

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7th DAY OF MARCH, 2011 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
Theresa Fawcett	Interim Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:08 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Lyda announced the Transportation Commission work session will be tomorrow night at 6:30 p.m. at the Atrium office building.

Mayor Northern reported attending two committee meetings:

1. Planning and Zoning. The meeting included discussion on the development plan for the Preserves, a work session on mixed use zoning districts, and a review of tenants associated with SMART Growth.
2. Environmental Conservation Commission. The meeting included a work session to review their powers and duties.

2. Discuss Consent and Regular Items

Mayor Northern indicated she will be pulling Item 6 due to a conflict of interest, as she was employed by JP Morgan Chase and continues to receive money from them.

3. Discuss Future Agenda Items

Mr. Jefferson announced the Town recently opened bids for the construction of the temporary senior center (Shirley Voirin Social Senior Center) and anticipates this item coming forward on the March 21st Agenda for awarding.

Mr. Jefferson announced there will be four different items being presented in relation to Oil and Gas at the March 21st Town Council meeting/work session. Presentations will include results from the studies prepared by consultants over the last 6 – 8 months such as quarterly and monthly ambient air test, impact of gas wells on property values, and noise issues.

Mayor Northern asked if any Council members had any objections to cancelling the July 5, 2011 Town Council meeting. None were opposed. An Agenda Item will be forthcoming by the Interim Town Secretary for official record.

4. Discuss Council Communications

Mr. Jefferson reported there are no outstanding council communications.

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

Mayor Northern adjourned the Briefing Session and called the regular meeting to order at 6:15 p.m.

E. INVOCATION

Chaplain Phil Cook gave the invocation.

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

Dave Johnson with Boy Scout Troop 709 led the pledges.

G. PRESENTATIONS

Mayor Northern presented Sue Compton, Director of Library Services, the 2010 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

Mayor Northern and Town Council presented Oil and Gas Advisory Board members with a Certification of Appreciation for their work on the Board. The Board members are:

Virginia Moore	Eric Barsam	Craig Bromley
Eric Jellison	Rob Marcoe	John Roheim
Tammi Vajda	Erin Bouck	Jodie Boutilier
Dennis McKaige	Steve Strickland	
Al Sanchez	Brent Halldorson	

Mayor Northern also thanked Matt Woods, Director of Environmental Services with the Town, as well as Town staff Racheal Hudson and Brandon Bammel for their work with the Board. Mr. Woods offered his appreciation of the Board for the many hours and efforts put forth.

Mayor Northern indicated there may be a need for the services of the Oil and Gas Advisory Board in the future.

Councilmember Lyda and Mayor Pro Tem Filidoro thanked the Oil and Gas Advisory Board for their time. They also thanked the many residents that participated in the public meetings and offered comments.

H. PUBLIC PARTICIPATION

Keith Simonson, 3104 Native Oak Dr, Flower Mound

Mr. Simonson indicated his interest in serving on the Oil and Gas Board of Appeals.

Virginia Simonson, 3104 Native Oak Dr, Flower Mound

Ms. Simonson expressed an interest in having the work of the Oil and Gas Advisory Board continued to address some of the concerns that remain.

Mary Kay Walker, 3229 Oak Meadow, Flower Mound

Ms. Walker expressed appreciation for staff and their work on the new senior center.

Mark Wise, 4409 Biscayne Dr, Flower Mound

Mr. Wise announced his candidacy for Place 3.

Jeff Whittaker, 4305 Auburn Dr, Flower Mound

Mr. Whittaker announced his candidacy for Place 1.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

- Announcements and brief discussion regarding recent and upcoming civic and social events, traffic issues, informational update 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.

Councilmember Wallace attended the Women of Flower Mound Fashion Show.

Councilmember Lyda had the following announcements:

- attended a Summit Club fundraiser
- thanked Town staff for their work during an electrical power line failure near the Hilliard drilling site
- acknowledged the milestone of the 175th Birthday of the Republic of Texas on March 2nd (Texas Independence Day)

Deputy Mayor Pro Tem Hayden reported attending the Town of Flower Mound Fire Department annual banquet and thanked all the firefighters for their work.

Deputy Mayor Pro Tem Hayden announced that he will be running for re-election.

Councilmember Dixon complimented the Police and Fire Departments as he recently witnessed them handling an accident scene in a very professional manner.

Councilmember Dixon reported speaking at the Greater Lewisville Association of Realtors (GLAR) and in response to their question, had a discussion about how they can do a better job to market properties in Flower Mound.

Mayor Northern made the following announcements of meetings attended, correspondence received, and upcoming events:

- addressed the Urban Affairs Committee in Austin regarding the "State of Flower Mound"
- she, along with Mayor Pro Tem Filidoro, and Town Manager, Harlan Jefferson, attended Denton County Days in Austin where they met with Speaker Straus, as well as state economic development department representatives regarding Flower Mound initiatives
- visited with the Flower Mound Elementary kindergarten class to talk about local government
- received a complimentary letter to the Fire Department from Flower Mound Presbyterian Hospital regarding how they assisted in a water damage situation at their facility
- various plays coming up at the Flower Mound Performing Arts Theater
- attended the Precinct 3 Task Force meeting
- Keep Flower Mound Beautiful Spring Trash-Off Event and Going Green Matters Fair on April 2nd
- Father/Daughter Prom April 2nd
- E-Waste event is April 16th
- Easter Egg Scramble April 16th
- Prescription Drug Disposal April 30th

Mayor Northern also reported the Stream Team is a project of the Town's Environmental Health Services Dept. (EHS) and they are seeking volunteers to do water testing in our streams on a monthly basis. Interested participants can contact EHS.

J. TOWN MANAGER'S REPORT

Mr. Jefferson provided a report on the following road construction projects:

- FM 407: work was recently suspended by TxDOT due to a conflict with Bartonville Water Supply. They have since resolved this issue and the contractor is back on the project and construction activity will start again this week. The area east of the car wash is still being reviewed to verify if their water line is in conflict. It will not delay any immediate activities. It could be an issue in the future and may cause another delay.

- FM 1171: The contractor made progress on FM 1171 and should complete the paving activity this month, which includes intersections and driveways. He further stated the roadway opening will be delayed until mid June to allow for installation of signal lights and irrigation, and other clean up work. Every effort is being made by the Town and Precinct 3 Commissioner Bobbie Mitchell to expedite the opening of all six lanes.
- Morriss/Gerault: This week the contractor for this road plans to start the landscape installation from Old Gerault moving north. There was some delay as the contractor was using the medians for staging of equipment.

In response to some traffic enforcement information distributed recently, Mr. Jefferson reported the communication was made for the purpose of improving the safety of the traveling public and to reduce the number of accidents. He noted Flower Mound did experience a three percent decrease in accidents since last year.

Councilmember Wallace mentioned that by having the presence of police it helps to make our streets safer as it's a visible reminder to slow down.

K. CONSENT ITEMS

Mayor Northern requested a Councilmember remove Item 6. Mayor Pro Tem Filidoro indicated he would.

Councilmember Wallace made a motion to approve by consent Items 1-5, 7-13, Mayor Pro Tem Filidoro 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 the minutes from the Town Council Strategic Planning Session held on January 22, 2011.**

RECOMMENDATION: Move to approve the minutes from the Town Council Strategic Planning Session held on January 22, 2011.

2. **Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide professional engineering services for the Wastewater Treatment Plant Rehabilitation Phase III, SCADA System Improvements, in the amount of \$280,550.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve the Professional Services Agreement with Alan Plummer Associates, Inc., to provide professional engineering services for the Wastewater Treatment Plant Rehabilitation Phase III, SCADA System Improvements, in the amount of \$280,550.00, and authorize the Mayor to execute same on behalf of the Town.

3. **Consider approval of Change Order No. 4 for the construction of the Flower Mound Road Reconstruction Phase 1 project, with Tiseo Paving Company, for an increase in the amount of \$72,748.25, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 4 for the construction of the Flower Mound Road Reconstruction Phase 1 project, with Tiseo Paving Company, for an increase in the amount of \$72,748.25, and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of an ordinance vacating and abandoning the western five feet of the existing 15-foot wide utility easement located along the eastern property line of Lot 4, Block D, Hidden Valley Country Estates, which lot is more commonly known as 3640 Valley View Lane, thereby reducing the width of said easement upon and across this lot to a 10-foot wide utility easement.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the western 5 feet of the existing 15-foot-wide utility easement located along the eastern property line of Lot 4, Block D, Hidden Valley Country Estates, which lot is more commonly known as 3640 Valley View Lane, thereby reducing the width of said easement upon and across this lot to a 10-foot-wide utility easement.

ORDINANCE NO. 08-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE WESTERN 5 FEET OF THE EXISTING 15-FOOT-WIDE UTILITY EASEMENT LOCATED ALONG THE EASTERN PROPERTY LINE AND WITHIN THE BACK YARD OF LOT 4, BLOCK D, HIDDEN VALLEY ESTATES, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, THEREBY REDUCING THE WIDTH OF THAT EASEMENT UPON AND ACROSS SAID LOT TO A 10-FOOT-WIDE UTILITY EASEMENT; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THAT PORTION OF SAID EASEMENT AS DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of a Professional Services Agreement with Halff Associates, Inc., to provide landscape and irrigation design services for the Dixon Lane (FM 2499 to Crestside Drive) project, in the amount of \$34,500.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Halff Associates, Inc., to provide landscape and irrigation design services for the Dixon Lane project (FM 2499 to Crestside Drive), in the amount of \$34,500.00, and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor to execute same on behalf of the Town.
(This item was removed from the Consent Agenda by Mayor Pro Tem Filidoro at the request of Mayor Northern due to a conflict of interest.)

7. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011, as adopted by Ordinance No. 59-10, and amended by Ordinance No. 69-10, for adjustments to the Park Development Fund, Street Maintenance Fund, Parks 4B Fund, and the IRS Equitable Sharing Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011, as adopted by Ordinance No. 59-10, and amended by Ordinance No. 69-10, for adjustments to the Park Development Fund, Street Maintenance Fund, Parks 4B Fund, and the IRS Equitable Sharing Fund.

ORDINANCE NO. 06-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011, AS ADOPTED BY ORDINANCE NO. 59-10, AND AMENDED BY ORDINANCE NO. 69-10; FOR ADJUSTMENTS TO THE PARK DEVELOPMENT FUND, STREET MAINTENANCE FUND, PARKS 4B FUND, AND IRS EQUITABLE SHARING FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of an ordinance ordering the May 14, 2011, general election for the purpose of electing Councilmember Places 1, 3, and 5 for two-year terms each.

RECOMMENDATION: Move to approve an ordinance ordering the May 14, 2011, general election for the purpose of electing Councilmembers for Places 1, 3, and 5, for two-year terms each.

ORDINANCE NO. 05-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ORDERING A GENERAL TOWN ELECTION TO BE HELD ON THE 14th DAY OF MAY 2011, FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS, PLACES 1, 3, AND 5, FOR TWO-YEAR TERMS EACH; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.

9. Consider approval of the award of Bid No. 44-11-B for the purchase of a rotary mower, to Luber Bros., Inc., in the amount of \$69,539.72.

RECOMMENDATION: Move to approve the award of Bid No. 44-11-B for the purchase of a rotary mower to Luber Bros., Inc., in the amount of \$69,539.72.

10. Consider approval of an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Chapter 2, "Administration," of the Code of Ordinances of the Town of Flower Mound, Texas, by adding a new Section 2-236, "Authority to

Sign Interlocal Agreements," and authorization for the Mayor to execute the same on behalf of the Town.

RECOMMENDATION: Move to approve an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Chapter 2, "Administration," of the Code of Ordinances of the Town of Flower Mound, Texas, by adding a new Section 2-236, "Authority to Sign Interlocal Agreements," and authorize the Mayor to execute same on behalf of the Town.

ORDINANCE NO. 07-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY ADDING A NEW SECTION 2-236, "AUTHORITY TO SIGN INTERLOCAL AGREEMENTS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. **Consider approval of Amendment No. 1 to a Tower/Ground Lease Agreement at 3810 Bruton Orand Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Amendment No. 1 to a Tower/Ground Lease Agreement at 3810 Bruton Orand Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorize the Mayor to execute same on behalf of the Town.

12. **Consider approval of Amendment No. 1 to a Tower/Ground Lease Agreement at 1100 Gerault Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Amendment No. 1 to a Tower/Ground Lease Agreement at 1100 Gerault Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorize the Mayor to execute same on behalf of the Town.

13. **Consider approval of Equitable Sharing Agreement and Certification with the Internal Revenue Service and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Equitable Sharing Agreement and Certification with the Internal Revenue Service and authorize the Mayor to execute same on behalf of the Town.

Council Deliberation

Deputy Mayor Pro Tem Hayden pointed out Item 7 as being a positive amendment to the budget because the dedicated sales tax has increased and the 4B money is to be used for roads and parks.

VOTE ON THE MOTION

AYES: Lyda, Filidoro, Hayden, Dixon, Wallace

NAYS: None

L. REGULAR ITEMS

14. Consider approval of a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor Pro Tem to execute same on behalf of the Town. *(This item was removed from the Consent Agenda by Mayor Pro Tem Filidoro at the request of Mayor Northern due to a conflict of interest).*

RESOLUTION NO. 06-11

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, EXTENDING THE BANK DEPOSITORY AGREEMENT WITH JPMORGAN CHASE BANK, NA, FOR A TWO-YEAR RENEWAL PERIOD AND DECLARING AN EFFECTIVE DATE.

Councilmember Wallace moved to approve a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorize the Mayor Pro Tem to execute same on behalf of the Town. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Hayden, Dixon, Wallace, Lyda

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern inquired of Councilmember's availability for the next Town Council meeting on March 21st. All replied they will be in attendance.

N./O. CLOSED/OPEN MEETING

The Town Council convened into closed meeting at 7:25 p.m. on March 7, 2011 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 8:11 p.m. on March 7, 2011 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 and consider appointments to the Animal Services Board, Board of Adjustments, Community Development Corporation, Economic Development Advisory Committee, Environmental Services Commission, Oil and Gas Advisory Board and Oil and Gas Board of Appeals, Parks, Arts and Library Services Board, Planning & Zoning, SMART Growth Commission Board, and Transportation Commission.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the regular meeting at 8:12 pm p.m. on Monday, March 7, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR PRO TEM

ALBERT FILIDORO, JR

ATTEST:


THERESA FAWCETT, INTERIM TOWN SECRETARY