TOWN COUNCIL
MEETING MINUTES
September 4, 2012

The Town Council met in regular session on Tuesday, September 4, 2012 at 6:30 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, and Darion Culbertson. Interim Town Manager, Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Assistant to the Town Manager, Adam Wilbourn; Senior Planner, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council members Ron Kasian, Carolyn Sommers Erickson, and Mary Price were absent.

Mayor Israeloff called the meeting to order at 6:32 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:32 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

GCEC PRESENTATION:

Dave McGinnis, Chief Executive Office/General Manger, provided council with information regarding outages and updates within GCEC. Mr. McGinnis stated in the last 16-18 months there have been twelve outages at the Allen location and thirty seven at the Parker location. Out of the Allen location, eight have been caused by lightening, two by trees, and two by vehicles. The Parker location reflects eleven by lightening, fifteen by trees, five by wind, two by vehicles, two by public accident, one by animal, and one unknown. Mr. McGinnis also explained how the wind affects outages with the trees. The company has also made some software changes and looked at additional updates and/or upgrades to improve their operations.

Councilman Culbertson asked if they are in the process of any upgrades to reduce the outings. Councilman Culbertson stated that thirty seven outages seem to be a lot in his opinion. Mr. McGinnis responded that it is more than they have seen in many years, but many of those are factored by the wind, which in turn affects the trees causing outages.

Anton Mattli, 111 Weston Drive, stated that he appreciates the feedback and asked if GCEC was exploring the smart meters. Mr. Mattli stated that he would like to see the customer have more choice. Mr. McGinnis stated that the smart meters capture and calculate usage and allow for more software interface. GCEC have been testing them, but are not happy with the results thus far. Mr. McGinnis stated they are currently studying the cost benefit to retail choices and will put out the information once it is received.

Councilman Cunningham stated that his issue has been the power surges and asked if using a surge protector would be effective and if they are offered. Mr. McGinnis responded that these kinds of surges are referred to as 'blinks' and that surge protectors were not effective. Mr. McGinnis stated that unless the blinks get recorded as complaints, then he is unaware of them.

Mayor Israeloff stated that he is concerned about the outages, the amount of time it takes to respond to them, and finds the information disturbing that the reliability is not accurate if the surges or blinks are not getting recorded. Mayor Israeloff stated that people will not call everything in, especially on a small blink or surge, and finds it difficult to understand that with all the advances being made with technology that they cannot make improvements.

Council requested Mr. McGinnis provide an update in six months regarding the concerns expressed by council. Mr. McGinnis stated he'd be happy to provide another update at council's disposal.

AT&T PRESENTATION & PROCLAMATION: Hear presentation from AT&T and discuss the possible consideration of a resolution regarding texting and driving.

David Arbuckle, VP of External Affairs with AT&T, provided an update regarding AT&T capabilities within the town. Mr. Arbuckle stated that they are seeing more landlines going away with consumers and finding the increase is in wireless users and that it is becoming increasing difficult to provide services especially within Fairview due to the space between each house. Mr. Arbuckle stated they will work with customers to the extent possible.

Mayor Israeloff asked why the town doesn't have more internet and/or DSL capabilities. Mayor Israeloff indicated the service is poor. Mayor Israeloff asked if there was information on what's coming available in the next few months regarding service. Mr. Arbuckle responded that AT&T is one of the largest markets and the do not share network attributes especially regarding the future. Mr. Arbuckle stated that they will be going back to 'pair bonding', which is a four wire technology to extend services. Councilman Culbertson asked if they fundamentally cannot share information as to when a neighborhood will have services. Mayor Israeloff added that other companies do share this type of information, which is why he cannot understand why they will not. Mr. Arbuckle replied that the 2013 budget is not set and he does not know if the industry will change, but realistically the bulk of services will be in the wireless products and services.

Stephen Davis, a member of the town's Technology Advisory Committee, stated the houses next to each other within town can have one with U-verse and one that does not. Mr. Davis suggested council to poll neighbors, collect data, and place data on a map to be given to the Technology Committee so that they can answer the 'how', 'what', and 'why' questions. Mr. Davis also indicated that the committee is diligently looking at other providers for roll-outs and trying to provide the best information and services to the town.

Mr. Arbuckle stated that he would like to ask council to adopt a proclamation declaring 'Texting and Driving, It Can Wait Day'. Mr. Arbuckle added that he encourages everyone to go online and sign the pledge that they will not text and drive, especially to the younger drivers.

Mayor Pro Tem Lessner made a motion for the town to declare September 19, 2012 as "Texting and Driving, It Can Wait Day". Councilman Culbertson seconded that motion and the motion was unanimously approved.

WEST NILE UPDATE: Discussion regarding West Nile status and take any necessary action.

Ms. Couch stated that the town is currently providing public information on how to protect from the virus as well as providing links with additional information. The town is staying in contact with Collin County health officials to receive updates as cases are reported. There is currently one reported case in Fairview. Ms. Couch stated upon receiving this information, the town notified residents in the surrounding area with information on testing standing water. Mr. Dunlap added that they placed fish in the pond at Beaver Run Park that as a natural treatment for mosquito populations. Ms. Couch reviewed what surrounding cities are doing.

Ms. Couch stated with the mosquito season winding down, the council has the option to continue with gathering information on trapping and be ready for next year, or proceed with trapping for the remainder of the mosquito season. Ms. Couch stated once the trapping is implemented, the collected mosquitoes would be sent out to the state for testing.

Councilman Culbertson stated that he would like to proceed with the trapping this year. He would like to move forward and prepare in advance for next year. Councilman Culbertson asked if the costs would be minimal for the trapping.

Mayor Pro Tem Lessner agreed and stated it is a health risk. Mayor Israeloff agreed and stated if cost is minimal they should proceed forward with the trapping. It may provide information to the town to keep residents informed.

Councilman Culbertson made a motion to approve the acquisition of six traps and associated materials and proceed with a trapping program. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

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 August 2, 2012 special council meeting. B) Approve minutes of the August 7, 2012 regular council meeting. C) Approve Arbor Day Proclamation. D) Authorize and approve extension with Wells Fargo for the town's depository services.

Mayor Pro Tem Lessner requested to pull item B.

Councilman Culbertson made a motion to approve items A, C, and D. Councilman Cunningham seconded that motion and the motion was approved. Mayor Israeloff abstained from the vote.

Mayor Pro Tem Lessner stated in regards to item B, that he requested to add the whole series of questions under the McKinney airport item that were discussed.

Mayor Pro Tem Lessner made a motion to approve item B. Councilman Culbertson seconded that motion and the motion was unanimously approved.

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

Mayor Israeloff stated that they are still working on the proposal and specifics of this item.

No action was taken.

CONCEPT PLAN FOR CROSSROADS AT FAIRVIEW: Conduct a public hearing and take action regarding the Concept Plan for a portion of the Crossroads at Fairview, a multi-phased commercial development generally located east of US 75, north of the Cortona Apartment complex, south of Ridgeview Rd, and west of the Village of Fairview subdivision; the subject property is 6.264 acres and is within Subzone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD).

Mr. Schmidt introduced this item stating that the subject property is located in Subzone J of the CPDD. The property is not platted and is undeveloped; however, there are existing public rights-of-way and existing water utilities adjacent to the property. The applicant and developer for this Concept Plan is Mr. C. Michael Bowen. Mr. Schmidt stated the developer plans to complete this development is phases due to the uncertainty within the economy and to accommodate prospective business opportunities. The submitted Concept Plan reflects the first phase, which consists of a restaurant use and a mix of professional, personal services and custom craft uses. Mr. Schmidt stated that the Planning and Zoning Commission unanimously approved the plan and placed several conditions upon their recommendation. The conditions were to improve the internal circulation within the development, with emphasis on the drive-thru for the coffee shop, and that the applicant identify future points of cross-access that identifies potential linkage between this phase and future phases. Mr. Schmidt stated that staff feels that these issues have been addressed by the applicant and has met town requirements.

Mr. Bowen, applicant and developer, addressed the council by providing an overview of potential buildings and highlighted the access entry ways. Mr. Bowen stated that they feel this phase will provide and serve as a gathering location for many residents in this area.

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

Mayor Israeloff opened discussion to council. Councilman Cunningham asked if the applicant has had a discussion regarding the proposed Dart rail and how the traffic will flow to get to it. Mr. Bowen replied that he has talked to Dart and at this time, they are not sure what they will eventually do.

Councilman Culbertson asked if there was time-frame set on when the Site Plan would be submitted. Mr. Bowen replied probably between May and June of 2013.

Councilman Culbertson made a motion to approve the Concept Plan as submitted. Mayor Pro Tem Lessner seconded that motion and the motion as unanimously approved.

REZONING OF FAIRVIEW RANCH ESTATES PHASE I: Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision that is generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that this subject property is annexed and consists of fives lots and of those five lots, one is zoned RE-1.5 and four zoned RE-1. The subject properties are not platted and contain no floodplain or other environmentally sensitive areas on the property. He reviewed the changes in the zoning lines as proposed. Mr. Schmidt stated that the applicant, Mr. Rudy Rivas who is the CEO of M. Christopher Homes requested this zoning change on behalf of the property owners. Mr. Schmidt stated that the Future Land Use Plan within the Comprehensive Plan indicates that the subject properties are classified as Residential Estate; therefore, the request by the applicant conforms to the Comprehensive Plan as well as the zoning requirements. The Planning and Zoning Commission unanimously approved this request with the condition that the existing structures would be removed. Mr. Schmidt stated town staff recommends approval with the same condition.

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

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he likes the layout and asked regarding the site line of traffic for lot 5. Mr. Rivas replied that he has a specific home to build on Lot 5 that will have a circular driveway and Lot 4 will have a house that will face both ways with access off of Hart Road. Mr. Rivas added that he is adding an additional utility easement to Lot 1, 2, and 3 for future development.

Councilman Culbertson made a motion to approve the zoning change request and the ordinance for the Johnson and Nelson properties conditioned upon the removal of existing structures on the subject properties. Councilman Cunningham seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES PHASE I: Consider and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that town staff reviewed the plat submitted by the applicant and upon its review; the staff required the developer to install an additional fire hydrant, to provide a thirty foot drainage easement on Lot 5 in order to prevent potential drainage issues from adjacent lots, and to include a landscaping and buffering plan. Mr. Schmidt stated the applicant made the revisions and that the revised plat meets all of the town's requirements. The Planning and Zoning Commission unanimously recommended approval with a condition that the existing structures on the property be removed and that staff reviews the changes in the landscape plan. The staff reviewed the changes and recommended to increase the caliper size of all proposed trees, and therefore, recommends approval of the plat with the condition that the existing structures be removed.

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

Mayor Pro Tem Lessner made a motion to approve a Preliminary Plat for Phase I of the Fairview Ranch Estates subdivision as submitted and conditioned upon the removal of the existing structures on the subject property. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT FAIRVIEW RANCH ESTATES PHASE I: Consider and take action regarding a Final Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of and adjacent to Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that Final Plat meets all of the town's requirements. The Planning and Zoning Commission unanimously recommended approval and that the conditions placed by the commission were all met on the Preliminary Plat. Mr. Schmidt stated the Parks Advisory Board met and unanimously recommended that the town request cash in lieu of land in order to fulfill the developer's parkland conveyance requirements in the amount of $7,859. Mr. Schmidt stated staff recommends approval of the Final Plat for Phase I conditioned upon the removal of the existing structures on the subject property.

Councilman Cunningham made a motion to approve the Final Plat of Phase I of the Fairview Ranch Estates subdivision as submitted and conditioned upon the removal of the existing structures on the subject property. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING OF FAIRVIEW RANCH ESTATES PHASE II: Conduct a public hearing and take action regarding a request to re-zone five properties that are to become part of a proposed five lot subdivision that is generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that the subject properties are annexed and zoned to the RE-1 and RE-1.5 zoning districts. The applicant, Mr. Rudy Rivas is applying on behalf of the property owners, The Watkins, and requesting a zoning change in order to facilitate the construction of a five lot subdivision. Mr. Schmidt reviewed the changes in the zoning lines and stated the proposed subdivision fully conforms to the town's Comprehensive Plan and zoning requirements. The Planning and Zoning Commission unanimously recommended approval conditioned upon the removal of the existing structures on the property. Mr. Schmidt stated town staff recommends approval with the same condition.

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.

Mayor Pro Tem Lessner made a motion to approve the zoning change request and the ordinance for the Watkins properties conditioned upon the removal of existing structures on the subject properties. Councilman Culbertson seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES PHASE II: Consider and take action regarding a Preliminary Plat for five properties generally located west of and adjacent to Country Club Road (FM 1378), south of Hart Road, east of and adjacent to the Willow Point Estates subdivision, and north of the Wynford Chace Subdivision.

Mr. Schmidt stated that the staff conducted a review of the plat to ensure it met all of the town's requirements. In this review, the staff required the developer to acquire a utility easement from Lot 6 in the adjacent Willow Point Estates Subdivision in order to link the water system, to provide an additional utility easement on Lot 1 to support future development, and to install two fire hydrants along the new public right-of-way that is being proposed. The Planning and Zoning Commission unanimously recommended approval conditioned upon that staff review the landscaping plan and the removal of the existing structures on the property. The applicant revised the plat based on these recommendations. The staff has reviewed this plan and is satisfied with the submittal; therefore, staff recommends approval as submitted conditioned upon the removal of the existing structures on the subject properties.

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

Councilman Cunningham made a motion to approve the Preliminary Plat for Phase II of the Fairview Ranch Estates subdivision conditioned upon the removal of the existing structures on the subject property. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

TOWN INSURANCE PROPOSALS: Consider award proposal for town insurance and take any necessary action.

Ms. Couch stated that due to an increase in medical premiums and under advisement from the town's current broker, the town went out for bids. The town currently provides health and dental only, but employees thru the current dental provider can claim reimbursement up to a certain dollar amount for vision coverage. Ms. Couch stated that proposals were received from Tom Evans and Associates, Lay & Williams Insurance Services, and The Reaves Agency. Ms. Couch stated that the town's health insurance is with Blue Cross Blue Shield (BCBS). The BCBS plan provides guaranteed rates because it is a renewal of coverage. The rates from other companies are estimates only and may change once they receive a final census of employees. Ms. Couch recommended staying with BCBS. Ameritas, the current dental provider has offered to renew the town's current dental plan with no increase in premium if the town also takes their vision plan, making the overall impact to the budget less than anticipated. She recommends staying with Ameritas and adding vision to the plan.

Councilman Cunningham asked if there was anticipation of employees paying any cost for the insurance. Ms. Couch replied that the town covers the cost for full-time employees, and the employee has the option to add any additional dependents and/or spouse at their cost.

Mayor Pro Tem Lessner made a motion to renew medical insurance with Blue Cross Blue Shield and dental insurance with Ameritas Dental and add Ameritas Vision, as well as continuing to use The Reaves Agency as the town's broker. Councilman Cunningham seconded that motion and the motion was unanimously approved.

2012-13 BUDGET PUBLIC HEARING: Conduct a public hearing regarding the 2012-13 budget including the 2012-13 ad valorem tax rate.

Ms. Couch provided an overview of the budget including the general fund revenues and expenditures, water and wastewater fund, and special revenue funds.

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

Mayor Israeloff opened discussion to council. Councilman Culbertson asked if the town had analyzed the possible sales taxes that could be generate within the center based on maximum occupancy. Ms. Couch replied that they are in the process of analyzing this information and looking at the un-leased spaces.

2012-13 AD VALOREM TAX: Consider an ordinance and take action on the proposed 2012-13 ad valorem tax rate.

Ms. Couch stated the proposed 2012-13 ad valorem tax rate is $0.36 per 100 valuation, which is the same rate adopted last year.

Councilman Culbertson made a motion to adopt the ordinance setting the 2012-13 tax rate at $0.36 per 100 valuation. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

2012-13 BUDGET: Consider an ordinance and take action on the proposed 2012-13 budget.

Councilman Culbertson made a motion to approve an ordinance adopting the 2012-13 budget and amending the 2011-12 budget. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

WATER TOWER LOGO: Discussion regarding water tower logo and take any necessary action.

Ms. Gregory stated that in a previous council meeting, town council reached a consensus to paint the town logo on four sides of the water tower. Due to the unique size of the structure, the contractor prepared renderings of both a four logo and a two logo scenario. The contractor recommends the two logo scenario based on the smaller lettering he would need to use with the four logo scenario. Ms. Gregory stated that the town is seeking feedback from council if they would like to stay with the logo being painted on four sides of the tower or two.

Councilman Culbertson made a motion to approve the painting of the town logo on the east and west side of the water tower in black lettering. Councilman Cunningham seconded that motion and the motion was unanimously approved.

ANNUAL ENGINEERING DEPARTMENT REPORT: Receive annual Engineering Department report.

Mr. Chancellor presented council with an annual overview of the Engineering Department. Mr. Chancellor highlighted on the following items:

- Water/Sewer projects: moving 16"line, install another pump, creating a computer model of the town.
- Transportation projects: Old Stacy Road, residential street paving project.
- Drainage: Cypress Crossing, St. James, and Country Trail.
- Private Development Projects: New apartments, Fairview Downs, Noah's
- Coordination with outside companies: Atmos, NTMWD, and TXDOT.
- Storm Water Quality annual report to TCEQ.
- Building Construction/Permits
- Employees: Bud, Building Inspector; Danielle Gregory, Graduate Assistant, EIT.

PUBLIC ARTWORK: Discuss Art Committee recommendations regarding Veterans' Park sculpture and town hall public artwork and take any necessary action.

Mr. Wilbourn stated that the council voted to approve a sculpture for the town Veterans' Park. The council requested to see the three words that would be put on the plaques that are a part of the sculpture. Mr. Wilbourn stated the Public Art Committee voted to recommend approval of the words "honor, valor, and sacrifice".

Mayor Pro Tem Lessner made a motion to approve the words "honor, valor, and sacrifice" for the sculpture to be placed at the Veterans' Park. Councilman Culbertson seconded that motion and the motion was unanimously approved.

Mr. Wilbourn stated that in order to display the swords that were donated by the Boy Scouts of America (BSA), town staff has met with a custom cabinet maker to receive quotes. The display case being proposed matches the wood and color stain seen throughout town hall. The case will also have casters on it so it can be moved to different public locations within town hall and still be locked securely into place. Town staff is also requesting to have a small plaque made to place inside of the case to show that BSA donated the swords and a matted card highlighting the historical relevance of each sword. Mr. Wilbourn stated the cabinet has been quoted not to exceed $2,815.00.

Councilman Cunningham made a motion to approve the display case for the swords with a price not to exceed $2,815.00. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Mr. Wilbourn stated that over the next four months the Planning and Zoning Commission will be meeting as the Tree Board since they currently serve as the commission under the town's Tree Care Program. They will be receiving updates from town staff and also discussing the Tree City USA re-certification application process.

Ms. Couch stated that with Texas National Night Out day occurring on the regular council meeting in October, that the meeting date will be moved to October 9th and looking at a joint work session date in October with the Planning and Zoning Commission.
The ground breaking for Noah's will be Tuesday, September 11th around 6:00 p.m.

A ten mile training run will be held on September 29th for those preparing for the upcoming half-marathon in October.

The Ask-Oncor event will be held on September 6th from 5-7 pm.

American Community Outreach will be holding a golf event at Heritage Ranch on September 17th.

The Fairview/Allen Chamber of Commerce is taking a trip to Italy in April for anyone that is interested.

Mayor Israeloff adjourned the meeting at 10:29 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW