

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4th DAY OF APRIL, 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
Doug Powell	Executive Director of Development 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 reported the following:

- Attended the Community Development Corp. (CDC) workshop with a focus on two items:
 1. using some of the 4B money for park maintenance
 2. reviewed priorities received from the Parks, Arts, and Library Services (PALS) Board on upcoming park projects.
- The Community Development Corporation (CDC) will meet next month and may take action on both of those items.
- The Environmental Conservation Commission (ECC) will meet tomorrow at 6.30 p.m.

Mayor Northern reported the following:

- Attended the Planning & Zoning (P&Z) Commission. There was a discussion regarding mixed use.
- Attended the Capital Improvement Advisory Committee (CIP) meeting. They reviewed the impact fee report.

2. Discuss Consent and Regular Items

No discussion.

3. Discuss Future Agenda Items

No Discussion

4. Discuss Council Communications

Mayor Northern indicated there are three council communications outstanding. One will be addressed in closed session, one on economic development incentives due on the 18th, and the other regarding parks. She asked Council to offer direction on the parks council communication.

Deputy Mayor Pro Tem Hayden recommended Council consider the current Capital Improvement Plan in relation to the Parks Master Plan. He suggested setting priorities on projects such as Twin Coves and Wilson-Carmel, and encouraged the PALS Board to address the CIP to have a discussion with the purpose of aligning projects that coincide with residents' requests.

Councilmember Dixon recollected that residents were surveyed regarding parks initiatives and the PALS Board reprioritized projects soon thereafter.

Mr. Jefferson confirmed the survey was done over a year ago and that input was taken into consideration in preparing the Parks Master Plan. He indicated staff is prepared to bring forward Phase I of the Wilson-Carmel tract.

Councilmember Lyda recommended going forward with the Phase I of Wilson-Carmel. Mayor Northern agreed and commented that the CDC has funds set aside to proceed with Phase I of Wilson-Carmel.

Mayor Pro Tem Filidoro agreed to proceed with the item being placed on the Agenda for the June Town Council Planning Session.

Deputy Mayor Pro Tem Hayden inquired if Council would have time to vote on the item after going through the process of the other boards and commissions.

Mr. Jefferson replied there is enough time, and a mid-year amendment could be made if needed.

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

Mayor Northern adjourned the Briefing Session and called the Regular Meeting to order at 6:21 p.m.

E. INVOCATION

Chaplain Richard Plunk gave the invocation.

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

Boy Scout Troop 292 led the pledges.

G. PRESENTATIONS

1. Jim Robertson provided an update on the Denton County Transportation Authority. His presentation is as follows:

DENTON COUNTY
TRANSPORTATION AUTHORITY
DCTA

Update for
Flower Mound
April 2011

Town of Flower Mound Representative
Jim Robertson

5/14/2011 1

Coming Soon



5/14/2011 2

DCTA FY 2011 Goals

- Provide mobility solutions that are safe, customer focused and efficient.
- Provide long term financial stability.
- Promote and encourage high performing staff and service delivery.
- Elevate local, regional and national awareness of DCTA.

5/14/2011

3

DCTA FY2010 Accomplishments

- Implemented Connect service changes which have produced record ridership.
- Began the implementation of Para transit trip scheduling system that will increase the efficiency and effectiveness of Access Service
- Substantially completed the design of a permanent Bus Operations and Maintenance Facility
- Implemented service changes related to modifications to the Access Service Policies and Procedures.
- Construction of Hebron Park & Ride and Lewisville bus shelters

5/14/2011

4

DCTA FY2010 Accomplishments

- GMP cost reductions due to redesign effort resulting in significant savings related to the A-train guideway construction project.
- Successfully negotiated and executed the DART/DCTA Track Access Agreement resulting in rail operational access to the A-train Corridor from the City of Carrollton to the City of Denton.
- Facilitated the DART/Denton Right-of-Way agreement.

5/14/2011

5

DCTA FY2010 Accomplishments

- Established national presence in FRA RSAC Engineering Task Force in the development of Alternative Vehicle Technology FRA Compliance Criteria.
- Successfully negotiated the Stadler contract modification to incorporate Alternative Vehicle Technology FRA Compliance into the DCTA GTW vehicles – will give DCTA regional vehicle operational flexibility.

5/14/2011

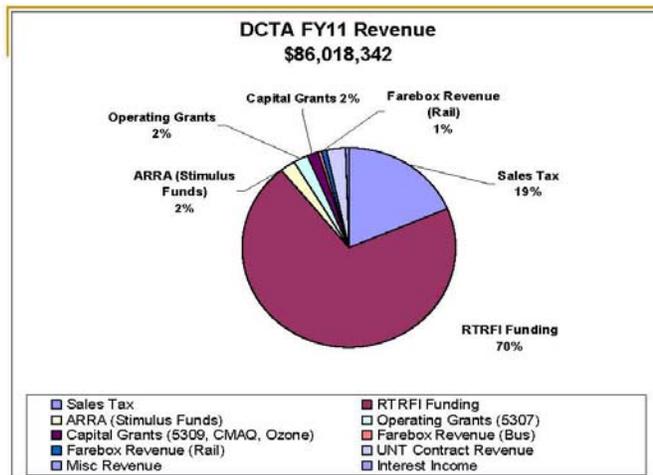
6

DCTA FY2010 Accomplishments

- Began development of long range service plan
- Awarded GFOA Distinguished Budget Award – 4th consecutive year
- Cash Flow Model and financial criteria adopted by Board
- Incorporated 5-Year capital plan
- Received unqualified opinion for FY09 audit with no Management comments
- Successfully managed exponential increase in accounting transactions and increase in Accts Payable from \$12.6 million in FY09 to \$94.9 million in FY10

5/14/2011

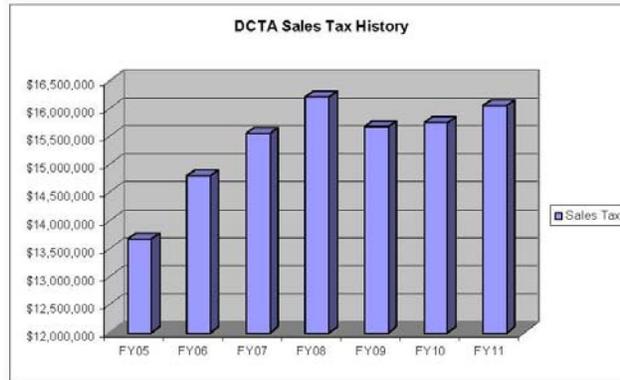
7



5/14/2011

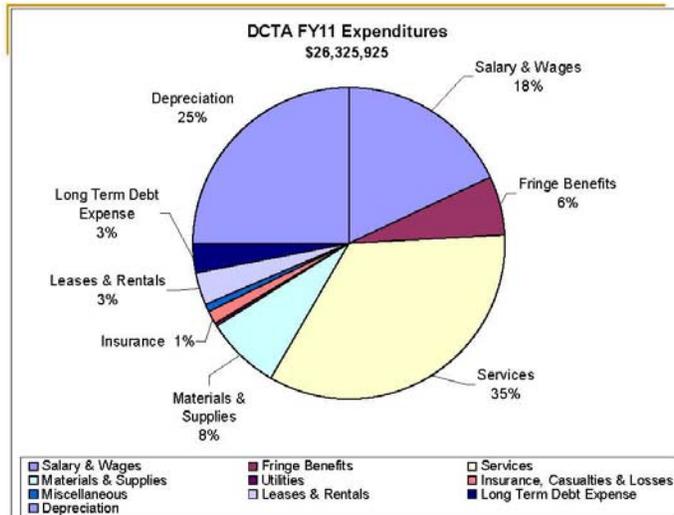
8

SALES TAX HISTORY – DCTA



5/14/2011

9



Rail Stations

- 5 Stations
 - Hebron- 9.266 acres
 - Old Town- 9.085 acres
 - HV/LL- 2.805 acres
 - MedPark- 12.805 acres
 - Downtown Denton- 2.5 acres
- 2,633 Parking Spaces
- Total Stations Budget \$30,438,622



5/14/2011

11

Line Construction

- 24 Bridges
- 43 Crossings
- 150 Ribbons of 1,600 ft continuous welded rail
- 316 Sticks of 80' ft rail
- 61,641 Rail Ties
- 17 Switches
- 63,500 ft of track will be removed upon completion of project
- \$193 million construction contract



5/14/2011

12

Come Ride the A Train

Service begins June 2011



5/14/2011

13

QUESTIONS

5/14/2011

14

Councilmember Lyda commented on the importance of having the rail line in place and acknowledged the benefit of economic development and renewal that is occurring around it.

Councilmember Wallace inquired about cost for parking and if there was a need for a separate pass from Denton Area Rapid Transit (DART), or if there was one universal pass. He also asked if there was a business discount.

Mr. Robertson replied there is no cost for parking, there is a separate pass for DART, and there is a discount for buying tickets in bulk.

Mayor Pro Tem Filidoro thanked Mr. Robertson for coming and expressed interest in him updating Council quarterly regarding the DCTA.

2. Marcus Basketball State Champs – 5A State Champions, Coach Fred Jones

Mayor Northern presented a Certificate of Achievement to Brenda Latham, LISD School Board member, and Athletic Director Randy Mayes in recognition of the Marcus Basketball team winning the state championship.

H. PUBLIC PARTICIPATION

Virginia Simonson, 3104 Native Oak Dr, Flower Mound, Tx

Ms. Simonson stated she supports a moratorium extension on new gas well permits and pipelines while deliberation continues on the new oil and gas ordinance.

She indicated that at the last Council meeting, Kleinfelder was unable to answer a question regarding accessing private property to place monitors. She cited Sections 382.015 and 382.113 under the Texas Health & Safety Code - Inspections & Power to Enter Property that allows access.

Kendra Stephenson, 2321 Roadrunner, Flower Mound, Tx

Ms. Stephenson announced she was a candidate for Place 1.

She indicated there was a need for quality retail and recreational options. She also voiced a need for sending a message to developers that Flower Mound is open for business.

Jeff Whittaker, 4305 Auburn Dr, Flower Mound, Tx

Mr. Whittaker announced he was a candidate for Place 1.

He commented about good and bad regulation. He noted HB3105 will soon be considered and it is bad regulation because it doesn't give Flower Mound the right to say when and where drilling should occur. He encouraged Council to take steps in opposing this regulation to let the industry know what is expected of them.

Denis Toth, 2020 Skelton, Flower Mound, Tx

Mr. Toth commented he believes Council needs to "put a moratorium on the moratorium." He also stated "it's time to handle what you have now and make a decision."

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

Councilmember Dixon had the following announcements:

- Participated in the following fund raiser golf tournaments at Tour 18 – MDA and Special Olympics

Councilmember Wallace had the following announcements:

- Attended the environmental fair at Home Depot.
- Announced that this coming Saturday there will be a wildflower area dedication honoring John Thomas, a long serving member of the PALS Board and active member of the community. The location is near Garden Rd. by Wilkerson Park.
- Congratulated the Police Department for obtaining certification from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Mayor Northern had the following announcements:

- Easter Egg hunt at Jake’s Hilltop Park this coming weekend.
- She and staff have been tracking legislation, writing letters and resolutions, and taking trips to Austin in either support or opposition of items that impact Flower Mound. Council is also working with other communities to work together in either supporting or opposing bills.
- Attended the North Central Texas Council of Governments (NCTCOG) meeting. That meeting included approval of a regional aerial photography agreement, in which Flower Mound will be participating in. Also discussed was Mobility 2035, which involved a discussion about funding roads for the future.
- Attended the Precinct 3 Task Force meeting.
- Attended a business retention meeting at AutoMedx in the Lakeside Business District.
- Attended the environmental fair at Home Depot and announced the E-waste event is April 16th.

Councilmember Lyda had the following announcements:

- Attended the summer program registration at the Community Activity Center (CAC).
- Attended the summer fun showcase at the library where area businesses were promoting their summer activities.
- Reported being pleased with what the Town is doing regarding legislation, and the efforts being made to protect the residents.

Mayor Pro Tem Filidoro had the following announcements:

- Announced the Town has been following over 1,800 bills that impact local government. One of which is HB3105, which takes away local control. He indicated Council is committed to opposing this bill.
- Flower Mound Performing Arts Theatre - Horton Foote Festival.
- Flower Mound Symphony fund raiser at the Grotto.

Deputy Mayor Pro Tem Hayden had the following announcements:

- Attended the Seniors in Motion Auxiliary fund raiser.

- Commented there are two public opinion opportunities coming up in which residents can voice concerns on the 14 outstanding items regarding the proposed Oil and Gas Ordinance.

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported on the following:

CALEA:

He thanked staff for their work on obtaining the CALEA accreditation and emphasized the importance of the recognition. He said similar efforts are being explored with other departments.

FM 407 Update

From the Precinct 3 meeting it was noted that FM 407 is delayed 2-3 weeks. The contractor resolved the issue with Bartonville Water Supply and the water line conflict on the west end of the project. They now have a conflict with Verizon, as well as with CoServ, in conjunction with the temporary signal near Wal-Mart. Both of those issues should be resolved in the next 2-3 weeks and construction will resume.

Dixon Road

The project is moving forward. Dixon Road will need to be closed this Wednesday as well as the next between 10 p.m. – 6 a.m. for utility work.

FM 1171

TxDot anticipates opening all six lanes in either June or July. Staff and Denton County Commissioner Mitchell's office is working to expedite this project.

False Alarm Permit

He indicated there is some concern regarding the voluntary information being asked in relation to items such as weapons. He stated this information is important because it helps officers know what to expect when arriving at a scene. The information being asked is primarily for the protection of the officers.

Councilmember Wallace inquired if the form can be changed to remove the word "weapons".

Mr. Jefferson stated the form can be modified.

Deputy Mayor Pro Tem Hayden asked if this type of information is new and he believed the wording of "optional" needs to be clearly stated.

Mayor Northern agreed.

Mr. Jefferson stated it was a new question and reiterated the information is voluntary.

Mayor Pro Tem Filidoro suggested the form offer a brief explanation as to why the question is being asked.

Councilmember Dixon stated it's his preference that the question shouldn't be asked at all, or if Council believes it's acceptable, to be clear that it is optional and offer an explanation why the question is being asked. He also stated there is a concern about the security of the information.

Mr. Jefferson stated the Town has many sensitive documents and there hasn't been any issues.

Councilmember Lyda stated this same information is used by the Fire Department as well.

K. CONSENT ITEMS

Mayor Pro Tem Filidoro made a motion to approve by consent, Items 1,2,3,4,5,6,7,8. Councilmember Dixon seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, and, if applicable, the ordinance or resolution caption is listed for the record.

- 1. Consider approval of the minutes from a regular meeting of the Town Council held on February 7, 2011.**

RECOMMENDATION: Move to approve the minutes from the regular meeting of the Town Council held on February 7, 2011.

- 2. Consider approval of the award of Bid No. 48-11-B for the Western 2.5 Million Gallon Elevated Water Storage Tank project to the lowest responsible bidder, Landmark Structures Management Inc., in the amount of \$4,287,000.00; and authorization for the Mayor to execute same on behalf of the Town**

RECOMMENDATION: Move to approve the award of Bid No. 48-11-B for the Western 2.5 Million Gallon Elevated Water Storage Tank project to the lowest responsible bidder, Landmark Structures Management Inc., in the amount of \$4,287,000.00; and authorization for the Mayor to execute same on behalf of the Town

- 3. Consider approval of the purchase of area/velocity flow meters, data-logging equipment, and data web hosting software from Macaulay Controls Company, a sole source provider, in the amount of \$151,742.00.**

RECOMMENDATION: Move to approve the purchase of area/velocity flow meters, data-logging equipment, and data web hosting software from Macaulay Controls Company, a sole source provider, in the amount of \$151,742.00.

- 4. Consider approval of an ordinance vacating and abandoning three 20-foot-wide blanket water line easements upon and across the River Walk at Central Park development.**

RECOMMENDATION: Move to approve the approval of an ordinance vacating and abandoning three 20-foot-wide blanket water line easements upon and across the River Walk at Central Park development

5. Consider approval of an art exhibit to be held as a part of the Town Independence Fest on July 4, 2011. (The PALS Board recommended approval by a vote of 6 to 0 at its March 10, 2011, meeting.)

RECOMMENDATION: Move to approve the approval of an art exhibit to be held as a part of the Town Independence Fest on July 4, 2011. (The PALS Board recommended approval by a vote of 6 to 0 at its March 10, 2011, meeting.)

6. Consider rejection of Bid No. 17-11-G for the purchase of an aeration blower control system, turn-key; and approval of the award of Bid No. 53-11-G for the purchase of an aeration blower control system, equipment and support only, to Gardner Denver, Inc., in the amount of \$242,809.

RECOMMENDATION: Move to approve the rejection of Bid No. 17-11-G for the purchase of an aeration blower control system, turn-key; and approval of the award of Bid No. 53-11-G for the purchase of an aeration blower control system, equipment and support only, to Gardner Denver, Inc., in the amount of \$242,809.

7. Consider the approval of the purchase of thirty-six Motorola radios from Motorola Solutions, Inc., a sole source provider, in the amount of \$88,632.00.

RECOMMENDATION: Move to approve the approval of the purchase of thirty-six Motorola radios from Motorola Solutions, Inc., a sole source provider, in the amount of \$88,632.00.

8. Consider approval of the purchase of eight police sedans for the Police Services Department from Dallas Dodge, in the amount of \$208,844.00, through the Houston-Galveston Area Council of Governments (HGAC) cooperative.

RECOMMENDATION: Move to approve the purchase of eight police sedans for the Police Services Department from Dallas Dodge, in the amount of \$208,844.00, through the Houston-Galveston Area Council of Governments (HGAC) cooperative.

L. REGULAR ITEMS

Mayor Northern opened items 9 and 10 together.

9. Consider a request for a Site Plan (SP 07-10 - North Texas Chinese Church) to develop a church building with an exception to Section 82-302, Compatibility buffer, of the Town's Code of Ordinances. The property is located at 3501 Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 10, 2011, meeting.)

Staff Presentation

Doug Powell provided a presentation on the project

He pointed out the following:

- location of the project
- identified the land use being appropriate for the church
- efforts are underway to protect as many trees as possible
- compatibility buffer requirement of trees and shrubs
- the applicant has met with neighboring property owners and the HOA
- elevations of the building

The entire presentation is on file in the Town Secretary's office.

Mayor Northern pointed out that shrubbery is being planted that will assist in blocking headlights at night.

Councilmember Lyda inquired about access that is connected to an adjacent church.

Mr. Powell indicated the church has made provisions for access with the church to the east so parishioners can gain access to the traffic light for safety purposes.

Councilmember Dixon asked about the emergency access to the south.

Mr. Powell indicated that is on an adjacent lot.

Deputy Mayor Pro Tem Hayden inquired about the phases of the project in relation to future growth plans.

Mr. Powell stated there are multiple phases and they anticipate future build-out on the property.

Jay Reissig, G & A Consultants, Inc., 111 Hillside, Lewisville, Tx

Mr. Reissig identified the area of future development on the map.

Raymond Lamb, architect on the project, offered a background summary of the church. He indicated that future development involves tearing down two homes and a barn.

Deputy Mayor Pro Tem Hayden inquired about the need for additional parking in conjunction with future growth and where would it be located.

Mr. Reissig identified the location on the map for future parking options.

Deputy Mayor Pro Tem Hayden moved to approve a request for a Site Plan (SP 07-10 - North Texas Chinese Church) to develop a church building with an exception to Section 82-302, Compatibility buffer, of the Town's Code of Ordinances. The property is located at 3501 Cross Timbers Road. (The Planning and Zoning Commission recommended

approval by a vote of 6 to 0 at its January 10, 2011, meeting.) Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Lyda, Filidoro, Hayden, Dixon, Wallace

NAYS: None

10. Public Hearing to consider an application for a tree removal permit for the removal of one specimen tree on property proposed for development as the North Texas Chinese Church. The property is generally located south of Cross Timbers Road and west of Old Settlers Road. (The Environmental Conservation Commission recommended approval by a vote of 5 to 0 at its December 7, 2010, meeting).

Mayor Northern opened the public hearing at 7:38 p.m. for Item 10.

No participation.

The public hearing was closed at 7:38 p.m. for Item 10.

Councilmember Wallace moved to approve a tree removal permit for the removal of one specimen tree on property proposed for development as the North Texas Chinese Church. The property is generally located south of Cross Timbers Road and west of Old Settlers Road. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Hayden, Dixon, Wallace, Lyda

NAYS: None.

11. Public Hearing to consider a request to update the Master Plan 2001 (MPA 03-10 - Master Plan 2011) with Master Plan, 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.) (This item was tabled at the December 6, 2010, Town Council meeting.)

Staff Presentation

Doug Powell indicated it's his understanding there is a need to table the item as it is related to item 12, which can't be heard tonight.

Councilmember Dixon moved to table Item 11 until June 6, 2011. Deputy Mayor Pro Tem Hayden seconded the motion.

Mayor Pro Tem Filidoro clarified if the public hearing would also be postponed.

Mr. Welch indicated the public hearing would be postponed as well.

VOTE ON THE MOTION

AYES: Wallace, Lyda, Filidoro, Hayden, Dixon

NAYS: None.

12. Public Hearing to consider a request to amend the Land Development Regulations (LDR 01-11) by amending Section 98-897, "Relationship to the Town's Master Plan," and Section 98-898, "Applicability and Location," of the Code of Ordinances to limit Mixed Use development to Specific Plan Area 8 (SPA 8), and to consider adopting an ordinance providing for said amendment. *(This item was tabled indefinitely at the March 28, 2011, Planning and Zoning Commission meeting.) (As a result of no action being taken by the Planning and Zoning Commission, this item cannot be heard by the Town Council until a recommendation is made by the Planning and Zoning Commission.)*

Mr. Powell stated the item is on the Agenda for notification to the public. It is scheduled for a future item and no action is needed by Council.

13. Consider approval of an ordinance amending Ordinance No. 71-10 by extending the expiration dates for the oil and gas ordinance-related suspensions referenced in said ordinance from 11:59 p.m. on Friday, April 15, 2011, to 11:59 p.m. on Friday, July 15, 2011.

Mr. Welch indicated this item allows for an approximate 90 day extension on the moratorium as noted in the Ordinance. In Ordinance 71-10 there was a uniform expiration date of April 15th of this year. This extension would be until Friday, July 15th. He stated it's noted in the Ordinance that it is the goal of Council that no other extensions be sought after this extension and the work will be completed by July 15th, if not earlier.

Mayor Northern announced there are three meetings coming up for public input to offer comments on the 14 additional items brought up during public hearings that were not addressed by the Oil and Gas Advisory Board.

Councilmember Lyda inquired if Council could resend the moratorium should the work be completed prior to July 15th.

Mr. Welch responded yes. He further stated whenever a final ordinance comes forward for consideration the item after those ordinances would be to repeal the moratorium. This ordinance would go away.

Councilmember Dixon asked for clarification about Council not wanting to seek an extension to the moratorium.

Mr. Welch clarified the notation of such is found on page 3 of the Ordinance, in the second to last whereas clause.

Councilmember Lyda moved to approve an approval of an ordinance amending Ordinance No. 71-10 by extending the expiration dates for the oil and gas ordinance-related suspensions referenced in said ordinance from 11:59 p.m. on Friday, April 15, 2011, to 11:59 p.m. on Friday, July 15, 2011. Deputy Mayor Pro Tem Hayden seconded the motion.

Councilmember Dixon indicated he will be voting for the item because of the whereas reference, as it is his hope that it will get concluded and the Town can get complete past this, have something in place that is for the good of the citizens, and the Town can focus its energy and efforts on something else.

VOTE ON THE MOTION

AYES: Lyda, Filidoro, Hayden, Dixon

NAYS: Wallace

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern confirmed attendance for the next Council meeting of April 18th.

N./O. OPEN/CLOSED MEETING

The Town Council convened into a closed meeting at 7:52 p.m. on April 4, 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 9:06 p.m. on April 4, 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, SMARTGrowth Commission Board, and Transportation Commission.
No action taken.

d. Consultation with the Town Attorney regarding legal issues associated with solid waste franchise agreement.
No action taken.

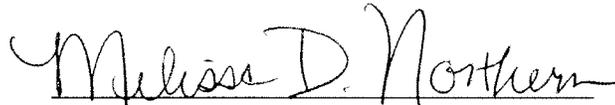
e. Inclusive Communities Project, Inc. v. Town of Flower Mound, Case No. 4:08-CV-433, pending in the United States District Court for the Eastern District of Texas, Sherman Division.

No action taken.

P. ADJOURN MEETING

Mayor Northern adjourned the meeting at 9:08 p.m. All were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA FAWCETT, INTERIM TOWN SECRETARY

THIS PAGE INTENTIONALLY LEFT BLANK