

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6TH DAY OF JUNE, 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
Kendra Stephenson	Councilmember Place 1
Mark Wise	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	Director of Development Services
Sue Compton	Director of Library Services
Tommy Dalton	Planning Manager

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:00 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Lyda reported the Environmental Conservation Commission meets tomorrow at 6:30 p.m.

2. Discuss Consent and Regular Items

No discussion.

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 6:04 p.m.

E. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Mayor Northern led the pledges.

G. PRESENTATIONS

Flower Mound Public Library's Summer Reading Club Proclamation.

Mayor Northern presented Sue Compton, Director of Library Services, and Sue Ridnour, Youth Services Manager, with a proclamation for the summer reading program.

Flower Mound High School, Grammy Signature School Gold Award.

Mayor Northern presented Robert Myers, Director of Bands, with a certificate of achievement for their Grammy Signature School Gold Award.

National Heroism Award from Boy Scouts of America to Spencer Biro.

Mayor Northern presented Spencer Biro with a Certificate of Achievement, recognizing him for his heroism award from the Boy Scouts of America.

H. PUBLIC PARTICIPATION

Eric McCully, 3105 Greomar Street, Flower Mound

Mr. McCully expressed concern regarding a fencing project currently taking place at his home in which a perimeter of his property is in the flood plain. He indicated there was a misrepresentation from his builder and now he is seeking approval from the Town to construct the fence, which would be partially located in the flood plain, in order to obtain a permit.

Jeff York, 2504 Brighton Dr, Flower Mound

Mr. York expressed interest in having the Flower Mound Youth Football Association be represented with a booth at the Independence Fest and indicated he was denied the option to do so due to an agreement the Town has with another organization.

Mary Kay Walker, 3229 Oak Meadow, Flower Mound

Ms. Walker announced an upcoming fund raiser event at Fish City being organized by the Seniors in Motion Auxiliary to help with the costs of the furnishings for the new building (Shirley Voirin Social Senior Center).

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

Deputy Mayor Pro Tem Hayden thanked Councilmembers Dixon and Wallace for their service to the Town. He highlighted some of the achievements prior to being re-elected, as well as what he envisions for the Town in the future.

Councilmember Wise extended an invitation for the public to attend the FM 1171 ribbon cutting event on Monday, June 13th at 10:00 a.m., at Glenwick and FM 1171.

Mayor Pro Tem Filidoro mentioned last Thursday there was a farewell reception for Melissa Glasgow, who was the Town's Economic Development Director.

Mayor Northern announced the following events:

- Concerts in the Park at Parker Square on Friday evenings in the month of June.
- 50th Anniversary event July 4th at Bakersfield Park.

J. TOWN MANAGER'S REPORT

Seniors in Motion – Bus repair needed:

Mr. Harlan Jefferson reported that the Seniors in Motion bus is in need of mechanical repairs. Three options were evaluated: repair the unit, use of charter buses, or to replace the unit. Given the age of the bus (1994), the recommended option was to move forward with the replacement of the unit with a new bus for an estimated cost of \$65,000. He indicated some of the funding would come from the Town's vehicle replacement fund for this unit(\$36,000), and the remainder would come from funding set aside for maintenance in the budget, as well as from the savings gained from vehicles purchased through the vehicle replacement fund that came in under budget. He indicated an Agenda item will be forthcoming.

Councilmember Lyda inquired as to how frequently the bus is used.

Mr. Jefferson replied currently it is a couple times per week. He also indicated that the Town's Fleet Supervisor recommended the need for a replacement.

Deputy Mayor Pro Tem Hayden asked to get input from Parks regarding details of the buses.

Mr. Jefferson indicated Gary Sims, Executive Director of Community Services, has been involved during this process. He also noted there will be an evaluation regarding size, along with other accessories that may be a needed, such as having a bus with lift service to accommodate wheelchairs.

Green Initiatives

Mr. Jefferson announced on June 1st the Town launched E-bills for customers, enabling residents to view their statements electronically via their e-mail account. Residents will benefit from E-bills by offering them increased convenience, faster delivery, reduction in mail clutter, less paperwork to file, and as a result users will be participating in the Town's Green Initiatives Program. The Town will experience increased efficiency for utility billing staff, as well as a reduction in paper because less paper bills will be produced.

He also reported last month a pilot program was started for sending out payroll statements to employees electronically. This program also contributes to the Town's Green Initiatives Program.

Mayor Northern asked how residents will be informed of this option.

Mr. Jefferson indicated there is a link on the utility bill, as well as promoting it through the Town's promotional venues such as Twitter, FMTV, etc.

Councilmember Wise inquired as to how long the e-statements will be archived (billing history).

Mr. Chuck Springer indicated they will stay in the Town's system permanently and homeowners have the option of viewing their history.

Councilmember Lyda reported this week the Parks Department started on-line registration options for parks summer programs.

Mayor Northern asked if there are additional road updates.

FM 1171/Gerault Rd

Mr. Jefferson reported that last week phase opening started on FM 1171, which included stripping. He also reported that the six lanes on Gerault Rd South of FM 3040 up to Old Gerault Road are now open.

K. CONSENT ITEMS

Mayor Pro Tem Filidoro made a motion to approve by consent Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. Deputy Mayor Pro Tem Hayden seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. **Consider approval of the minutes from a regular meeting and work session of the Town Council held on May 2, 2011.**

RECOMMENDATION: Move to approve the minutes from a regular meeting and work session of the Town Council held on May 2, 2011.

2. **Consider approval of the minutes from a regular meeting of the Town Council held on May 16, 2011.**

RECOMMENDATION: Move to approve the minutes from a regular meeting and work session of the Town Council held on May 16, 2011.

3. **Consider approval of cancelling the July 4, 2011, regular meeting of the Town Council.**

RECOMMENDATION: Move to approve cancelling the July 4, 2011, regular meeting of the Town Council.

4. **Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the West Windsor Extension project in the amount of \$358,500.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the West Windsor Extension project in the amount of \$358,500.00; and authorize the Mayor to execute same on behalf of the Town.

5. **Consider approval of Change Order No. 3 for a contract reduction of \$16,534.10; final acceptance of the Hamlett Lane Paving Reconstruction project; authorization for final payment to 3D Paving and Contracting, LLC, in the amount of \$12,342.63; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 3 for a contract reduction of \$16,534.10; final acceptance of the Hamlett Lane Paving Reconstruction project; authorize the final payment to 3D Paving and Contracting, LLC, in the amount of \$12,342.63; and authorize the Mayor to execute same on behalf of the Town.

6. **Consider approval of a Professional Services Agreement with Dunaway Associates, L.P., to provide engineering services associated with the Post Oak Park project, in the amount of \$99,500.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Dunaway Associates, L.P., to provide engineering services associated with the Post Oak Park project, in the amount of \$99,500.00; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of 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 12, Block 9, Steeplechase at Bridlewood, which lot is more commonly known as 4400 Fairway Drive, 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 12, Block 9, Steeplechase at Bridlewood, which lot is more commonly known as 4400 Fairway Drive, thereby reducing the width of said easement upon and across this lot to a 10-foot-wide utility easement.

ORDINANCE NO. 23-11

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 12, BLOCK 9, STEEPLECHASE AT BRIDLEWOOD, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 4400 FAIRWAY DRIVE, 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.

8. Consider approval of an ordinance vacating and abandoning the western 2.5 feet of the existing 7.5-foot-wide utility easement located along the eastern property line of Lot 46, Block V, Wellington Estates Phase 3, which lot is more commonly known as 3616 Jennifer Drive, thereby reducing the width of said easement upon and across this lot to a 5-foot-wide utility easement.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the western 2.5 feet of the existing 7.5-foot-wide utility easement located along the eastern property line of Lot 46, Block V, Wellington Estates Phase 3, which lot is more commonly known as 3616 Jennifer Drive, thereby reducing the width of said easement upon and across this lot to a 5-foot-wide utility easement.

ORDINANCE NO. 24-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE WESTERN 2.5 FEET OF THE EXISTING 7.5-FOOT-WIDE UTILITY EASEMENT LOCATED ALONG THE EASTERN PROPERTY LINE AND WITHIN THE BACK YARD OF LOT 46, BLOCK V, WELLINGTON ESTATES PHASE 3, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 3616 JENNIFER DRIVE THEREBY REDUCING THE WIDTH OF THAT EASEMENT UPON AND ACROSS SAID LOT TO A 5-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.

- 9. Consider approval of a Professional Services Agreement with Steel Inspectors of Texas, Inc., to provide materials testing services for the Western Elevated Storage Tank project, in the amount of \$18,000.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Steel Inspectors of Texas, Inc., to provide materials testing services for the Western Elevated Storage Tank project, in the amount of \$18,000.00; and authorize the Mayor to execute same on behalf of the Town.

- 10. Consider approval of an ordinance vacating and abandoning the northeastern 5 feet of the existing 15-foot-wide utility easement located along the southwestern property line of Lot 5, Block 45, Bristol Place at Bridlewood, which lot is more commonly known as 5017 Par Drive, 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 northeastern 5 feet of the existing 15-foot-wide utility easement located along the southwestern property line of Lot 5, Block 45, Bristol Place at Bridlewood, which lot is more commonly known as 5017 Par Drive, thereby reducing the width of said easement upon and across this lot to a 10-foot-wide utility easement.

ORDINANCE NO. 25-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE NORTHEASTERN 5 FEET OF THE EXISTING 15-FOOT-WIDE UTILITY EASEMENT LOCATED ALONG THE SOUTHWESTERN PROPERTY LINE AND WITHIN THE BACK YARD OF LOT 5, BLOCK 45, BRISTOL PLACE AT BRIDLEWOOD, AN ADDITION TO THE TOWN OF

FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 5017 PAR DRIVE, 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.

11. Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2011, in the principal amount not to exceed \$3,550,000

RECOMMENDATION: Move to approve a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2011, in the principal amount not to exceed \$3,550,000.

RESOLUTION NO. 16-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

12. Consider approval of an ordinance adopting tariffs that reflect rate adjustments consistent with the settlement agreement between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company, LLC.

RECOMMENDATION: Move to approve an ordinance adopting tariffs that reflect rate adjustments consistent with the settlement agreement between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company, LLC

ORDINANCE NO. 27-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ("TOWN") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ("STEERING COMMITTEE") AND ONCOR ELECTRIC DELIVERY COMPANY LLC ("ONCOR" OR "COMPANY") REGARDING THE COMPANY'S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ONCOR'S PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

13. Consider approval of a resolution allowing the Denton County Sheriff’s Department to offer A0722A XJ. KNIGHT, TR 3, .15 ACRES, 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: Move to approve a resolution allowing the Denton County Sheriff’s Department to offer A0722A XJ. KNIGHT, TR 3, .15 ACRES, 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.

RESOLUTION NO. 15-11

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 A0722A XJ. KNIGHT, TR 3, .15 ACRES, AT A PUBLIC VENUE AS PROVIDED UNDER TEXAS TAX CODE SECTION 34.05(c).

VOTE ON MOTION

AYES: Lyda, Filidoro, Hayden, Wise, Stephenson

NAYS: None.

L. REGULAR ITEMS

14. MPA 03-10 - Master Plan 2011

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.) (Town Council tabled this item from its December 6, 2010, meeting to the April 4, 2011, Town Council meeting at which time Town Council tabled the item to its June 6, 2011, meeting.**

Staff Presentation

Mr. Tommy Dalton provided the following presentation:

Master Plan Update	Master Plan Components
<ul style="list-style-type: none"> • P&Z Work sessions <ul style="list-style-type: none"> ▪ June 28, 2010 ▪ September 13, 2010 ▪ October 11, 2010 • P&Z Public Hearing <ul style="list-style-type: none"> ▪ November 8, 2010 • Town Council Public Hearing <ul style="list-style-type: none"> ▪ December 6, 2010 • Town Council Public Hearing <ul style="list-style-type: none"> ▪ February 17, 2011 	<ol style="list-style-type: none"> 1. Land Use Plan 2. Area Plans 3. Specific Plans 4. Urban Design Plan 5. Parks and Trails 6. Open Space Plan 7. Thoroughfare Plan 8. Water Plan 9. Wastewater Plan 10. Economic Development Plan

Proposed Maintenance

- Housekeeping
 - New introduction
 - Correct redundancies
 - Correct invalid statements
 - “Enduring and exemplary quality” to “enduring and exemplary quality and design”
- Address inadequacies of Architectural Standards
 - Minor text changes and image replacement
 - Clarify Design Review
 - Add “Big Box” / industrial building standards
 - Add Open Space / Amenity standards
 - Add Redevelopment standards

Proposed Maintenance

1. Introduction	Reinforce established vision
2. Land Use Plan	Correct redundancies and invalid statements
3. Area Plan	
4. Specific Plan	
5. Urban Design Plan	Correct redundancies and address inadequacies

Mayor Northern requested a correction – under the Lakeside Business Development (roadways) she requested consistency in stating Lakeside Business District.

Councilmember Lyda inquired if the update includes language for SPA 11.

Mr. Dalton replied yes, it does. In the draft ordinance it’s the last specific plan area in the document.

Councilmember Lyda stated that the urban design standards reviewed earlier this year were included with the update. He further noted that the update is to provide greater detail and specific examples as to what the Town would like to see in a development project.

Deputy Mayor Pro Tem Hayden inquired as to if there had been any feedback from the development community regarding the proposed changes in the design standards.

Mr. Dalton indicated that is correct, there had not been. They were provided the exact language early on in the process.

Mayor Northern indicated there was a great amount of time spent in the last year by the Planning and Zoning Commission to identify the Flower Mound flavor (to address what does that look like).

Mayor Pro Tem Filidoro noted that given the ample amount of time (almost a year) this item has been reviewed; in the future there shouldn’t be any surprises from the development community as many of these individuals have been involved with this process.

Mayor Northern opened the public hearing at 7:25 p.m.

No participation from the public.

Mayor Northern closed the public hearing at 7:25 p.m.

Councilmember Lyda asked for clarification in that the draft Ordinance does not reflect SPA 11 in the land use map.

Mr. Dalton indicated the draft hasn't come through by the time the report was published and the Master Plan web site has been reorganized where there will be a link to the current plan.

On July 13, 2011 it was identified that page 905 in the June 6, 2011 packet demonstrating compliant/non compliant façade examples was incorrect. The replacement page, which reflects the intent of the ordinance, is reflected within the approved ordinance and on the Town's web site. The top of the page previously stated "Examples of Compliant Façade Material of non-residential buildings three stories or greater:," and now states "Examples of **Non-Compliant** Façade Material of non-residential buildings three stories or greater:."

Councilmember Lyda moved to approve a request to update the Master Plan 2001 (MPA 03-10 - Master Plan 2011) with Master Plan, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Hayden, Wise, Stephenson, Lyda

NAYS: None.

15. Consider approval of Amendment No. 3 to the Fiscal Year 2010-2011 Capital Improvements Program.

Staff Presentation

Mr. Kent Collins indicated that if the above item is approved it would result in an increase to the general fund from \$11,760,000 to \$13, 215,000 and decrease the currently adopted utility fund from \$14,721,000 to \$6,606,000.

He provided the following amendment summary:

- Morriss/Gerault – budget \$1.3 million in additional RTR funds
- College reconstruction – reduce budget by \$20,000 to reflect Engineer's estimate
- Gregory reconstruction – increase budget by \$175,000 to reflect Engineer's estimate
- Change Dunham Trail Head to "Cross Timbers Trail Head"
- Utility projects (water line relocations, elevated tank rehab, water system leak detection and repair, lift station auxiliary power)
- Reduce budget for Western Elevated Tank due to lower than expected bids, and add impact fees to reduce debt sale
- Total reduction in 2010-11 debt sale of \$10,880,000.

Councilmember Lyda inquired if rehab of both the water tanks were included in this CIP (i.e. Bruton Orand water tank).

Mr. Collins replied they are both still included in the CIP and this item is just a reallocation of cost to that particular project.

Mayor Northern clarified that this item is how the Town responds to growth and it's an opportunity to address infrastructure based upon growth.

Mayor Pro Tem Filidoro moved to approve Amendment No. 3 to the Fiscal Year 2010-2011 Capital Improvement Program. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Stephenson, Lyda, Filidoro

NAYS: None.

16. Consider approval of Amendment No. 2 to the Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the use of surplus tolling revenue from the SH 121 Subaccount to construct portions of Flower Mound Road, Garden Ridge Boulevard, Morriss/Gerault Phase I, and Spinks Road; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Collins stated this amendment specifically adds funds for improvements to the Morriss/Gerault project in the amount of \$2,540,000 for total Regional Transportation (RTR) funds of \$11,961,698. He added, that almost a year ago the Regional Transportation Commission approved an amendment on July 15, 2010.

Mayor Pro Tem Filidoro moved to approve Amendment No. 2 to the Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the use of surplus tolling revenue from the SH 121 Subaccount to construct portions of Flower Mound Road, Garden Ridge Boulevard, Morriss/Gerault Phase I, and Spinks Road; and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Stephenson, Lyda, Filidoro, Hayden

NAYS: None.

17. Consider approval of art work to be displayed at the Flower Mound Independence Fest Art Exhibit on July 4, 2011. *(The Public Arts Committee recommended approval by a vote of 2 to 0 at its May 20, 2011, meeting.)*

Staff Presentation

Ms. Sue Compton indicated that having an art display at the Town's Independence Fest is the first big project of the Arts Committee. She summarized the work that has been done in order to obtain art entries for the exhibit, and outlined the entry criteria developed by the committee. She indicated 40 pieces were submitted.

Mayor Northern inquired as to if the pieces would be for sale during the event.

Ms. Compton indicated they would not as the committee didn't want to be involved in the exchange of money for the artist, however, those inquiring would be provided the artist's contact information.

Mayor Pro Tem Filidoro moved to approve art work to be displayed at the Flower Mound Independence Fest Art Exhibit on July 4, 2011. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Lyda, Filidoro, Hayden, Wise

NAYS: None.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern confirmed that the next Town Council meeting will be July 18, 2011.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:46 p.m. on June 6, 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 8:21 p.m. on June 6, 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.

Mayor Pro Tem Filidoro moved to nominate Andre' Zwilling to fill the position of Place 3 vacated by Mark Wise on the Board of Adjustment/Oil and Gas Board of Appeals. Deputy Mayor Pro Tem Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Hayden, Wise, Stephenson, Lyda

NAYS: None.

d. Discuss and consider election of Mayor Pro Tem.

Deputy Mayor Pro Tem Hayden nominated Mayor Pro Tem Filidoro for Mayor Pro Tem. Councilmember Lyda seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Stephenson, Lyda, Filidoro

NAYS: None.

e. Discuss and consider election of Deputy Mayor Pro Tem.

Deputy Mayor Pro Tem Hayden nominated Councilmember Lyda to Deputy Mayor Pro Tem. Mayor Pro Tem Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Stephenson, Lyda, Filidoro, Hayden

NAYS: None.

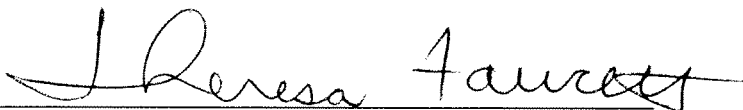
P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 8:25 p.m. on Monday, June 6th, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA FAWCETT, INTERIM TOWN SECRETARY