

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6th DAY OF DECEMBER, 2010 IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

The Town Council met in a regular meeting with the following members present:

Melissa Northern	Mayor
Al Filidoro	Mayor Pro Tem
Tom Hayden	Deputy Mayor Pro Tem
Steve Dixon	Councilmember Place 1
Mike Wallace	Councilmember Place 3
Steve Lyda	Councilmember Place 4

constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Ellen Whatley	Administrative Assistant
Terry Welch	Town Attorney
Kenny Brooker	Police Chief
Kent Collins	Assistant Town Manager
Doug Powell	Executive Director of Development Services
Gary Sims	Executive Director of Community Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:04 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Lyda stated that the Environmental Conservation Commission was scheduled to meet the following evening at 6:30 p.m. in the Council Chambers.

Mayor Northern stated that the next Town Council meeting would be on December 16 and that the Council would be hearing presentations from waste management companies. She stated that the Town was looking to enter a new contract and encouraged the citizens to participate in the decision process. Mayor Northern mentioned the groundbreaking for the Rainer Medical Complex which took place the following week.

2. Discuss Consent and Regular Items

Councilmember Dixon asked that item 2 be pulled from the regular items.

Mayor Pro Tem Filidoro reiterated that the Council would be hearing waste management presentations at the December 16 meeting. He stated that the waste management contract was up in October, and that all area waste management providers had been invited to the upcoming work session to give 15 minute presentations on their capabilities. He stated that the presentations were a good first step in the bidding process.

He also stated that the Environmental Conservation Commission had been invited to attend the next meeting and that it would be considered a joint workshop.

3. Discuss Future Agenda Items

None

4. Discuss Council Communications

None

C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER

Mayor Northern adjourned the briefing session and called the regular meeting to order at 6:08 p.m.

E. INVOCATION

Chaplain Mike Simpson gave the invocation.

F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Mike Simpson led the pledges.

G. PRESENTATIONS

- LISD Update – Tony Gepner, LISD Liaison

Mr. Gepner gave an overview of what had happened in the district over the past six months: the superintendent had retired and come back under contract, three new board members had been elected, a bond measure to alleviate the district's funding concerns had been brought forward and failed, and the board was still looking for ways to meet their funding demands. He stated that he would also be reporting on gas drilling discussions that had recently come up, the superintendent search, and the district's collaboration with the Town.

Mr. Gepner reported on a meeting he had attended with Larry Williams and Dr. Roy regarding the possibility of drilling on school district land. He stated that he had verified in that meeting that LISD currently had no leases on any school district land and that Dr. Roy had informed him that there was no intent to put any in place. Mr. Gepner stated that the board had been encouraged by some of its constituents to consider gas leases as an additional revenue source for the district, however, Dr. Roy did not feel that the money the district would receive for the leases would do much to alleviate the budget shortfall the district is facing. He also did not want to risk losing future revenue sources (i.e. bond measures) in the future by making a controversial funding decision now. The district has decided to bring in a consultant to ensure that they are making the right decision. Mr. Gepner stated that the district's main priority is student safety.

Mr. Gepner stated that the LISD was experiencing a budget shortfall that has been reported to be anywhere between \$18 million and \$23 million. He stated that the LISD board was currently meeting with staff to discuss proposals to cut \$10 million out of their budget, in addition to the cuts that have already been made, in order to make less of an impact to their reserves should they need to tap into them.

Mayor Northern asked what the LISD reserve amount was.

Mr. Gepner stated that he understood the reserve amount to be \$123 million. He stated that it was district policy to have a \$45 million reserve balance minimum at all times. The district's current plans indicate that even though they are going to use some of their reserves right now, they'll be able to use the reserves for another four years before hitting the \$45 million minimum balance. Mr. Gepner stated that the board wanted to address the budget situation now so that the new superintendent could implement policies that were already in place, rather than start over from scratch. He stated that he believed this course of action was wise.

Mr. Gepner stated that the superintendent search began several months ago. He stated that the LISD had chosen the firm of Hazard, Young, Attea & Associates for their search and listed some of the firm's credentials. He stated that community forums had been held to help develop a job description for the position. The LISD board will be bringing the top candidates in for review in January, and will have the opportunity to review all submitted resumes, as well. The district expects to announce a new superintendent in February, at which time Dr. Roy's contract will end.

Mr. Gepner stated that he was appreciative of the good communication and coordination between the Town and the LISD. He thanked several staff members for their work on the Morriss widening project near Forestwood Middle School.

Councilmember Hayden thanked Mr. Gepner for presenting. He requested an update in the next couple of months on possible rezoning at Shadow Ridge and Forestwood Middle School.

Mr. Gepner stated that he would bring a report back to the Council.

Mayor Pro Tem Filidoro also thanked Mr. Gepner for presenting and stated that the Council intended to bring him back in on a quarterly basis for reports in the future.

Mayor Northern also thanked Mr. Gepner for his report.

- DCTA Update – Jim Robertson

Mr. Robertson was not in attendance.

- Voices of Flower Mound

Ms. Mary McGuire, director of Voices of Flower Mound, thanked the Council for the opportunity to perform.

Mayor Northern gave information on the group's upcoming concert and encouraged the audience to attend.

The Voices of Flower Mound choir gave a short performance.

Mayor Northern asked Ms. McGuire to explain a little about Voices of Flower Mound.

Ms. McGuire gave the audience rehearsal information for the group. She stated that Voices of Flower Mound was a non-auditioned chorus and was the only community choir in Flower Mound that wasn't affiliated with a church. She stated that there was a group for younger singers, Junior Voices of Flower Mound, and gave rehearsal information for them, as well. Ms. McGuire thanked the Council again for the ability to perform that night.

- Flower Mound Community Orchestra – Flower Mound Flute Choir

Ms. Cecelia Hamilton gave a brief overview of the different levels of orchestras available in Flower Mound. She stated that the Flower Mound Community Orchestra was an asset to the community, because they encouraged family members to participate together. She stated that the Flute Choir was a spin off of the progressive orchestra and gave concert information for upcoming Flower Mound Community Orchestra performances. She stated that everything the Flute Choir did was free and thanked the Council for their support.

The Flower Mound Community Orchestra Flute Choir gave a short performance.

Ms. Hamilton gave audition information and thanked the Council again for their support.

Mayor Northern thanked the groups for performing.

H. PUBLIC PARTICIPATION

Greta Calvery, Public Sector Services Manager, Waste Management, 1601 S. Railroad Street, Lewisville

Ms. Calvery stated that she wanted to introduce herself before coming in to give her presentation at the next Council meeting. She gave a brief overview of Waste Management's customer service philosophy. She stated that Waste Management provided services to many cities in the Flower Mound area.

Sue Ann Lorig, 4613 Foxglove Court

Ms. Lorig stated that she was pleased to hear Mr. Gepner's report that the LISD was not leasing their minerals. She stated that she was concerned about leases and wells near schools, and emissions at well sites near schools and homes. She stated that she was willing to pay more taxes to support schools in order to keep them from considering mineral leases as a revenue source.

Virginia Simonson, 3104 Native Oak Drive

Ms. Simonson encouraged the Council to extend the moratorium. She stated that the moratorium would give the Oil and Gas Advisory Board time to finish their deliberations and give input to the Council without a deadline. She commended the board for their work. She thanked Mr. Gepner for his update. She stated that she had voted for the tax increase and wanted the LISD to use almost any other revenue source rather than drill wells. She mentioned the LISD board workshop that was currently taking place and stated that she hoped the board would not only consult with financial and drilling experts, but would also consult with doctors and environmental scientists before making a decision about leasing their minerals.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

- **Announcements and brief discussion regarding recent and upcoming civic and social events, traffic issues, informational updates on Town projects, capital improvement projects, reports about contacts with other groups and/or individuals about Town issues and projects, Town legislative and regulatory issues, informational responses to questions, and information sharing.**

Mayor Northern read a list of upcoming holiday performances and events.

Deputy Mayor Pro Tem Hayden stated that he had attended the Seniors in Motion holiday party the previous evening. He stated that he looked forward to the day Flower Mound had a hotel to use as a venue for the event.

Mayor Pro Tem Filidoro stated that Breakfast with Santa took place at the CAC the previous Saturday. He thanked the vendors who participated in the event and thanked the Summit Club for cooking.

Councilmember Lyda stated that the Flower Mound Christmas parade would take place on Saturday and that the Summit club would be conducting a canned food drive for the CCA. He stated that the funeral for former Parks Board member and long-time Summit Club member, Pete Peterson, had taken place that day. He announced the openings of the DART green line and the DCTA Hebron station, which offered Flower Mound's closest access point to the rail line to date. Councilmember Lyda also stated that December 6 was Saint Nicholas Tag and his wedding anniversary.

Mayor Northern stated that all the events she had listed earlier were posted on the Town's website. She also reminded the audience to shop Flower Mound.

Mayor Pro Tem Filidoro stated that there used to be a time where you couldn't buy a pair of pants in Flower Mound. Now citizens can not only buy pants, but get a heart transplant.

J. TOWN MANAGER'S REPORT

- **Update and status report related to operational issues, capital improvement projects, budget projections, grants, legislation, and regulatory activities.**

Mr. Jefferson stated that he appreciated Mr. Gepner's mention of various staff members during his presentation. He stated that the good working relationship between the Town and LISD was largely due to the efforts of Larry Williams. He stated that he tried to mention his appreciation for Mr. Williams at each meeting he had with Dr. Roy and he planned to do the same with the new superintendent.

Mr. Jefferson stated that the FBI recently published its crime in the United States report, and Flower Mound ranked lowest in several areas for its population category (crime rate per population, total reported crime, violent crime, and property crime). He stated that on a national level, Flower Mound was ranked second for its population category. Mr. Jefferson recognized the Police staff and volunteers for their hard work. Mr. Jefferson reported stated the Police Department was in the final stages of its Commission on Accreditation for Law Enforcement Agencies (CALEA) evaluation. They were about two and a half years into the process, and would probably have to wait another five to six months for notification of their status. Mr. Jefferson stated that CALEA assessors would visit the Police Department the following week and that citizens were encouraged to participate in the evaluation process. He gave information on how to contact the CALEA agents and referred citizens to the Town's website for more information.

Mayor Northern asked Chief Brooker to explain about the house watch program and Santa Cops.

Police Chief Kenneth Brooker stated that vacation house checks were done throughout the year and that during the holiday season, officers were available to drive by unoccupied houses one or two times per day, depending on the demand for that particular year. He stated that citizen must make their request at the Police Department and that only homes without alarms or occupants would be monitored. Chief Brooker stated the Santa Cops program, run by Crime Prevention Officer Steve Caldwell and volunteers, would be collecting gifts for underprivileged children for the next couple of weeks. He stated that boxes were available throughout Town.

Mayor Northern stated that a donation box was available at Town Hall.

Deputy Mayor Pro Tem Hayden stated that Santa Cops was for families in Flower Mound. He stated that last year, Santa Cops was able to help around 150 children and 40 different families. He stated that monetary donations were being accepted in addition to gifts. He stated that boxes were available at Town Hall and at local retailers.

K. CONSENT ITEMS

Councilmember Lyda made a motion to approve by consent Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Deputy Mayor Pro Tem Hayden seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

- 1. Consider approval of a resolution adopting the Town of Flower Mound's Program Year 2009 Consolidated Annual Performance & Evaluation Report, which is required**

under the Town's Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a resolution adopting the Town of Flower Mound's Program Year 2009 Consolidated Annual Performance & Evaluation Report, which is required under the Town's Community Development Block Grant; and authorize the Mayor to execute same on behalf of the Town. The caption of the resolution reads as follows:

RESOLUTION NO. 27-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM YEAR 2009 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION TO THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.

2. Consider approval of a contract with Highmark Life Insurance Company in the amount of \$349,289 for reinsurance coverage for the Town's Group Health Plan; and authorization for the Mayor to execute same on behalf of the Town.

This item was removed from the Consent Agenda by Councilmember Dixon.

3. Consider approval of a resolution of the Town of Flower Mound, Texas, authorizing the Cities Aggregation Power Project, Inc., to negotiate an extension to the current electric supply agreement for deliveries of electricity through December 31, 2018.

RECOMMENDATION: Approve a resolution of the Town of Flower Mound, Texas, authorizing the Cities Aggregation Power Project, Inc., to negotiate an extension to the current electric supply agreement for deliveries of electricity through December 31, 2018. The caption of the resolution reads as follows:

RESOLUTION NO. 28-10

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER KWH THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE TOWN TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2011, OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE TOWN'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018.

4. Consider approval of a resolution allowing the Denton County Sheriff's Department to offer Franklin Hills Block A2, Lot 2 (SE 12'), Denton County, Texas, at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed.

RECOMMENDATION: Approve a resolution allowing the Denton County Sheriff's Department to offer Franklin Hills Block A2, Lot 2 (SE 12'), Denton County, Texas, at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed. The caption of the resolution reads as follows:

RESOLUTION NO. 29-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REQUESTING AND DIRECTING THE DENTON COUNTY SHERIFF'S DEPARTMENT TO SELL THE PROPERTY KNOWN AS FRANKLIN HILLS BLOCK A2, LOT 2 (SE 12'), AT A PUBLIC VENUE AS PROVIDED UNDER TEXAS TAX CODE SECTION 34.05(c).

5. Consider approval of the purchase of one dump truck with body from Southwest International Trucks Inc. - Arlington, through the Texas Local Government Purchasing Cooperative, in the amount of \$97,248.91.

RECOMMENDATION: Approve the purchase of one dump truck with body from Southwest International Trucks Inc. - Arlington, through the Texas Local Government Purchasing Cooperative, in the amount of \$97,248.91.

6. Consider approval of the purchase of one loader backhoe from RDO Equipment Company, through the Texas Local Government Purchasing Cooperative, in the amount of \$93,956.60.

RECOMMENDATION: Approve the purchase of one loader backhoe from RDO Equipment Company, through the Texas Local Government Purchasing Cooperative, in the amount of \$93,956.60.

7. Consider approval of the purchase of one sewer camera van for the Public Works Division from ELXSI, dba CUES, Inc., and Chastang Ford, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$156,425.

RECOMMENDATION: Approve the purchase of one sewer camera van for the Public Works Division from ELXSI, dba CUES, Inc., and Chastang Ford, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$156,425.

8. Consider approval of the purchase of one fire pumper for the Fire and Emergency Services Department from Martin Apparatus, Inc., through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$503,796; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the purchase of one fire pumper for the Fire and Emergency Services Department from Martin Apparatus, Inc., through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$503,796, and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of the award of Proposal No. 4-11-A RFP for Seniors In Motion Lunch Program to Metroport Meals On Wheels, Inc., in the estimated annual amount of \$22,672.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of Proposal No. 4-11-A RFP for Seniors In Motion Lunch Program to Metroport Meals On Wheels, Inc., in the estimated annual amount of \$22,672.00; and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of a resolution authorizing the execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation, for the installation of a permanent traffic signal at FM 407 and Chinn Chapel and at FM 407 and Live Oak, to be reimbursed at a maximum of \$40,800.00, as part of the FM 407 construction project; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a resolution authorizing the execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation, for the installation of a permanent traffic signal at FM 407 and Chinn Chapel, and at FM 407 and Live Oak, to be reimbursed at a maximum \$40,800.00, as part of the FM 407 construction project; and authorize the Mayor to execute same on behalf of the Town. The caption of the resolution reads as follows:

RESOLUTION NO. 30-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TWO PERMANENT TRAFFIC SIGNALS AT THE INTERSECTIONS OF FM 407 AND CHINN CHAPEL ROAD AND FM 407 AND LIVE OAK AS PART OF THE FM 407 ROADWAY CONSTRUCTION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

11. Consider approval of Change Order No. 1 for the construction of the Flower Mound Road Reconstruction Phase 1 project with Tiseo Paving Company for an increase in the amount of \$19,190.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: approve Change Order No. 1 for the construction of the Flower Mound Road Reconstruction Phase 1 project, with Tiseo Paving Company for an increase in the amount of \$19,190.00; and authorize the Mayor to execute same on behalf of the Town.

12. Consider approval of a Professional Services Agreement with Halff Associates, Inc., to provide landscape and irrigation design services for the Flower Mound Road project, in the amount of \$17,500.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Professional Services Agreement with Halff Associates, Inc., to provide landscape and irrigation design services for the Flower Mound Road project, in the amount of \$17,500.00; and authorize the Mayor to execute same on behalf of the Town.

13. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Inflow/Infiltration/Evaluation and Repair project, on the Oak Street Lift Station and Forcemain, in the amount of \$52,500.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Inflow/Infiltration/Evaluation and Repair project, on the Oak Street Lift Station and Forcemain, in the amount of \$52,500.00; and authorize the Mayor to execute same on behalf of the Town.

14. Consider approval of Change Order No. 1 for the construction of FM 1171 to HWY 377 Water Line Phase 1 project (Tour 18 to Roanoke Hills), amending the contract with Quality Excavation, Ltd., for an increase in the amount of \$23,040.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve Change Order No. 1 for the construction of the FM 1171 to HWY 377 Water Line Phase 1 project (Tour 18 to Roanoke Hills), amending the contract with Quality Excavation, Ltd., for an increase in the amount of \$23,040.00; and authorize the Mayor to execute same on behalf of the Town.

15. Consider approval of a Professional Services Agreement for monthly ambient air monitoring by Kleinfelder Central, Inc., in the amount of \$143,400.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Professional Services Agreement with Kleinfelder Central, Inc., for monthly ambient air monitoring in the amount of \$143,400.00; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Filidoro, Hayden, Dixon
NAYS: None

L. REGULAR ITEMS

2. Consider approval of a contract with Highmark Life Insurance Company in the amount of \$349,289 for reinsurance coverage for the Town's Group Health Plan; and authorization for the Mayor to execute same on behalf of the Town. *(This item was removed from the Consent Agenda by Councilmember Dixon.)*

Director of Human Resources Lynda Bolitho and Brant Brinlee, Assistant Vice President for McGriff, Seibels, and Williams of Texas were called to the podium to answer questions.

Councilmember Dixon stated that the Town had a self-funded health plan, and that to mitigate high claims, the Town carried reinsurance. He read the following passage from the agenda packet:

"Historically, the Town has paid a specific deductible amount of \$100,000 per participant. Highmark Life Insurance Company's preferred proposal includes an increase to \$125,000 for each participant. This would require the Town to pay the first \$125,000 in claims. In the past five (5) years including the current year, the Town has had seventeen (17) claimants go over the \$100,000 specific deductible amount. There are currently three (3) claimants over the \$100,000 specific deductible amount for Plan Year 2010. This is an average of 3.4 claimants per year. Should this trend continue, increasing the specific deductible would result in an increased risk of an estimated \$85,000. However, increasing the specific deductible would result in a savings of approximately \$90,388 in annual premiums. Comparing the increased risk to the decreased annual premium will benefit the Town approximately \$5,388 for Plan Year 2011."

Councilmember Dixon asked how the Town was trending in regard to the number of claimants per year.

Mr. Brinlee stated that the Town's number of claims was close to the national average.

Councilmember Dixon stated that he understood that increasing the Town's deductible would lower premiums, but that based upon the current claim trend, he was concerned that the savings would not be as great as the amount included in the agenda item.

Mr. Brinlee stated that the Town's average since 2009 was three claims per year. He stated that the number could go down because there was less potential for recurring claimants.

Ms. Bolitho stated that the Town currently had a robust wellness program that was just beginning to yield results. She stated that the program should help keep claim trends the same or lower.

Councilmember Dixon stated that he appreciated the work that staff had done on the wellness program and agreed that the Town should see benefits from it in the future. He asked if the rates listed in the agenda item were firm.

Mr. Brinlee stated that they were firm.

Councilmember Dixon asked if the Town was locked in to their rates, even if an unknown claim happened.

Mr. Brinlee responded yes.

Ms. Bolitho stated that one of the benefits of using the same company as the previous year was that the company already had the Town's claim information for 2010 and could give the Council firm numbers for consideration for 2011.

Councilmember Dixon stated that he would rather spend additional money in premiums and that he intended to vote no on this item.

Deputy Mayor Pro Tem Hayden stated that developing a firm number was difficult and he would like to see, from a percentage standpoint, whether the claims were greater currently than they were in previous years.

Ms. Bolitho stated that claims had increased with the growing number of employees and dependents covered by the health care plan. She stated that Flower Mound's employee base had steadily increased from year to year.

Councilmember Dixon asked how many actual lives were covered by the plan.

Mr. Brinlee stated that the plan currently covered 454 employees and close to 1,000 lives, including spouses and dependants.

Mayor Pro Tem Filidoro asked when the contract with the current firm expired.

Ms. Bolitho stated that the contract expired December 31, 2010.

Councilmember Filidoro asked if the Council had another meeting scheduled before the contract's expiration date.

Mr. Jefferson stated that there was another meeting scheduled.

Councilmember Dixon recommended postponing the item to the December 16, 2010 meeting. He stated that he had made a few inquiries to insurance specialists and wanted time to get some questions answered. He felt that he could get the answers he required by the next meeting.

Mayor Pro Tem Filidoro stated that he would also like to table the item.

Mr. Jefferson asked for clarification from the Council as to what information they specifically wanted to receive from staff at the next meeting.

Councilmember Dixon stated that he would like to see a side-by-side comparison of keeping the current plan and approving the recommended plan.

Councilmember Lyda stated that he would like staff to ensure that the recommended plan would not adversely affect the current budget.

Councilmember Dixon moved to postpone Item 2 to the December 16, 2010 work session and special Town Council meeting. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Lyda, Filidoro, Hayden, Dixon, Wallace

NAYS: None

- 16. Consider approval of an ordinance combining and extending until April 15, 2011, the temporary suspension of the acceptance and review of any new permits associated with oil and natural gas drilling and production, pursuant to Ordinance 38-10 and Ordinance 39-10.**

Town Attorney Terry Welch read the updated caption listed on the posted addendum. He stated that he had received a request to sync the two moratoriums that were currently in place, rather than have staff bring them forward for possible renewal at separate meetings. He gave a brief overview of each moratorium. Mr. Welch stated that the ordinance provided with this item would place an expiration date of no later than April 15, 2011 on both moratoriums, at which point they could be extended or an ordinance could be brought forward.

Mayor Pro Tem Filidoro moved to approve an ordinance combining and extending until April 15, 2011, the temporary suspension of the acceptance and review of any new permits associated with oil and natural gas drilling and production, pursuant to Ordinance 38-10 and Ordinance 39-10. Deputy Mayor Pro Tem Hayden seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 71-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR A UNIFORM DATE FOR THE EXTENSION OF THE SUSPENSIONS REFERENCED IN FLOWER MOUND ORDINANCE NO. 38-10 AND FLOWER MOUND ORDINANCE NO. 39-10, AS REFERENCED IN THIS ORDINANCE, BY AMENDING SAID ORDINANCES RELATIVE TO THE SUSPENSION EXTENSION DATES CONTAINED THEREIN, AND FURTHER PROVIDING FOR A UNIFORM SUSPENSION EXPIRATION DATE OF 11:59 P.M. ON FRIDAY, APRIL 15, 2011; MAKING CERTAIN FINDINGS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Deputy Mayor Pro Tem Hayden stated that the vote on this item was not considered a vote for or against drilling. Voting for the moratorium would give the Oil and Gas Advisory Board the opportunity to finish their work.

VOTE ON THE MOTION

AYES: Filidoro, Hayden, Dixon, Lyda

NAYS: Wallace

17. DP 01-10 – Terracina

Consider a request for a Development Plan (DP 01-10 - Terracina) to develop a residential subdivision. The property is generally located on the west side of Chinn Chapel Road and north of Justin Road. (The Planning and Zoning Commission recommended approval by a vote of 3 to 2 at its November 8, 2010, meeting.)

Executive Director of Development Services Doug Powell gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Mayor Northern asked what measures were currently in place at Bakersfield Park to contain soccer balls within the park.

Mr. Powell stated that tubular steel fencing was used at Bakersfield Park.

Mr. Jefferson stated that the fields were oriented differently at the field currently being reviewed than at Bakersfield Park.

Deputy Mayor Pro Tem Hayden asked Mr. Powell to elaborate on what a 404 plan was.

Mr. Powell explained that it was a process FEMA required to alter a floodplain.

Deputy Mayor Pro Tem Hayden asked if the 404 plan would have to be completed before the work began and the roads were built.

Assistant Town Manager Kent Collins responded that the plan would have to be completed first.

Kyle Hogue, P.E., G & A Consultants, Inc.

Mr. Hogue gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Mayor Northern asked if a builder had been selected.

Mr. Hogue stated that Toll Brothers was the builder.

Deputy Mayor Pro Tem Hayden stated that some members of the Planning and Zoning Commission had voted against this item because they were concerned about the potential for a gas well to be drilled in the center of the property. He asked Town Attorney Terry Welch if Red Oak had any vested rights.

Mr. Welch replied that they had not submitted an application.

Deputy Mayor Pro Tem Hayden asked if future homebuilders would be informed about the mineral lease on the property and the potential for a gas well to be drilled.

Mr. Hogue stated that proper disclosure had been made by all parties involved to date and the the lease would be shown on the plat as an easement on the property.

Deputy Mayor Pro Tem Hayden asked about the logistics of where a pad site would go in relationship to homes and park land that would be included in the development, and stated that variances would have to be requested.

Mr. Welch stated that if an application for a pad site was made, the applicant would have to meet the setback requirements that were in place at the time the application was made. An applicant could request multiple variances, if necessary.

Mayor Northern asked if additional notice would be given to purchasers regarding the split estate and the potential for a gas well on the site.

Ross Calhoun, Centurion American Development Group

Mr. Calhoun stated that stringent disclosure requirements were in place. All the proper information had been disclosed to Toll Brothers during their feasibility study and they were required to provide the same information to the purchaser of the land. He stated that the lease had expired and that his only interest in the property was for the development of a single-family residential community. He stated that Centurion would insure that the homeowners' association, any purchaser, the builder, and Toll Brothers, had adequate notification.

Councilmember Lyda asked if there were any alternate plans for the land if they got the easement back.

Mr. Hogue stated that they would hope to add more homes, but they would need to make improvements to Chinn Chapel Road in order to comply with SMARTGrowth.

Mayor Northern asked if the development was at its maximum limit under the current TIA.

Mr. Hogue stated that it was.

Deputy Mayor Pro Tem Hayden expressed concern about soccer balls being kicked into neighboring backyards. He asked what would be done if this became a problem.

Mr. Powell stated that staff would work with GLASA to evaluate whether or not extra netting was needed.

Deputy Mayor Pro Tem Hayden asked who would bear the cost of added netting or fencing, should they be warranted.

Mr. Powell stated that the Town or GLASA would be financially responsible.

Mayor Northern stated that she didn't believe soccer balls should limit the opportunity for a development to come through Flower Mound.

Mayor Pro Tem Filidoro moved to approve a request for a Development Plan (DP 01-10 - Terracina) to develop a residential subdivision, subject to the acceptance of Park Development Fees in the amount of \$191,544.00 to satisfy the Park Land Dedication Ordinance. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Dixon, Wallace, Lyda, Filidoro

NAYS: None

- 18. Z 02-10 – Suncrest, Phase II Public Hearing**
Public Hearing to consider a request for rezoning (Z 02-10 - Suncrest, Phase II) from Planned Development District-43 (PD-43) with Multi-Family (MF) uses to Single-Family District-10 (SF-10), and to consider adopting an ordinance providing for said amendment. The property is generally located east of Timber Creek Road and north of Kirkpatrick Lane. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its November 8, 2010, meeting.)

Staff Presentation

Executive Director of Development Services Doug Powell gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Kyle Hogue, P.E., G & A Consultants, Inc.

Mr. Hogue gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers

None

Public Comments

James Zacharias, 5616 Sunstar Lane, Flower Mound

Mr. Zacharias asked if there would be any park land or greenbelt areas in the new development and if a builder had been selected. He also asked if the developer or builder would be responsible for including the amenity of a community center or pool. He stated that he was in favor of the development.

Mr. Powell pointed out the floodplain areas on the application map and stated that no lots could be built in the floodplain. He stated that the town required developers to provide parks in proportion to the number of lots built, and that they were given the option to either set aside park land or give money to the Town in lieu of that land. As the development goes through the Town's process, the PALS board will review it and

recommend where parks should be placed. Mr. Powell stated that the Town does not have a requirement for a builder to provide community facilities for developments.

Mr. Hogue stated that a builder had not yet been selected and that no definitive decision had been made about amenities within the development or the designation of park land versus giving money to the Town. He stated that the application currently being considered was just for zoning.

Mayor Northern asked if the development was currently an HOA-controlled neighborhood and if it would continue to be.

Mr. Powell stated that the current phase was HOA-controlled and that all new developments were required to have an HOA to maintain common areas. He stated that the developer would decide with the homeowners in phase one if there would be one shared HOA for both phases or two separate HOAs.

Sharon Johnson, 5621 Sunstar Lane, Flower Mound

Ms. Johnson stated that while she preferred that nothing be built on the land on the application, she was happy that the development would be for single-family rather than multi-family use. She stated that the conceptual idea for the development showed no direct entrance except through the current Suncrest neighborhood, which would increase traffic through that area. She asked that the Council consider the density of the development and how it would impact school populations in the area. She also stated that she would like to see more green space near or in the development.

Mayor Northern asked Mr. Powell to talk about SMARTGrowth.

Mr. Powell stated that the Town applied the SMARTGrowth program to all new applications to ensure that there would be adequate public infrastructure, and police, fire, and school services. He stated that the lot sizes were the same in this phase of the Suncrest development as they were in the first phase (10,000 square feet).

Mayor Northern added that the Town had received three emails in support of the development.

Close Public Hearing

Council Deliberation

Councilmember Lyda stated that houses could not be developed in the flood plain. He stated that overall density would be reduced in the develop because of this restriction.

Deputy Mayor Pro Tem Hayden moved to approve a request for rezoning (Z 02-10 - Suncrest, Phase II) from Planned Development District-43 (PD-43) with Multi-Family (MF) uses to Single-Family District-10 (SF-10), and adopt an ordinance providing for said amendment. Councilmember Dixon seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 72-10

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 10.4 ACRES IN THE E. SMITH SURVEY, ABSTRACT NO. 1160, FROM PLANNED DEVELOPMENT DISTRICT-43 (PD-43) WITH MULTI-FAMILY DISTRICT (MF) USES TO SINGLE-FAMILY DISTRICT-10 (SF-10) USES, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN 2001 AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Dixon, Wallace, Lyda, Filidoro, Hayden

NAYS: None

Mayor Northern opened items 19 and 20 together.

- 19. ZPD 03-10 – Timber Creek Medical Park** **Public Hearing**
Public Hearing to consider a request for rezoning (ZPD 03-10 - Timber Creek Medical Park) from Agricultural (A) uses to Planned Development District-114 (PD-114) with Retail District-2 (R-2) and Office (O) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located on the east side of Long Prairie Road (FM 2499) north of the hospital development. (The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its November 8, 2010, meeting.)
- 20.** **Public Hearing**
Public Hearing to consider an application for a tree removal permit for the removal of four specimen trees on property proposed for development as Timber Creek Medical Park. The property is generally located south of College Parkway and east of Long Prairie Road. (The Environmental Conservation Commission recommended approval by a vote of 6 to 0 at its October 5, 2010, meeting).

Staff Presentation for Item 19

Executive Director of Development Services Doug Powell gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Mike Silvaggio, Landcore Development, Highland Village

Mr. Silvaggio gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers

Councilmember Wallace asked if the covered parking on the east side of the building would be visible from 2499.

Mr. Silvaggio stated that it would not be visible.

Councilmember Wallace asked if the covered parking place was similar to the plan used at the Ivy development.

Mr. Powell stated that the parking structures in question would be nicer and would match the building in terms of color.

Mayor Northern asked if the covered parking would be visible from the hospital parking lot.

Mr. Powell stated that it would be possible to see the covered parking, however the area would be heavily vegetated so visibility would be unlikely.

Mr. Silvaggio stated that the covered parking area would be positioned caddy-corner from the heliport.

Mayor Northern stated that the Council was only considering zoning and not architectural standards for the building.

Deputy Mayor Pro Tem Hayden asked about the timing of when the various phases would be built.

Mr. Silvaggio stated that all the infrastructure would be brought in first to satisfy town codes and that the building of phase two would be dictated by sales.

Deputy Mayor Pro Tem Hayden asked if phase one would potentially be built within the next year.

Mr. Silvaggio stated that it would be, pending approval by the Council.

Mayor Northern asked if there were currently any LOIs.

Mr. Silvaggio stated that they were currently negotiating with a number of different people.

Mr. Powell stated that the item being reviewed was a request for rezoning of the property and that no conceptual plan had been submitted.

Councilmember Lyda asked what uses would be included in the buildings facing 2499 and whether they would be one- or two-story buildings.

Mr. Silvaggio stated those distinctions would depend on the market. He stated that the uses would be dictated by the zoning that was approved and that the maximum for each building would be two stories.

Mayor Pro Tem Filidoro asked if Council was just looking at a concept plan and confirmed that they weren't being asked to consider various uses for the buildings except for the office portions.

Mr. Powell stated that the item was for zoning for office and retail uses.

Staff Presentation for Item 20

Environmental Review Analyst Jared Martin gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers

Mayor Northern asked if the trees could be removed and replanted.

Mr. Martin stated that the Town's tree spade would allow for removal of (at maximum) a six-inch tree. Specimen trees average about 19-inches. He stated that in most cases, removing large trees was costly and impractical, and that Post Oaks could not be transplanted.

Public Comments

None

Close Public Hearing

Council Deliberation

Mr. Jefferson stated that the Town envisioned the area developing as a medical community, but that some of the possible uses listed in the application didn't seem to correlate with medical uses.

Mr. Powell listed several uses that did not seem to correspond with a medical community.

Todd Weaver, YUCCA

Mr. Weaver stated that he hadn't been given time to review any of the uses listed.

Mr. Jefferson stated that he was informed by Mr. Powell that Planning Manager Tommy Dalton had discussed the list of uses with Mr. Weaver.

Mr. Weaver stated that he didn't understand the timing of the discussion on possible uses for the property. He stated that he was adamantly opposed to making a deal at the podium, and that he had been through a nine-month process already.

Mr. Silvaggio stated that the question about the possible uses had not been brought to his attention.

Mr. Weaver said he'd be happy to review the use list, but that he didn't want to rule out any uses quickly only to have to come back and ask for them to be added in later.

Mayor Northern stated that the Council did not want to make a deal at the podium and suggested that the item be tabled to the December 16, 2010 Council meeting.

Mr. Silvaggio stated that he would like the opportunity to look at the use list. He stated that he understood why some of the uses weren't warranted, but wanted the opportunity to see which uses he was comfortable with removing.

Mayor Pro Tem Filidoro moved to table Items 19 and 20 to the December 16, 2010 Town Council meeting. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Filidoro, Hayden, Dixon

NAYS: None

- 21. MPA 03-10 – Master Plan 2011** **Public Hearing**
Public Hearing to consider a request to update the Master Plan 2001 (MPA 03-10 - Master Plan 2011) with Master Plan 2011, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its November 8, 2010, meeting.)

Staff Presentation

Planning Manager Tommy Dalton gave a brief presentation. A copy of the presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers

Mayor Northern asked why the word "business" was being removed from the "Lakeside Business District" title.

Mr. Dalton stated that the Master Plan Update Steering Committee recommended the change because they believed the Town had envisioned additional uses in the district beyond just business uses.

Mayor Northern asked if high-density residential uses would be included on the property.

Mr. Dalton stated that the name change was suggested in combination with the passage of mixed-use ordinance which identified the Lakeside DFW area for predominant mixed use.

Mayor Northern asked what uses were included in the ordinance.

Mr. Dalton stated that office, retail, residential, institutional, and civic uses were included.

Mayor Northern asked if the mixed-use designation was compatible with the study that was just completed.

Mr. Jefferson stated that it was not. He stated that the previous council had decided to allow mixed-designations anywhere in Town, and that logically meant that a residential component could be included in the Lakeside Business District. Since that time, the number of mixed-use areas including residential components that have been approved (Riverwalk, SPA 8, etc.) have exceeded the maximum number of developments that the study indicated would be successful. The Council will receive a presentation on the study at the February work session.

Mayor Pro Tem Filidoro stated that he did not agree with dropping the word "business" from the name of the district. He stated that the name change would start a loss of identity for the district that the Town has tried to create.

Mr. Dalton stated that the Council could make a motion to approve the proposed Master Plan changes, with the exception of the removal of the word "business" from the Lakeside Business District. He stated that the name change would not change the land use or regulatory frameworks for the area.

Mayor Pro Tem Filidoro stated that while he respected the work that the committee had done, he personally had a problem with the name change.

Mr. Dalton stated that the name could be kept the same.

Deputy Mayor Pro Tem Hayden stated that he agreed with Mayor Pro Tem Filidoro and stated that the name change would start the evolution of changing the land use.

Mayor Northern stated that the name change would remove the intended concept for the district. She felt that the district had the potential to be a prime location when built according to the original concept.

Mayor Pro Tem Filidoro stated that he didn't want to misuse the land.

Mr. Dalton stated that all the suggested changes to the Master Plan, with the exception of the changes to the section on architectural standards, made no changes to land use or regulations.

Mayor Pro Tem Filidoro asked if the Council was being asked to consider dropping the word "conservation" from the Cross Timbers Conservation District.

Mr. Dalton said no.

Mayor Northern asked Mr. Dalton to review the wording changes in the Master Plan document.

Mr. Dalton read through the changes provided in the packet.

Mayor Northern asked if developments in the Lakeside Business District could bypass the Town's regulations about developing in a flood plain for economic reasons.

Mr. Dalton said no. He stated that the Master Plan allowed for developments to apply for variances to the flood plain regulations under "economic development" standards, but that the process was actually more stringent than the regular development process. All developments would still be subject to the Town's regular development process and the SMARTGrowth program. The suggested changes would simply marry the verbiage in the land use plan and area plan with the Town's policy. They currently conflict.

Mr. Powell stated that SMARTGrowth read the same way: developments cannot be made in a flood plain unless a waiver to the environmental standards is approved by the Council as part of a qualifying economic development project. The likelihood of approval is small, but the waiver process is in place. The suggested changes to the Master Plan match the wording to the Town's actual processes; they do not allow open access to develop in the flood plain.

Mayor Northern asked if the Town had a population estimate for Flower Mound at total build-out.

Mr. Powell stated that the current estimated range is about 90,000. He stated that unless drastic changes were made by future councils regarding density in developments, the current estimate seemed correct.

Mayor Northern asked if a drastic change would impact SMARTGrowth.

Mr. Powell stated that a large development could change a number of factors and that the Town's process (public hearings, rezoning, SMARTGrowth, etc.) would indicate the impact on population density.

Mayor Northern stated that population estimates were important because they impacted proposed schools, and transportation, water, and wastewater systems.

Councilmember Lyda stated that population estimates were available through the US census and the NTCOG.

Deputy Mayor Pro Tem Hayden stated that he was opposed to taking the original population table out of the Master Plan document because there would be no fixed basis for future decisions about development.

Mr. Powell stated that the population table did not determine density in the Town; the Land Use Map was the main tool for determining density. He stated that the population table was included in the original Master Plan document because there was a question about what density was going to be in the Denton Creek District. Now that Canyon Falls has been approved and the zoning has been approved, the land use is set. Any population

projections that indicate greater than 90,000 are reviewed by staff with the NTCOG according to our Land Use Map. He suggested that instead of including the population table, a statement could be added under the Land Use Plan indicating that the build-out population of Flower Mound is estimated to reach 90,000.

Deputy Mayor Pro Tem Hayden stated that he believed there was some rationale for including the table in the original document.

Mr. Powell stated that the table was originally included to address the question of density in the Denton Creek District, which has sense been defined. The original Master Plan document was also written just after the Town had annexed an area with unknown density designations. He stated that the table included antiquated information and that the table's intent could be addressed in a few paragraphs regarding population estimates and density.

Deputy Mayor Pro Tem Hayden stated that estimated population was the basis for development decisions. He stated that that removing the population table seemed to indicate that the Town was changing its future vision and that its removal, like the removal of the word "business" from the Lakeside Business District, could cause the Town to develop in ways that are contrary to the original Master Plan's intent.

Mayor Northern stated that the main concern was having a way to verify if current development decisions make long-term sense.

Mr. Powell stated that the Town uses the NTCOG population estimate as a basis for infrastructure and services. He stated that the estimated population would not be determined by the population table, but by the Land Use Map and by any density changes that are made to it.

Mayor Northern stated that the Council understood that their decisions on zoning applications affected density in the Town, and therefore its overall population. She asked if Deputy Mayor Pro Tem Hayden would like to receive population impact information from staff when applications are brought forward for approval.

Deputy Mayor Pro Tem Hayden stated that he wanted to keep the Master Plan's original intent intact. He was concerned that minor changes to the document could add up to significant changes. He agreed with Mr. Powell that the Land Use Map was the chief tool for projecting population and density.

Mr. Jefferson stated that the Land Use Map, not population statistics, was used to make decisions about the implementation of transportation, water, and wastewater services.

Councilmember Lyda stated that the original population table was obviously outdated. He stated that even if another table was added, it would be outdated in a few years.

Mr. Dalton stated that every time the Town looks at updating it's water, wastewater, thoroughfare, and parks plans they look at a number of factors, including population. The population number, both current and future, is always being taken into consideration.

Mayor Pro Tem Filidoro asked if it would be better to table this item to a work session for more in depth discussion.

Mr. Powell stated that the number of significant changes that had been made to the document were few. He suggested Mr. Dalton review the urban design plan instead of reading through the document changes line-by-line.

Mr. Dalton agreed that the significant changes were few, and that the bulk of the segments only contained minor wording changes.

Councilmember Lyda agreed with the suggestion to review only the urban design plan in-depth.

Councilmember Wallace stated that he would like to move the item to a work session. He stated that none of the Councilmembers currently in office were in place when the Master Plan was originally written and that the vision of the Town had drastically changed since that time. He wanted an opportunity to review the changes in a more in-depth manner to make sure the document reflected the Town's current vision.

Mayor Pro Tem Filidoro stated that he would like to discuss the item in a work session and agreed with Councilmember Wallace that the Town's philosophy had changed.

Councilmember Wallace apologized to staff for requesting the delay, but stated that there were enough questions by all members of Council to warrant further discussion on the item.

Mayor Pro Tem Filidoro moved to table Item 21 to the April 4, 2011 meeting and to discuss it at a work session in March. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Lyda, Filidoro, Hayden, Dixon, Wallace

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- December 16 – next scheduled meeting (Work Session and Special Meeting)

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:35 p.m. on December 6, 2010 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real

property, personnel, and economic development negotiations and reconvened into an open meeting at 10:24 p.m. on December 6, 2010 to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

- c. Discuss selection of and applications for Town Secretary position, and all matters incident and related thereto.

Councilmember Lyda moved to appoint Theresa Fawcett Interim Town Secretary, effective immediately. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Dixon, Hayden, Filidoro, Lyda, Wallace

NAYS: None

- d. Discuss and consider appointment of a Presiding Municipal Judge for the Municipal Court of Record No. 1 in the Town of Flower Mound, Texas.

Mayor Pro Tem Filidoro moved to appoint Greg Bertrand as Presiding Municipal Judge for a one year term, per contract as negotiated, and authorize the Mayor to execute a contract relative thereto. Councilmember Lyda seconded the motion.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Filidoro, Hayden, Dixon

NAYS: None

- e. Discuss LIT HW1, LP, v. The Town Of Flower Mound, Texas, et al, Cause No. 2009-20305-158, pending in the 158th Judicial District Court of Denton County, Texas, and all matters incident and related thereto.

No action taken.

- f. Consultation with Town Attorney regarding legal issues associated with a contract between the Town and the Flower Mound Chamber of Commerce.

No action taken.

- g. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Environmental Conservation

Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission, TIRZ #1 Board, and Transportation Commission.

Councilmember Lyda moved to appoint Larry Lipscomb as chair to the TIRZ #1 Board. Mayor Pro Tem Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Filidoro, Hayden, Dixon
NAYS: None

Councilmember Lyda moved to appoint Dana Smith to the Community Development Corporation, with a term expiring December 31, 2012. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Dixon, Hayden, Filidoro, Lyda, Wallace
NAYS: None

Councilmember Lyda moved to appoint Dana Smith to the Community Development Corporation, with a term expiring December 31, 2012. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Hayden, Dixon
NAYS: None
ABSTENTIONS: Filidoro

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the regular meeting at 10:29 p.m. on Monday, December 6, 2010, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA FAWCETT, INTERIM TOWN SECRETARY

THIS PAGE LEFT BLANK INTENTIONALLY