

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6th DAY OF FEBRUARY, 2012, 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
Steve Lyda	Deputy Mayor Pro Tem
Kendra Stephenson	Councilmember Place 1
Mark Wise	Councilmember Place 3
Tom Hayden	Councilmember Place 5

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

Theresa Scott	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

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/Liaison Reports

Councilmember Stephenson reported attending the Charter Review Commission meeting on February 2nd.

Mayor Pro Tem Filidoro reported attending the Flower Mound Rotary Vine and Dine event.

Mayor Northern reported attending or participating in the following meetings or events:

- Quarterly Homeowner Association and Neighborhood Leaders meeting
- Denton County Mayor's Crime Challenge in Copper Canyon
- Flower Mound Fit walk
- Flower Mound Medical Plaza groundbreaking
- Business Retention meeting with Continuum Hospital
- Chamber of Commerce Board meeting

Councilmember Wise reported attending the Planning and Zoning meeting on January 23rd and summarized what was discussed.

Councilmember Hayden reported attending the Parks, Arts, and Library Services (PALS) meeting, and summarized what was discussed. He also requested an update regarding the Chamber activities, and more specifically their retreat.

Mayor Northern indicated she can provide that report at the next meeting.

2. Discuss Consent and Regular Items

Council Stephenson requested Item number five be pulled from Consent.

3. Discuss Future Agenda Items

Councilmember Hayden indicated he would like to have a discussion about sponsorship of Chamber events.

Mayor Northern noted this item is on the Agenda tonight in the way of a Council Communication.

Mr. Springer indicated the item was brought forward in this way because there was no specific action to be taken, and noted depending on the outcome of the discussion it may be an Agenda item in the future.

Councilmember Stephenson requested the Charter Review Commission (CRC) meeting of February 16th be postponed because the chair of the CRC was not put on the Agenda for this evening as requested by a majority of council. Furthermore, she requested that any future CRC meetings be postponed until the chair can come forward to Council as requested. She outlined a series of reasons for her request and sought agreement from Council as to if they agree future meetings should be postponed or not.

There was some discussion amongst councilmembers regarding the reasoning associated with the request.

Deputy Mayor Pro Tem Lyda and Mayor Pro Tem Filidoro indicated being in agreement with having a Special Meeting, and suggested continuing the discussion during the coordination of future calendars section of the meeting.

4. Discuss Council Communications

a) Additional polling location on Election Day

Mr. Springer noted this item is in preparation for the Ordinance to call the election in terms of polling locations.

Ms. Scott indicated receiving feedback from two council members being acceptable to a secondary polling location.

Councilmember Hayden inquired about the delineation of Precincts with respect to

where voters vote, and parking needs.

Ms. Scott clarified that the secondary location would just be for Election Day, and it is anticipated that voters in the 300 series Precincts would vote at the Courts building, and the 400 series Precincts would vote at the Library building, and she also identified parking availability.

Councilmember Hayden, Mayor Pro Tem Filidoro, and Councilmember Wise stated being in agreement with the secondary location. Councilmember Stephenson agreed with the secondary polling location, however, had some reservations related to making sure the public was informed of the change.

b) Flower Mound Chamber Sponsorship Opportunities

Mr. Springer summarized major investor categories available with the Chamber, outlined the benefits of the Diamond Level membership the Town is subscribed to, and identified additional sponsorship opportunities.

Councilmember Hayden referenced funding that was previously provided to the Chamber and it was his understanding that when the Town's finances became more stable, there could be considerations on a variable basis regarding opportunities to partner with the chamber through sponsorships.

Mayor Pro Tem Filidoro asked for clarification from Councilmember Hayden as to if he was asking the Town to omit the membership entirely and opt for the variable route instead.

Councilmember Hayden replied the variable route would be in addition to the membership.

Mayor Northern recessed the meeting at 6:44 p.m.

Mayor Northern reconvened the meeting at 6:50 p.m.

Mayor Pro Tem Filidoro indicated if the Town is open to providing additional funding to the Chamber, or any other entities, he suggested reviewing that possibility during the 2012-13 budget process.

Deputy Mayor Pro Tem Lyda noted if the Town is in a position to extend funds externally, he questioned if this is the best organization in which to do so, given the level of dollars already being provided. He further commented that by sponsoring Chamber events it takes away from the promotional opportunity for a business that needs the publicity. He also stated sponsoring is not the best use of the Town's funds, and if the Town wants to do something to promote businesses or economic development, funds should be allocated to the economic development department.

Councilmember Stephenson stated it's her understanding that there are some funds in economic development that could be used for things like that.

Mr. Springer stated there are funds in economic development for contractual services such as the contract that was entered into for the Shop Flower Mound marketing program. Last year funds were used for the hotel analysis, and an Allies Day is planned for the remaining funds for this fiscal year.

Councilmember Stephenson noted it's her understanding that when the sponsorship level was brought down from the \$40,000 to \$10,000, the Town could do targeted sponsorship for the Chamber as appropriate, which would demonstrate the Town is working in partnership with the Chamber on small business development. She indicated wanting to see the Town move forward on sponsorships that are specifically targeted to new members at the Chamber for the purpose of fostering new businesses. As an example, she noted the new member orientation sponsorship opportunity.

Mayor Northern commented it is her recommendation to have the Chamber sponsorship discussion during the future budget cycle, and make an effort to put together a contract with the Chamber in the way of sponsorships.

Councilmember Wise commented that during the budget process would be the best time to look at funding associated with Chamber sponsorships, and to also be flexible for things that come up during the course of the year that would be of value.

Mr. Springer summarized the direction is to bring this item forward during the budget process with Town Council in May for potential expansion of the contract with the Chamber, and to consider some of those sponsorship opportunities.

b) Shop Flower Mound Program Enhancements

Mr. Springer noted the Council Communication is for the purpose of informing Council that the Town has initiated a review process for the rebranding of the Shop Flower Mound program. He further added the Town has hired an outside marketing firm to conduct the review, which could include taking a look at expanding the program into medical services as well. He noted that the process just started and they will be working with the Chamber in the way of utilizing focus groups and to ensure efforts are not being duplicated.

Councilmember Stephenson asked for clarification that the program is not something the Chamber already started, as there is a potential to save money if they are already working on this.

Mr. Springer stated receiving an e-mail from the Chamber offering their support, and he highlighted some activities the Chamber is currently doing in this area such as shop flower mound door decal logo, welcome to the business community framed coin, smart phone app, social media and business spotlight, and they have

a retail and restaurant group. He provided a background and history on the program.

Councilmember Stephenson suggested having a staff liaison work with the Chamber to keep them informed as to what is being done with the Shop Flower Mound program.

Mayor Northern agreed with having staff work with the Chamber as they progress forward.

Mr. Springer stated he would have Mark Wood in the Town's Economic Development Department communicate with the Chamber along the way.

Mayor Pro Tem Filidoro summarized his thinking is that the program is twelve years old and a professional marketing organization is being utilized for the purpose of capitalizing on their expertise to freshen up the program for the betterment of the business community.

Mr. Springer responded that is the intent.

Councilmember Hayden commented he would like to see the Town collaborate and interact with the Chamber and make it a team effort.

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 7:13 p.m.

E. INVOCATION

Chaplain Mark Sherill gave the invocation.

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

Connor Hewitt, Troop 1, led the pledges.

G. PRESENTATIONS

1. Certificate of Recognition - Denton Women's Collective "Finding Kind" campaign.

Mayor Northern presented a Certificate of Recognition to the Denton Women's Collective organization for their work in the "Finding Kind" campaign.

2. Friends of the Flower Mound Public Library donation to the Flower Mound Public Library - Angie Cox, President, Friends of the Flower Mound Public Library.

The Friends of the Flower Mound Public Library presented the Town

with a check in the amount of \$10,000 generated from their fund raising programs.

3. Committee to Commemorate Dr. Martin Luther King Day certificate of appreciation to the Town - Dr. Fariborz Davoodi, Chairman.

The Committee to Commemorate Dr. Martin Luther King Day presented the Town with a Certificate of Appreciation for the Town's support of this event.

H. PUBLIC PARTICIPATION

Bryan Webb, 4112 High Rd, Flower Mound, TX

Mr. Webb expressed interest in allowing time for the Charter Review Commission to conduct a review. In addition, he would like to see elected official's campaign finance reports on the web.

Paul Stone, 709 Lake Bluff, Flower Mound, TX

Mr. Stone expressed concern regarding the timing being too fast with regard to the Charter Review Commission.

Jane Foster, 5108 Peaceful Cove, Flower Mound, TX

Ms. Foster announced the Chamber Annual Banquet on February 9th and expressed interest in working with the Town on economic development efforts.

Patsy Mizeur, 1821 Castle Court, Flower Mound, TX

Ms. Mizeur expressed concern regarding the timing being too fast regarding the work of the Charter Review Commission.

I. ANNOUNCEMENTS

Mayor Pro Tem Filidoro asked everyone to keep Mr. Jefferson and his family in their prayers due to illness in his family.

Mayor Northern had the following announcements:

- Flower Mound Chamber annual awards event on February 9th
- Flower Mound Chamber State of the Cities on February 21st
- Children's Advocacy Center Ball on February 18th

Councilmember Hayden announced that drug use is a problem in Flower Mound and reminded parents to talk with their children. He gave the name of Brett O'Keefe as an example of someone that lost his life due to drug addiction.

J. TOWN MANAGER'S REPORT

Mr. Springer reported that the additional two lanes on the Dixon Lane road project are open for use and a ribbon cutting is scheduled for February 20th. He also pointed out that item number six on the agenda is for landscaping improvements associated with this road project.

Councilmember Hayden asked for a time line associated with previous Charter Review Commissions to better understand the process used in the past.

Mr. Springer indicated staff will prepare that information.

K. CONSENT ITEMS

Councilmember Wise made a motion to approve by consent Items 1-4 and 6-13. 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. Mayor Pro Tem Filidoro seconded the motion.

1. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on November 21, 2011.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on November 21, 2011.

2. **Consider approval of the minutes from a regular meeting and work session of the Town Council held on December 5, 2011.**

RECOMMENDATION: Move to approve the minutes from a regular meeting and work session of the Town Council held on December 5, 2011.

3. **Consider approval of the minutes from a work session of the Town Council held on December 15, 2011.**

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on December 15, 2011.

4. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on December 19, 2011.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on December 19, 2011.

Councilmember Stephenson requested Consent Item 5 be pulled.

6. Consider approval of Bid No. 22-12-B, for the construction of the Dixon Lane Landscape and Irrigation Improvements, to Denali Construction Services L.L.C., in the amount of \$175,700.82; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Bid No. 22-12-B, for the construction of the Dixon Lane Landscape and Irrigation Improvements, to Denali Construction Services L.L.C., in the amount of \$175,700.82; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, relating to a new reduced speed 20 mph school zone for Winding Oaks Drive approximately 210 feet northwest of Matterhorn Lane to approximately 160 southeast of Matterhorn Lane; and Matterhorn Lane from Winding Oaks to approximately 240 feet north of Winding Oaks Drive.

RECOMMENDATION: Move to approve an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, relating to a new reduced speed 20 mph school zone for Winding Oaks Drive approximately 210 feet northwest of Matterhorn Lane to approximately 160 southeast of Matterhorn Lane; and Matterhorn Lane from Winding Oaks to approximately 240 feet north of Winding Oaks Drive.

ORDINANCE NO. 03-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, SUBPART A, CHAPTER 66 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE V, "SPEED LIMITS," SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS," BY ADDING TWO STREET LOCATION TO THE LIST OF EXISTING STREETS ENUMERATED THEREIN AND IDENTIFYING THE MAXIMUM PRIMA FACIE SPEED LIMITS FOR SPECIFIC LOCATIONS ALONG SAID STREET AND THE TIME FRAMES FOR SUCH REDUCED SPEEDS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of the purchase of eight police sedans for the Police Services Department from Dallas Dodge, in the amount of \$208,464, 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 \$208,464, through the Houston-Galveston Area Council of Governments (HGAC) cooperative.

9. Consider approval of a Professional Services Agreement with Dewberry Architects, Inc., to provide library architecture services, in the amount of \$29,310; and

authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Dewberry Architects, Inc., to provide library architecture services, in the amount of \$29,310; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of Bid No. 10-12-A Street Leveling Services to Nortex Concrete Lift & Stabilization, Inc., at the unit prices bid, in the estimated annual amount of \$69,800; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Bid No. 10-12-A Street Leveling Services to Nortex Concrete Lift & Stabilization, Inc., at the unit prices bid, in the estimated annual amount of \$69,800; and authorization for the Mayor to execute same on behalf of the Town.

11. Consider approval of the purchase of one rough-cut mower from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative, in the amount of \$52,986.15.

RECOMMENDATION: Move to approve the purchase of one rough-cut mower from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative, in the amount of \$52,986.15.

12. Consider approval of the purchase of pavement marking service, in the estimated annual amount of \$50,000, from Stripe-A-Zone, Inc., through a City of Grand Prairie contract.

RECOMMENDATION: Move to approve the purchase of pavement marking service, in the estimated annual amount of \$50,000, from Stripe-A-Zone, Inc., through a City of Grand Prairie contract.

13. Consider approval of Amendment No. 2 to the FY 2011-2012 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 2 to the FY 2011-2012 Capital Improvement Program.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

L. REGULAR ITEMS

5. **Consider approval of the minutes from a special meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on January 19, 2012.**

Councilmember Stephenson requested a text amendment change be made within the January 19, 2012 Town Council minutes noting under the discussion about having the chair of the Charter Review come forward it states at the next meeting, and that Council agreed at a future date, and requested the minutes reflect that it was requested by a majority of Council that it was at the next meeting, and there was a discussion if the Chairman was not available that another representative of that Commission was to be asked to come forward.

Councilmember Stephenson moved to approve the minutes from a special meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on January 19, 2012. Councilmember Hayden seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

Mayor Northern announced that Raising Cane's has pulled their application due to some additional information they need to resolve with TxDOT.

Mr. Welch clarified that the item should be postponed until the February 20th Town Council meeting.

14. SP 19-09 – Raising Cane's

Consider a request for a Site Plan (SP 19-09 - Raising Cane's) to construct a fast food restaurant, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is located at 3205 and 3207 Justin Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 9, 2012, meeting.)*

Mayor Pro Tem Filidoro moved to table a request for a Site Plan (SP 19-09 - Raising Cane's) to construct a fast food restaurant, subject to the terms and conditions in the attached Development Agreement; and authorize the Mayor to execute same on behalf of the Town to February 20, 2012. Councilmember Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Hayden

ABSENT AT ROLL CALL: Wise

NAYS: None

15. Cross Timbers Village

Public Hearing

Public Hearing to consider a request for economic development incentives for the Cross Timbers Village retail development.

Staff Presentation

Mr. Springer summarized the overall project, identified the associated request from the developer, and referenced the Town's incentive policy.

Councilmember Wise asked for clarification that regardless of which option is taken, the net benefit to the Town is about the same.

Mr. Springer stated that is correct, and he further clarified how estimates were derived.

Councilmember Stephenson asked if the sales tax estimate was just for Tom Thumb, or did it include other retailers.

Mr. Springer indicated it includes Tom Thumb, Walgreens, and Subway as they are current identified planned tenants.

Councilmember Stephenson asked for clarification as to what the development will look like at build-out.

David Watson, Managing Director for Direct Development (Applicant)

Mr. Watson noted at build-out it is estimated to be 140,000 square feet, with Tom Thumb taking 60,000 square feet and 80,000 square feet for other shops.

Councilmember Hayden asked for a history as to how they got to this point.

Mr. Watson provided a historical perspective from the time the property was acquired, processes they have been through, and road construction issues that transpired.

Councilmember Hayden inquired as to what are other communities doing and are Flower Mound impact fees similar to our peers.

Mr. Watson stated that due to the lack of growth nationally, communities have become much more competitive as to what they are willing to do and typically incentive agreements are set in that impact fees get waived pretty early, and 380 Agreements are also being utilized. He noted this is similar to what is offered in Flower Mound.

Councilmember Hayden inquired if there are other expenses put into the project that will benefit the community in terms of roads.

Mr. Watson stated they are required to design and pay for public infrastructure as a result of the project in the way of \$350,000.

Councilmember Hayden inquired how important are the incentives being offered from the Town to them on future projects, for example.

Mr. Watson noted they've done a lot of business in Flower Mound and the Town has historically seen the benefits of offering incentives for the fees. He noted 95% of the time, there will be a 380 Agreement in order to make the numbers work.

Councilmember Hayden asked if they were not granted incentives would they be able to complete the other 80,000 square feet.

Mr. Watson noted they have a loan agreement that allows them to construct the lineal improvements. The impact for not receiving an incentive comes in the way of finish-out dollars to attract high quality tenants which would result in their inability to do quality interior finish-outs.

Councilmember Stephenson asked for clarification in that checks have not been written or previous payments made.

Mr. Springer noted that is correct and that these fees would be paid at the time of the building permit so they are requesting this to be waived at that time.

Mr. Springer noted tonight's meeting is primarily for direction to staff from Council, and indicated what would occur if Council wants to offer some type of incentive, is that staff would draft a 380 Agreement with the attorney, work with the developer, and then come back to Council for consideration of that 380 Agreement, which would be held under the incentive policy at a public hearing.

Mayor Northern asked if they would be maintaining ownership of the project other than Tom Thumb and Walgreens.

Mr. Watson stated it depends, and noted if there is a situation where a quality project comes forward they might sell them the site, however, that's not desired. Their preference is to own it and build it to Direct Development standards as they have in other areas of Town.

Mayor Northern opened the public hearing at 8:20 p.m.

David Johnson, 3617 San Paula Dr, Flower Mound, TX

Mr. Johnson spoke in favor of proceeding with incentives for the project.

Marilyn Jenkins, 6716 Raintree Pl, Flower Mound, TX

Ms. Jenkins had two questions:

1. Ownership since they will most likely be letting the properties – she assumes they will be providing a percentage lease to their tenants in which no monies will go back to the Town.
2. She would like to know the impact that Market Street coming on line will have.

She also stated not being in favor of incentives.

Mayor Northern closed the public hearing at 8:25 p.m.

Councilmember Stephenson asked Mr. Springer to clarify how the Town goes about making incentives available, such as in relation to the value of the development.

Mr. Springer highlighted the incentive policy levels, with the range of a ten to five million dollars.

Councilmember Stephenson asked why there are minimums set.

Mr. Springer noted the Town looks to neighboring communities as to what is being offered, and how this differs from the past when incentives were offered to attract high employment, and further clarified that most communities set some minimal dollar amount of development to be considered for economic development incentives.

Mayor Northern asked Mr. Watson to provide information relative to the number of jobs associated with the development project, and to respond to Ms. Jenkins question asked earlier.

David Hardin, Director of Real Estate, Randalls/Tom Thumb Stores, 3663 Briarpark Dr, Houston, TX 75042

Mr. Harden indicated their store will have about 150 employees total, however, was unable to provide the salary range, and anticipates most of the workers will be from Flower Mound.

In relation to Ms. Jenkin's question and the impact of Market Street, Mr. Harden indicated there is enough business for all of them in Flower Mound.

Mayor Northern noted she received two e-mails indicating not being in favor of offering incentives for this project.

Councilmember Stephenson stated there are areas of Flower Mound in which space is empty, and offered concerned about the impact on their inability to do finish outs and the potential of the following 1) the space will be empty because there won't be an incentive for those tenants to come or 2) the Town will get a lesser tenant which will equate to lesser sales tax dollars for Flower Mound, and she asked if her thinking was accurate.

Mr. Watson stated that is correct, and he provided a perspective of the current development environment.

Councilmember Wise asked for some background information on past large developments that occurred, and asked if 25% was the normal rebate amount for impact fees, and what happened that Robertson's Creek got 100%.

Mr. Springer indicated that 25% is the normal, and Mr. Watson clarified the exception with Robertson's Creek had to do with Direct Development taking on storm drainage beyond just the needs of the development.

Councilmember Hayden indicated a desire to have more time.

Mr. Watson clarified they would need an answer by March 1st.

Councilmember Lyda asked what the 380 Agreement might look like. He noted the need for an agreement in place where there would be a recourse option; however, the Town would not be collecting money during that time.

Mr. Springer referenced the performance based language in the Incentive policy.

Councilmember Stephenson asked about the possibility of going into closed session to discuss the legal details of the matter further.

At 8:49 p.m. the Town Council convened into closed meeting pursuant to Texas Government Code Chapter 551, Sections 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, and economic development incentives and legal issues, and reconvened into an open meeting at 9:33 p.m.

Mr. Welch stated it's his understanding the recommendation to staff is to look at Option C, which would include assessment of impact fees at 25% versus the standard 50%, inclusion of a time period for the creation of a certain number of jobs, create an assessed value for the property, and to include a waiver of building permit fees.

Mayor Northern confirmed that is the recommendation.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern announced there is a work session schedule for March 15th and inquired if Council was in favor of canceling this meeting. All were in favor.

Deputy Mayor Pro Tem Lyda inquired if Council wants to set a Special Meeting date to hear from the Charter Review Commission chair.

Ms. Scott noted future meeting dates of the Charter Review Commission.

There was consensus with Council to schedule a Special Meeting on February 15th for the purpose of having the chairman or a representative come forward to provide an update as to what they have been working on thus far, as well as the process they are using.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:42 p.m. on February 6, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 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 9:58 p.m. on February 6, 2012, 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 Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

- d. Town of Flower Mound v. Mockingbird Pipeline, L.P., Cause No. PR-2010-00050, filed in the Denton County Probate Court.

Mayor Pro Tem Filidoro moved to have Council authorize the Mayor to enter into a settlement negotiation and complete the case between Mockingbird Pipeline, Cause No. 2010-00050, filed in the Denton County Probate Court and to have the Mayor execute an agreement for the settlement therein. Deputy Mayor Pro Tem Lyda seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

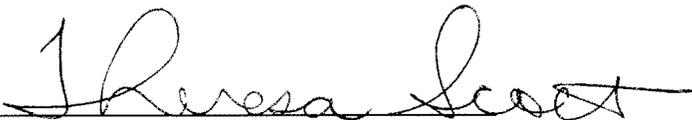
P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 10:00 p.m. on the 6th of February 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY

11/18/2011 10:00 AM

11/18/2011 10:00 AM