TOWN COUNCIL
MEETING MINUTES
May 7, 2013

The Town Council met in regular session on Tuesday, May 7, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, Darion Culbertson, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

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 to consult with legal counsel regarding pending or contemplated litigation, real property, personnel, and economic development.

At 7:53 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

RECOGNITIONS: Remembrance for Brayton Campbell.

Mayor Israeloff read aloud a plaque honoring Mr. Campbell's years of service and contributions made to the town.

Councilman Kasian offered his thanks and appreciation on behalf of the family and kind words of remembrance regarding Mr. Campbell.

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 be considered separately. A) Approve minutes of the April 2, 2013 regular council meeting. B) Approve a resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor and payment of dues associated with membership. C) Approve a tower lease license agreement with Rhino Communications. D) Approve easements with Oncor for underground electrical lines servicing Noah's of Fairview located at 351 Southwind Lane.

Councilwoman Price asked to pull item C.

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

Councilwoman Price asked a question in regards to the agreement and the town's new water tower. Mayor Pro Tem Lessner asked if the Technology Committee has reviewed the agreement. Mrs. Couch replied that this is simply a renewal contract versus a lease.

Councilman Fraser made a motion to approve item C. Councilman Kasian seconded that motion and the motion was unanimously approved.

2011-12 AUDIT: Hear presentation for auditors and consider accepting the 2011-12 Audit.

Kirk Evans, CPA with Evans, Pingleton and Howard, PLLC, reviewed the town's audit and highlighted areas within the audit including the General Fund, expenditures, revenues, assets, the water/sewer fund, and noted the change within the upcoming year regarding retirement systems.
Mayor Pro Tem Lessner made a motion to accept the 2011-12 audit. Councilwoman Price seconded that motion and the motion was unanimously approved.

CONCEPT PLAN EXPIRATION FIVE TO THREE YEARS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to reduce the five-year expiration to three-years for the preliminary plan in the Planned Center Zone and the concepts plans in the Planned Development and Commercial Planned Development District Zones.

Mr. Schmidt stated that the town has reduced the concept plan expiration timeframe from 12 years to five years. Town staff believes that in order to better position the town to capitalize on new development opportunities within the CPDD, that reducing the concept plan (and preliminary plan) expiration timeframe to a maximum of three years for all newly approved concept plans; therefore, recommends approval as submitted.

Mayor Israeloff opened the public hearing.

Jim Rushing, 421 Varnum Way, stated that the City of Allen's expiration is one year. Mr. Rushing indicated that that this time period would allow developers to tie up property for long periods of time. He requested that the town consider taking it from three years to one year.

Mayor Israeloff closed the public hearing and opened discussion to council.
Mayor Israeloff asked the staff their thoughts on three versus one. Mr. Schmidt stated that three is reasonable. Only one large parcel is impacted. Mr. Schmidt stated from a

developers stand point, he was not sure it would be business friendly to consider a one year time period.

Councilman Culbertson asked if the staff has received any feedback from the developers. Mr. Schmidt replied that he has not received feedback.

Councilman Cunningham stated that one year seems like it could be a burden to come back with expenses, process, etc.

Mayor Israeloff stated that one year seems short when considering acquiring financing, but three is better than five or twelve years.

Councilman Fraser stated that tying of land for three years seems problematic.

Mrs. Couch stated that staff will need to re-advertise if the council prefers the one year; therefore, would recommend making the change and then come back with an amendment recommending the two year expiration with one year renewal.

Councilwoman Price made a motion to approve an ordinance amending the Commercial Planned Development District (CPDD), Planned Center (PC), and Planned Development (PD) Zoning Districts in order to reduce the Concept Plan and Preliminary Plan expiration timeframe from five years to three. Councilman Fraser seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASTMENT: Consider and take any necessary action regarding an agreement with property owners concerning an emergency access way and public access way between Meandering Way and Creekwood North.

Mayor Israeloff stated that a settlement agreement between the property owners and the town had been reached.

Councilman Culbertson made a motion to adopt the compromised settlement agreement and mutual release between the town and the owners of Lot 84R-A in the River Oaks subdivision and to authorize the Town Manager to execute said agreement on behalf of the town, subject to final approval as to form by the Town Attorney. Councilman Cunningham seconded that motion and the motion was unanimously approved.

MULLIGAN WATER:

Mayor Israeloff stated that they have also had conversations with Milligan Water Supply Corporation about acquiring segments of their service area with town limits.

Mayor Pro Tem Lessner made a motion to authorize the Town Manager to prepare a contract for the acquisition of service areas from Milligan Water Supply Corporation for areas and customers that are currently within the town limits of Fairview. Councilman Kasian seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

Mayor Pro Tem nominated Jim Rushing to the Planning and Zoning Commission for a one year term. Councilman Fraser seconded that motion and the motion was unanimously approved.

US 75 CORRIDOR STUDY UPDATE: Discuss US 75 corridor study and provide an update on US 75 construction.

Mr. Chancellor updated council with the US 75 construction job being done by TxDot. Mr. Chancellor stated that TxDot is seeking input from adjacent municipalities and the general public on various alternatives. The primary issues are how to separate commuter traffic from pass through, maintain a viable economic development corridor, acquire the funding for transportation improvements and make the improvements in a reasonable timeframe. Mr. Chancellor stated that there will be a series of meetings including meetings open to the public to discuss the options, which he will keep council apprised of as he receives the information. Mr. Chancellor stated with the current time frame, they are looking at a completion date of September, 2015.

VILLAGES OF FAIRVIEW PARKING UPDATE: Receive an update regarding the Villages of Fairview parking and consider and take any necessary action.

Mrs. Couch stated that the staff held an open house and invited the residents within the Villages of Fairview to see three different options for parking. There were approximately 35 residents who attended. Based on comments and feedback that staff received, a revised plan was developed to address their concerns. The plan was submitted to the HOA Board and their HOA management company is in the process of developing a process to hold a vote of the residents. Mrs. Couch stated that staff will continue to work with the subdivision until completion.

STAGE 3 DROUGHT: Discuss Stage 3 drought implementation and consider approval or an ordinance amending the Drought Contingency and Water Conservation Plan and take any necessary action.

Mrs. Couch stated that lake levels are down and the NTMWD has voted to initiate Stage 3 effective June 1, 2013. One of the major changes is that residents can only water once a week. NTMWD has issued a modified Stage 3, so handouts will be given out to help educate residents and the community. She reviewed recommendations for implementing Stage 3, including basing the watering day on the last number of the address. Mrs. Couch stated that also for council consideration is an amending ordinance updating the Drought Contingency and Water Conservation Plan, which is being updated to coincide with the NTMWD current model plan and the town's new water rate structure.

Council discussed how the watering will be enforced, ways to educate the residents as well as the system to know when to water. Council agreed that using the town's website, mailing out a flyer along with roadside signs and magnetic signs for the town trucks were effective ways to educate the residents. Council consensus was also to divide the watering by geographic areas rather than using the street address.

Councilman Kasian made a motion to approve an ordinance amending the Water Conservation Plan and adding the Drought Contingency and Water Emergency Response Plan as submitted and modifying the watering schedule to be done in quadrants. Councilwoman Price 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.

Mayor Pro Tem Lessner announced the Spirit of Fairview award that was given by the Allen/Fairview Chamber of Commerce to Mayor Israeloff.

Mr. Dunlap announced that Noah's of Fairview is now open and will be hosting an Open House on May 18th and a Ribbon Cutting on May 23rd.

Mayor Pro Tem Lessner stated that on May 27th, the Allen Philharmonic will be performing outside.

Mayor Israeloff adjourned the meeting at 9:25 p.m.

Henry Lessner

~~SIM ISRAELOFF, MAYOR~~

Henry Lessner, Mayor PROTEM

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW