starting. Mayor Israeloff stated that he was advised that the council could sign a written agreement or a binding letter to state the town's position. However, they could allow TXDOT to proceed with building just the first section with the right-of-way still being six lanes and if the town objects, then nothing will get built, according to what he was advised. Mr. Chancellor added that he was also encouraged to submit a formal response and that Mr. Hale also advised that TXDOT would replace any landscaping on the outer edge of the road.

Councilman Lessner stated that he would like to go back to TXDOT and push a little bit more that at this point; it's a matter of implementation and the delay if the project is started all over from the submittal process. Councilwoman Sommers Erickson questioned just doing the first section of the project with the possibility of completing the other section at a different time. Mr. Chancellor responded if they continue to build now, it would still be under current schematics. Mayor Israeloff stated that TXDOT could be willing to redesign but will add three and a half years plus the cost to redo, but if the concern is the uncertainty of the future, the town can provide a letter to TXDOT regarding the project.

Councilwoman Sommers Erickson stated that she doesn't want to spend money or tax payer dollars on something they don't want and believes the road from Meandering Way to Hwy 5 should be four lanes undivided. Councilwoman Sommers Erickson stated that she would be okay if the project was pushed out a few years and encouraged Mr. Chancellor to keep speaking out at the meetings to provide the town's opinion.

Mayor Israeloff asked Councilman Lessner and Mr. Chancellor to follow up and keep communicating with TXDOT on the town's options especially doing just the first section/phase of the project and implementation, and report back at the next meeting.

ROAD RATINGS & REPAIRS: Consider and take action regarding the road rating and preliminary list for three year reconstruction plan.

Mr. Chancellor introduced this item stating that the Public Works Manager and he met to prioritize the road repairs. Mr. Holmgren stated that the three criteria they used were how much is the town currently spending, how much traffic is on the road, and the condition of the road. Mr. Holmgren stated that some of the roads in year one include Meandering Way, which has less than 1" of asphalt and needs to be completely redone, Hart Road, and Seattle Slew, which is the overall worst road within the town.

Mr. Chancellor stated that with the cost and pricing of the repairs, years two and three can be adjusted depending on the council's decision and amount of roads, etc., and they could repair a few different roads at a time or do one complete subdivision working from the back to the front.

Councilwoman Price asked about the entrance to River Oaks II and noticed that it is scheduled to be repaired in year two or three and asked why not in year one. Councilwoman Price requested that if these roads were not within year one, could the town chip seal them in the meantime. Mr. Holmgren replied the only downside to this is the cost to chip seal, which could equal between $50-60,000, which would take away from the other repairs. Councilwoman Price stated that her preference would be to repair the entire subdivision within year one. Councilwoman Sommers Erickson agreed.

Councilman Cunningham stated if the total three year cost is roughly three million, then what are the construction costs? Mr. Holmgren responded that as gas goes up, so does the cost of asphalt. Mr. Holmgren stated that they can do the whole project with bonds since the rates are currently very low and by using the bonds, the town doesn't have to use the funds all at one time.

Mayor Israeloff asked staff to bring back to the next meeting a list(s) of the financial side and construction side of the project and to consider doing all of Forest Oaks within the first year when compiling these lists.

"SeeClickFix" PROGRAM: Receive presentation on a new "SeeClickFix" program for reporting town service needs.

Mr. Holmgren introduced this item stating that they are looking for a better way for residents to communicate to staff. Mr. Holmgren stated that there's a free application available that would allow residents to take pictures directly and allow everyone to see what is being reported as well as the updates on each item as opposed to going directly through staff at town hall.

Bill Baxter, IT staff and Technology Committee member, stated that when he reviewed this application that he believes that it's not only a great way to communicate with the citizen, but the whole town. Mr. Baxter stated that the values of using the application include that improved response time; it's cost effective, provides immediate feedback, reduces call volume and keeps the town's goal of being a leader in Technology. Mr. Baxter stated that the downsides could be inappropriate content, but the application does have filters in place and there will be key words that will determine what gets placed on the site.

Mayor Pro Tem Kasian asked to see a demo of the application. Councilman Cunningham asked if other cities are using the application and if the town has sought feedback from them. Mr. Holmgren replied that he has looked at other sites and sees no negative issues, but has not talked to any other cities currently using the program.

The consensus of the council was to explore this application, talk to peers about the filtering within the application, and the success within the other cities using the application.

Mayor Israeloff requested to add a discussion about updating the town's website to the next council meeting agenda.

TOWN'S OLD WATER TOWER: Consider and take action regarding the logo on the town's old water tower.

Mr. Chancellor introduced this item stating that work on the water tower includes painting it silver and adding the name of Fairview on two sides in black, block lettering. Mr. Chancellor stated that it will not be seen from US 75, but will be seen as you approach the tower.

Mayor Israeloff stated it would be better to use the font from the town logo as is seen on the letterhead and suggested that the letters be placed below the rail and have it stick out farther than the rails in larger font. Mr. Chancellor replied they could have the letters attached to legs and weld them to the ball, which wouldn't hurt the paint. Councilwoman Price asked how many sides would have the letters. Mr. Chancellor replied two, but could go on all four. Councilwoman Sommers Erickson commented that she likes the idea of having them on all four sides.

Mayor Israeloff asked if green letters were considered or they stuck to black letters. Karen Karnuta, Public Art Committee member, stated that the art committee liked the idea of keeping the letters black, which is was more vintage and in line with keeping it old Fairview, but agrees with the mayor regarding the lettering from the town's letterhead.

Councilman Culbertson asked how this was being funded. Mr. Chancellor responded that possibly EDC, but will need to research and confirm since he doesn't believe a formal action was taken by the EDC board.

Mayor Israeloff asked Mr. Chancellor to check feasibility of hanging letters on all four sides with green and black lettering by providing an illustration at the next meeting.

TOWN HALL PUBLIC ART: Consider and take action regarding historical and regional flag displays for the council chambers as part of the public art requirement for Fairview Town Hall.

Mr. Wilbourn introduced this item stating that as part of the public art requirement for town hall, the Public Art Committee has voted and recommended that a historical and regional flag display be placed in the council chambers. Mr. Wilbourn stated that flags would include the six flags of Texas representing the six nations that either had sovereignty over portions or all of Texas at different points in history as well as the Town of Fairview and Collin County flag. The flags would be 3'x5' and have finishing pole hem and fringe exactly like the US and Texas flags that are currently displayed. Mr. Wilbourn added that flag spreaders would be used and the flags would be placed behind the council against the larger wall to be more visible. Mr. Wilbourn stated the total cost to purchase all eight flags would be $1,792.25.

Councilwoman Sommers Erickson asked about just displaying the six flags of Texas. Councilman Cunningham asked if they considered hanging them from the ceiling. Mayor Israeloff stated that he'd prefer to just have the six flags of Texas too.

Councilwoman Price made a motion to approve the display of the six flags of Texas only. Seconded by Councilman Lessner, with all in favor.

ELECTRIC VEHICLE CHARGING STATIONS: Consider and take action regarding the installation of electric vehicle charging stations located in the parking lot of Fairview Town Hall.

Mr. Wilbourn introduced this item stating that the Environmental Committee had voted to initiate the possibility to install an electric vehicle charging station. Mr. Wilbourn stated that ECOtality North America has a grant program that funds the installation of charging stations at no cost to the owner of the property if the installation cost stays below $5,000. Mr. Wilbourn stated the cost to fully charge a vehicle ranges from $1.60 to $2.40. Mr. Wilbourn stated the deadline to participate in the project is March 31, 2012 and would continue through June 2013. Mr. Wilbourn stated at the end of the project, the two charging stations would become property of the town at no cost and the town would also have the option to purchase an extended maintenance warranty of $125 per unit per year. Mr. Wilbourn stated that there are three unbudgeted costs that the town would ultimately have to take on if they took park in the project. These costs include the town paying for the electricity used to charge vehicles, pay to restripe and make one of the parking spots handicap accessible, and pay to keep the charging stations under warranty.

Councilwoman Price stated that her concern is that the area being proposed is the farthest spot away from the shopping center.

Neal Pappion, Environmental Committee member, stated that this is not really a revenue generating project, but provides funding from the government and is worth the investment. Mayor Israeloff asked if they know how much the one at Whole Foods is used.

Dave Aasheim, ECOtality North America representative, stated that they have a 230 million dollar grant and are installing level two chargers. Mr. Aasheim stated that there are over 400 electric vehicles registered in the DFW area and with the grant program they have installed numerous charging facilities within DFW including restaurants, municipal buildings, and parks.

Councilwoman Price asked how electric car owners will know where the charging stations are located. Mr. Aasheim stated that there is an application available on your phone or site that shows where they are and you can even make a reservation for one of them.

Councilman Cunningham asked how long is the project and what happens to the charging stations at the end of the project. Mr. Aasheim stated that once complete in June 2013 the town will have the option to keep each station, which is $20 per station per month; they can have the equipment pulled or keep the cord. Mr. Aasheim stated that there will also be an optional maintenance program that costs $250 per year, which will cover all maintenance regarding the stations and the town wouldn't have to handle any maintenance issues. Mr. Aasheim added that usage will pay for itself in time.

Mayor Pro Tem Kasian asked how the user will make payment. Mr. Aasheim responded that the user will have a 'blink' card and can prepay.

Councilwoman Sommers Erickson made a motion to approve the proposal for the electric vehicle charging stations contingent upon meeting all ADA requirements. Seconded by Councilman Culbertson, with all in favor.

ANNUAL POLICE DEPARTMENT REPORT: Receive Police Department's annual and racial profiling reports.

Chief Tolliver gave his yearly report regarding the town's racial profiling and yearly department statistics. The racial profiling report indicated the following regarding traffic related incidents: Caucasian issued 1959 at 72.9%, African American issued 270 at 10%, Hispanic issued 373 at 13.9%, Asian issued 43 at 1.6%, Native American issued 25 at 0.9%, and Other issued 19 at 0.7%. Chief Tolliver also explained out of these citations, how many were searched and how many led to a custody arrest.

Chief Tolliver indicated the department's yearly incident activity compared to last year, which indicates a 28.9% increase in actual calls for police service. Chief Tolliver stated in traffic enforcement, a comparison from 2010 to 2011 reflects a 11.8% decrease in citations, but a 92% increase in written warnings, and a 1.3% increase in total enforcement actions year to year. Chief Tolliver stated a 42.4% decrease occurred in custody arrests, which does not include outstanding warrant arrests, and due to a direct result of the Warrant Officer's efforts, $95,247.00 was collected in addition to the $24,308.00 collected by people who voluntarily paid. Chief Tolliver stated that 617 warrants were cleared in 2011. Chief Tolliver stated that the town still has a SRO Officer, which is Robert Salazar and is assigned full time to the school throughout the year, and when school is out, he is assigned to patrol duty.

Councilman Culbertson asked if the department comes into contact with drugs. Chief Tolliver replied yes they do, with most being during a traffic stop, which then leads them to search the vehicle.

Councilman Lessner asked if there are many residential burglaries. Chief Tolliver replied that there are some, but most of them are in new construction areas or the apartments.

Councilwoman Price stated that the police now carry AED's in their vehicles, which will allow them to help further in an emergency.

<u>CITIZENS INPUT:</u>

Joe King, 581 Country Club Road, stated that his concern is regarding a letter he received from Code Enforcement for a habitual barking dog. Mr. King stated that he has a Great Pyrenees dog and uses him as a guard dog and that he has an instinct that protects his goats and chickens from other predators, but mostly coyotes. Mr. King stated that there was one instance that his neighbors complained directly and they were able to resolve the situation. Mr. King stated that when he started losing animals to coyotes is when he purchased the dog due to losing part of his livelihood, but there had been no other complaints until four months ago and is unsure why he received the letter. Mr. King stated that he called the town on numerous occasions and spoke with staff and was given either illegal or dangerous suggestions and the only legal recommendation was a guard dog, which is what he did. Mr. King stated the dog merely protects the animals, he doesn't even chase them. Mr. King stated his concern is not sure what will happen next. He cannot stand to lose his dog because then he'll lose his protection of his farmland. Mr. King stated that there is also nothing in the town's code that excludes coyote's responsibility and authority where animals are at danger; therefore, respectively asks for protection either from the town or for his animals.

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

The town sponsored the Tarleton State women's basketball team during the Southland Conference championship that was held at the Allen Civic Center.

Councilwoman Price stated the Collin County Days were coming up soon.

Mayor Israeloff adjourned the meeting at 10:46 p.m.

SIM ISRAELOF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW