

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7th DAY OF JANUARY, 2013, 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:

Tom Hayden	Mayor
Kendra Stephenson	Mayor Pro Tem
Mark Wise	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Steve Dixon	Councilmember Place 4
Jean Levenick	Councilmember Place 5

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

Anne Carnes	Administrative Assistant
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Interim Town Manager/Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Hayden called the briefing session to order at 6:02 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee/Liaison Reports

No reports.

2. Discuss Consent and Regular Items

No discussion.

3. Request Future Agenda Items

Mayor Hayden requested to have a future discussion on the the Town's fence replacement program and the possibility of expanding it beyond the current major thoroughfare parameters.

Mr. Springer indicated there is a work session on the 17th and this topic could be discussed during the code enforcement issues discussion. At that time staff could provide a review of that program.

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

Mayor Hayden adjourned the briefing session and called the regular meeting to order at 6:07 p.m.

E. INVOCATION

Chaplain Don Cone gave the invocation.

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

Mayor Hayden led the pledges.

G. PRESENTATIONS

1. Certificates of Achievement to Eagle Scouts Jordan E. Jacobs, Jackson Wilson, and Eric Plenger.

Mayor Hayden presented certificates of achievement to Eagle Scouts Jordan E. Jacobs, Jackson Wilson, and Eric Plenger.

2. Marcus High School, Certificate of Achievement, UIL State Marching Band Contest.

Mayor Hayden presented Amanda Drinkwater, Marcus' band director, with a certificate of achievement for the band's achievement in winning the UIL State Marching Band Contest.

H. PUBLIC PARTICIPATION

Stephanie Williams, 3001 Native Oak Dr., Flower Mound, TX, 75022

Ms. Williams expressed concern regarding the Atmos clearing and the potential loss of several oak trees. She indicated being understanding of utilizing aerial monitoring in rural areas, however, not in neighborhoods that are accessible by foot. She indicated there is a willingness to do anything that can be done in their neighborhood to save them.

Mayor Hayden clarified the markings are currently in conjunction with a survey Atmos is doing and it has not been determined as of yet which trees may or may not need to be removed.

Melanie Carr, 1012 Big Canyon Dr., Flower Mound, TX, 75028

Ms. Carr expressed concern regarding the proposed skate park location and questioned if there is the demand for it now as there was 8 – 10 years ago, especially considering Lewisville has built one since that time. She pointed out if a skate park is to be constructed her preference would be for the option presented by the PALS Board as it puts it farthest away from the homes in Baker's Branch, which is beneficial for the homeowners and it provides good visibility for the users.

Lori Salisbury, 1761 Sterling Ln., Lewisville, TX, 75067

Ms. Salisbury announced she is the new Chairman for the Flower Mound Chamber this year. She extended appreciation for the support offered to the Chamber by the Town. She announced various upcoming Chamber events.

Tim Burch, 217 N. Oak St., Roanoke, TX, 76262

Mr. Burch announced he is the new constable and offered appreciation for his support and commented he is available to assist the Town as needed.

Jennifer Eads, 7305 Hickory Springs, Flower Mound, TX, 75022

Ms. Eads expressed concern regarding the Atmos clearing as it impacts a family member in Flower Mound. She indicated there is a lot of access in which the pipeline can be monitored by foot and is of the belief it is for convenience purposes that Atmos wishes to monitor by air. She expressed appreciation for the Council representing those impacted by the clearing and recognized there is not a lot of legal recourse in this situation. She noted they would be willing to take action from a resident perspective if it would help.

Mayor Hayden encouraged her to contact Atmos directly regarding the matter.

Julia Ahlfinger, 3012 Clearpoint Dr., Flower Mound, TX, 75022

Ms. Ahlfinger expressed concern regarding the Atmos easement clearing and she indicated she doesn't know what has changed in the last 5 years since she has been here. She is very concerned about the potential number of trees to be removed in small block areas. She noted having written letters to Council, Atmos, and participated in a television news story on the topic. She commented having heard Atmos plans to cut 232 trees in Wellington. Her main hope is that the City Council will assist the residents to get Atmos to limit their cutting.

Mayor Hayden encouraged her to contact Senator Jane Nelson as well.

Kathleen Craig-Silvia, 901 Rosemary, Flower Mound, TX, 75028

Ms. Craig-Silvia commented her property backs up to Heritage Park. She indicated her husband communicated with the PALS Board and Council via email, providing over 45 current experiences of towns and cities across the country who have installed skate parks and many were sorry they did after spending thousands of dollars afterwards to fix, repair, or maintain them, in addition to insurance or legal issues. Some have permanently closed them and some have even plowed their own skate parks that they paid for into the ground. The common theme is that you cannot build one and be done. There are constant repair and maintenance requirements and many security issues. It is my understanding from the last PALS meeting that the Town intends to build this and be done. All the histories that were sent to you showed a pattern of constant safety and security problems that are specific to skate parks. These facilities are known to be magnets for crime. She reviewed the past recommendations and noted there is not currently wide-spread interest in this project. She pointed out various things she learned in speaking with the City of Lewisville representatives regarding the operations of their skate park. She stated should a park be considered have it only be open during the day and no ball field lights surrounding it and the Town would monitor the safety and vandalism issues.

David Robison, 913 Rosemary Dr., Flower Mound, TX, 75028

Mr. Robison noted he backs up directly to Heritage Park and one of the proposed sites for the skate park. He indicated it's not good economic times to warrant spending \$400,000 to build one and suggested having the skate park removed from the Master Plan as it's been there for 12 years. Furthermore, the community interest for it doesn't exist.

Todd Weaver, 3505 Yucca, Flower Mound, TX, 75028

Mr. Weaver announced Raising Cane's closed on their property seven days ago, noting it took over the 4 years to close the land primarily due to TxDOT issues. He indicated being amazed at what staff pulled off. He offered thanks to staff, including engineering, planning, and for Danny Hartz and the building inspections staff, for their assistance in getting comments back in such a short turnaround time.

I. ANNOUNCEMENTS

Councilmember Dixon had the following announcements:

- Hope everyone had a Merry Christmas and a Happy New Year
- Thoughts and prayers for the Schwolert family for the loss of their son
- Look forward to great things in Flower Mound in 2013

Councilmember Webb announced there was a meeting at the Fire Station soon after the election and indicated he and Councilmember Dixon spoke about wanting to address the drug issues within our community. He stated it is still something he wants to do. He noted Councilmember Dixon requested the topic be placed on the Agenda in conjunction with the upcoming Council retreat next month. At that time it will be discussed and he expected afterwards there should be something more formal in place to rally around and push the issue forward.

Mayor Hayden commented about the great things coming forward in 2013 such as a new Town Manager. He noted many other good things are happening and a lot of it can be attributed to the work of Council and their passion and commitment in serving the Town. He pointed out that an improvement in the economy is also a factor for the positive things coming forward.

J. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects and Fire Department enhancements.

Mr. Springer reported on some enhancements in the Fire Department, which were in part related to decision packages, and others were added this year and noted as follows:

- Use and training of new device that aids the paramedics when placing an air way in a patient's trachea.
- Two state of the art thermal imagers were purchased this year. One was from a grant through CoServ and the second was an approved decision package. Personnel have been training on using the equipment.
- The images are used to assist with finding victims and to find fire hidden in walls.
- The auxiliary cooling units for the fire engines are installed and operating, which allows them to stock temperature sensitive medicines in the fire engines now, allowing for paramedic intervention prior to the arrival of an ambulance unit.

- They have also added (related to the medicines they carry) bar code scanning and tracking software to allow for more efficient inventory of their EMS supplies.
- Christi Price, the Town of Flower Mound's first full-time career female firefighter, began work for the department in December.
- The Department has also gone through the first 3-day segment of oil and gas operations and pipeline emergency training. This course was funded by a grant the Town received from the US Office of Pipeline Safety.
- Voice amplification units located on the fire fighter apparatus has been ordered.
- A candidate has been selected for the Fire Prevention Officer. They are currently finalizing their pre-employment conditions and the Chief hopes to have them on duty on January 21st.

2. **Discuss Council Communications**

- a **CC 38-12 – Request for the Parks, Arts and Library Services (PALS) Board to propose alternate locations for the construction of the skate park.**

Mr. Springer noted he did receive comments back from some Council members and the comments were related to what the public talked about in that there are concerns about even constructing the skate park at all. Also, the possibility of amending the Parks Master Plan to have the skate park removed was mentioned as well. He indicated having given Mr. Welch the language from the original Bond Election related to the CAC project and the skate park so if there are any legal questions relating to what was given to the voters and those types of issues he could respond.

Mayor Hayden commented he's often heard that we went through the Bond Election and we listed this as one of the items the voters wanted, however, if it's not something we pursue, what ramifications might that have.

Mr. Welch indicated he has confirmed with bond counsel that all of the funds for that bond proposition have been expended and that it is not a terribly unusual occurrence so those funds have been expended and there is no obligation to build a skate park without going back to the voters for a new bond proposition. He gave the example of if you had 15 roads for construction and you funded 12 of those roads, instead of all 15, and you ran out of bond funds. The last three simply would not be constructed because there would not be sufficient funds. Mr. Grandfield confirmed that since all of the funds have been expended there would have to be a separate funding source if the Council decided to move forward with it.

Mayor Hayden indicated it is up to the Council, however, I get a sense there is not a strong desire to pursue this but I would suggest we talk about this at the retreat in a month.

Councilmember Webb asked if there were any other projects listed on that Bond Election that were not funded.

Mr. Springer indicated there were two propositions. Proposition 3 was for the issuance of \$6.75 million general obligation bonds for a multi-purpose aquatic center at Gerault Park, including indoor and outdoor swimming pools for both recreation and competitive use. Proposition 4 was for the issuance of \$6.95 million general obligation bonds for a community activity center at Gerault Park, Phase II, including a senior and teen area, skate park, gymnasiums, meeting rooms, and fitness rooms.

Webb: I am okay with discussing it at the retreat, however, my main concern is while we may not have a legal obligation to build it since we've expended all the funds, it's something that we went to the voters with and they voted "yes" they wanted these items and this was one of those items. He indicated perhaps it's not a legal requirement; however, there may be a moral duty. He noted having heard the residents that spoke during public participation that perhaps the demand for this has passed, and I am open to hearing that as well.

Stephenson: Questioned if both this topic and the community garden would be better served for discussion during the strategic planning session because we haven't looked at the Parks Master Plan as a Council since it started. Also, I don't recall from the community survey last year if there was any rank ordering that we asked the community to do related to park amenities that called out both a skate park and community garden. Because those are two specialty amenities that I want to see what we have gathered from the community at large to see what their ongoing interest is in it. I share Councilmember Webb's conundrum as to what do we do about something that was promised by a past Council and Bond Election.

Springer: We can provide information on that. The planning session this year is structured differently so it may not get into specific items so if it doesn't come up then, it can be placed on the work session in February.

Hayden: I saw Ron's Agenda and that is a proposal, and I'm not sure that is how it's going to go. Another thing we could also talk about is to put it back on the ballot to see if there is still a desire to have a skate board park in Flower Mound. It would give people another opportunity because so much time has elapsed since it was last considered.

Levenick: The skate park has gone from something in a bond that was originally estimated to cost maybe \$300,000 and I know a while ago I had asked for other locations to be looked at, because I don't think that had been done. The PALS Board took that on and looked at other locations. Now the situation is that no one wants it near them and now this option two is going to add another \$109,000 to this project. The only people that seem to be coming up to talk about the skate park is the people that don't want it. My opinion is that when we start looking at the Master Plan for the Parks it comes out, as I don't see any interest in it anymore. I think the people that voted for it in 2008, their kids were that age and they thought they would be getting it, and now its eight years later. I just don't think there is enough interest in it to spend over \$400,000 for it.

Hayden: It's interesting to think about the for profit skate board park that went in at Grapevine Mills that lasted two to three years before it went away. He reiterated interest in talking about it at the retreat.

Wise: I agree with having it as a discussion at the Strategic Planning Session. I agree with Mr. Robison – he said it very well. This has come up so many times and not one person is saying they want it anymore. If we go that direction on putting it on the ballot, that's fine, as it's the fair thing to do, however, at this time I truly don't see the need for it.

Hayden: Is Council okay with moving both council communications to the strategic planning session?

Levenick: We are going through the Council Communications. If we keep saying we'll talk about it at the strategic planning session, we're going to end up where this stuff is going to continually keep moving down the road and we don't get to talk about it.

Mayor Hayden asked Mr. Springer to continue to the next Council Communication regarding the Community Garden.

b. CC 39-12 – Community Garden – Temporary Location.

Springer: What went back to the PALS was a temporary location that the original master planning for this was at a park that isn't planned to be developed for another 5 – 10 years or potentially even longer. So that went back and was looked at and a temporary location at Heritage Park was selected – along the edge of Gerault Park and Heritage Park. The direction that is necessary for staff is whether or not that is an acceptable location and do you want staff bring it forward as an item in the upcoming budget process for consideration in the CIP as to when to place the dollars in the Parks Capital Budget to construct it.

Stephenson: I would say "no" because we are not seeing any demand from the community for a community garden. We had a joint meeting with ECC and PALS and they did a survey of what people might want to see in a community garden, however, that doesn't mean there is a demand from the residents of Flower Mound to have a community garden. The one thing I am unclear about is does Flower Mound have the demographics and characteristics that make a community garden successful as they are usually in communities that have much smaller lots without yards. I have questions that need answered as to whether or not we even need one at all, let alone a temporary one.

Levenick: I am not interested in putting another temporary thing in Flower Mound. For one, I don't even know how much it's going to cost to put a temporary location in and then having to move it 5 or 10 years after the selected location is ready for it. I didn't get any information on that, unless I've overlooked it. I'm not interested in another temporary thing.

Webb: If it's a temporary location and it takes off and is used and then we want to put in a permanent one someplace else, there will be pushback from the folks using the temporary one. We will end up with two gardens to maintain and service, doubling expenses on it. Then the other is what Mayor Pro Tem Stephenson mentioned in relation to whether or not we have the demographics and the demand for it. Most of the community gardens I have seen have happened in urban areas. In Flower Mound I have friends on 6,000 square foot lots – they have a garden in their back yard. For Flower Mound that lot is on the smaller side of what we have to offer. For those reasons I'm not ready to pursue this one at this time.

Wise: I am not ready to pursue the community garden concept at this time, however, I am curious as to the reasoning for moving to a temporary location and moving forward with that right away.

Springer: A few council meetings ago the discussion took place regarding the long term community garden planned at Green Acres Farm and Council had received communication from residents that were concerned about having it there. As such, the topic was brought up at a Council meeting so staff inquired of Council if there was interest in looking at a temporary location away from Green Acres, so that is what is being discussed (due to the resistance at Green Acres). That doesn't mean that the Master Plan can't be amended to take out the community garden all together.

Dixon: I would not want to do a temporary location. If it's going to stay on the Master Plan, pick a permanent place and move forward with that one.

Hayden: Former Councilmember Mike Wallace really pushed this and if you ask him there is more interest in a community garden than you would suspect. There is actually a community garden at the Upper Trinity Water District and Tom Taylor has walked me out there and showed me which spots included Flower Mound residents, and one of our former mayors has two plots out there. I do agree that it needs to be a permanent and not temporary location.

There was consensus of Council to not move forward with a temporary location and keep it on the CIP for 2017 and 2022 with the understanding it would be a permanent location.

c. CC 40-12 – Sponsorship program for parks and other Town services.

Springer: This is another item that was referred back for a Council Communication and generally the feedback I have received is that it doesn't seem that the Council is interested in hiring an outside consultant to work on this. What was proposed was a robust program to look at all of the Town's assets and attempt to estimate a fair market value for those assets and then to go out and try and receive that. Staff's concern is that when we are approached by someone wanting to advertise or sponsor a park it's very difficult for us to know what a fair value is for that. If Council wants to do a more limited program staff could just open up sponsorships and bring it to PALS and then to Council. A review of the survey cities was done and the two that have done it went with a larger program and they received large amounts of revenues for those sponsorships.

Wise: Questioned how staff responded to past inquiries about sponsorships.

Springer: I have heard of some wanting to do it. We had a sponsorship program for the community playground where we offered different sponsorships levels and I have heard of others showing some interest, however, they haven't specifically approached staff.

Wise: I think it's something we should look at, however, I don't agree with spending a lot of money on a consultant to do it. It seems like we could look at our sister communities who have done it, see what they get for something similar and how it could equate to something here and then see if we could get it here.

Springer: The other communities (Plano and Lewisville) included \$1 million and \$1.5 million sponsorships.

Dixon: The one thing I'm not wanting is the feel like you're in an amusement park (i.e. this ride is sponsored by a corporation). I would be very cautious on identifying certain areas of Town that Council might feel like it would be appropriate. Right now, I only see Heritage Park as a possibility. I don't want to see Pecan Park or Jake's Hilltop Park having a sponsor.

Stephenson: When Council talked about this in the past the direction was very specific. In the past the Town was approached by a company for Fort Wildflower and then another potential sponsor for a dog park. They are very small scale things and we don't feel Flower Mound is a community that fits the profile to do many of these, but if there are businesses that are already part of our community it would be a great opportunity. Then when approached it would be beneficial to have a mechanism as to how it could be accomplished. Evaluations could be done on an ad hoc basis because in both of those cases they came forward indicating they would like to give "x" amount of dollars. The direction to staff was to come forward with a mechanism to allow Council to even consider accepting those funds because right now we don't have that mechanism. Secondly, discuss with Council on these ad hoc basis situations what businesses can expect in return for their sponsorship. I was very surprised when I saw this consulting proposal come through. I think the residents would be very shocked if we approved something like that.

Levenick: I don't agree with the consulting contract. In addition, it stated that the dollar amount was only for phase one of their program and I don't even know what phase two encompasses. Also, it is not clear when the Town could expect to recoup the money from the cost of the consultant. Also, I don't want it to turn into advertisements all over Town.

Webb: I think there may be a place and time for a sponsorship. I think if we look at some of our neighboring communities we will see that they have leveraged those sponsorships on very significant projects that had a long lead time in the planning, such as Railroad Park in Lewisville with Toyota of Lewisville, and Medical Center of Lewisville in Old Town Lewisville for their performing arts center. If the time comes that we are going to build something significant of that scale this should be part of that planning process. I think you would also get the biggest bang for the buck if you do that and it's there at the opening and not coming in later. For the smaller ones I would ask staff to field those like we had with the playground. Take the request. See what the offer is and then pass it down to Council and then a decision can be made to determine if that is fair value.

Hayden: There is consensus of Council to handle it on a one-off basis and keep it an informal process in that as things happen we'll discuss.

Stephenson: I don't even know if the offer is still open on the one for the community built playground because we sat here for so long not knowing what to do with the offer. That is unfortunate because the entity that came forward is very much a part of the community. We have another one related to the dog park and I don't know what to tell them. So again, that is what we have asked staff to do – in situations where we

get these one-off offers, how are we going to process them. We don't have a mechanism in place right now to handle them. I don't want us to leave here tonight without having an understanding about what we are going to do with these two offers because both companies are part of our community and to just tell them nothing is insulting.

Hayden: If there is a firm offer on the table, then bring it forward as an agenda item for Council discussion and take it to a vote.

Dixon: I think the direction from Council to staff is to put together an application process – one page application that requires the organization or entity to write a letter that would include the actual request, how much, what for, and where in Flower Mound for Council to consider. It doesn't have to be a grandiose application process or too in depth. It simply needs to be something that allows the applicant to define the amenity in Town that they have a desire to sponsor, what is expected (i.e. type of recognition or signage), and then they would write a letter on company letterhead as to what they want to do. Then staff can take it to Council for a decision.

Hayden: That sounds great. I don't know how many people will be beating our doors down to please take my money. On the flip side there will be things such as the botanical gardens where we will have to go out and find people.

Dixon: Let's cross the bridge with a process first because as Kendra just said we have had two situations in which people have approached the Town with a desire but we don't know what to tell them.

FM 1171 Expansion Project

Webb: I sent an email to Chuck regarding the upcoming expansion for FM 1171, pointing out I had some residents along Emerson express some concerns about how that roadway is going to encroach upon their back yards. I was informed they have had some conflicting information between TxDOT and the Town regarding fencing so I had asked for some clarification on that.

Springer: We haven't found any individuals in the Town that may have spoken to them. TxDOT does a sound study as a requirement of all their projects and based on that sound study they determine if it's needed to have sound walls, not necessarily fencing. For this project (Section 2 and 3) they did not find any of those requirements (for sound walls). What the Town has done in the past (section one), is apply for the Green Ribbon funding and in certain areas we have done additional landscaping along the right of way and within the roadway. We will apply for Green Ribbon funding for sections two and three; however, it's a TxDOT application and approval process. That is one item we can do to minimize impact to those property owners if funded. Any other alternatives would be Town funded because TxDOT sets their standards and it's not required under their standards.

Webb: I will contact the folks I have been in touch with and ask them to get in touch with Kent's office with their specific concerns. We are very early into this in that we haven't even started turning dirt yet, however, if we're going to need to make some decisions on that I would rather have them surface now so that we have got some time in the event it would need to get worked into the upcoming budget for a future decision.

Timber Creek Reconstruction

Stephenson: This question is for Kent – regarding the conversation we had last Friday on the reconstruction of Timber Creek, could you share with Council that information in case other members of Council get those same phone calls.

Collins: Mr. Harris lives on Timber Creek and he has concerns about one of our culvert crossings. As part of the Timber Creek reconstruction we are replacing the culverts and their concerns are related to trees that are growing on the embankment just outside on either end of the culverts. We looked at it and reviewed alternate designs. We had a design of the arch span and box culvert. In this case the box culvert is actually wider. I explained that to Mr. Harris and how it would have more impact than the arch span or cons pan. So we have looked at every option that we could to try and save the trees, however, it is very tight in that area and you can't work in the stream without impacting those trees. We walked the site many times. In that area those trees are coming out with the plan to replant some new trees along the parkway. They live adjacent to some park land so we have the opportunity to plant there and plan to do that as part of this project.

Atmos Easement Clearing

Hayden: Asked Mr. Springer for an update as to where we are with Atmos and what's happening.

Springer: Both the Town and Atmos are completing their work. They have just about completed the field work and now they are documenting on paper and mapping. I have heard that by the end of the month they hope to have all of that completed and then their plan is to come back to the Town for further discussions.

Hayden: When you say field work you are referring to inventory of the trees?

Springer: Yes.

Hayden: So when they come forward in February we will have an understanding of implementation.

Springer: It would be for the purpose of having Council involved in additional discussions.

Dixon: Walking the trails in Wellington, I have seen the tree survey tags, but I have also seen red ribbons around several of the trees. Who is putting the red ribbons around the trees? Atmos? Town? Are we even aware?

Springer: I am not aware of the ribbons and what they signify. We will ask Jared or Atmos and put that information it in the weekly report.

Dixon: For the resident that came up and brought the photos you can see the tree survey tags and the ribbons around the trees. I just don't know what they represent and I'm quite sure residents are questioning if the ribbons mean to remove or save the tree, so I would like to get some clarification and then pass it along to the residents.

Hayden: If the Council decides it's too punitive then we might need to file an injunction against Atmos from moving forward. I would like the Council to be involved in whatever decisions ultimately happen with that.

Special thanks to Chuck Springer

Councilmember Levenick and Mayor Hayden extended thanks to Mr. Springer for taking on the additional responsibilities with the Interim Town Manager position over the last few months.

K. CONSENT ITEMS

Councilmember Dixon moved to approve by consent Items 1-7, 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. Councilmember Levenick seconded the motion.

1. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Crime Control and Prevention District Special meeting held on December 17, 2012.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Crime Control and Prevention District Special meeting held on December 17, 2012.

2. **Consider approval of a Professional Services Agreement with Kleinfelder Central, Inc., to provide geotechnical and material testing services associated with the construction of the Upper Timber Creek Interceptor Phase 1 project, in the amount of \$32,030.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kleinfelder Central, Inc., to provide geotechnical and material testing services associated with the construction of the Upper Timber Creek Interceptor Phase 1 project, in the amount of \$32,030.00; and authorize the Mayor to execute same on behalf of the Town.

3. **Consider approval of Change Order No. 1 for Bid No. 61-12-B, for the Old Settlers at Sagebrush traffic signal project, amending the contract with Roadway Solutions, Inc., for a decrease in the amount of \$17,083.80; acceptance of the project; authorization of final payment to Roadway Solutions Inc., in the amount of \$8,456.92; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 1 for Bid # 61-12-B, for the Old Settlers at Sagebrush project, amending the contract with Roadway Solutions, Inc., for a decrease in the amount of \$17,083.80; acceptance of the project; authorize final payment to Roadway Solutions Inc., in the amount of \$8,546.92; and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of a Memorandum of Understanding with the Flower Mound Chamber of Commerce; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Memorandum of Understanding with the Flower Mound Chamber of Commerce; and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2012, and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, for adjustments to the TIRZ, Park Development, Street Maintenance, Parks 4B, and General Capital Projects Funds.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2012, and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, for adjustments to the TIRZ, Park Development, Street Maintenance, Parks 4B, and General Capital Projects Funds.

ORDINANCE NO. 01-13

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, 2012, AND ENDING ON SEPTEMBER 30, 2013, AS ADOPTED BY ORDINANCE NO. 40-12 AND AMENDED BY ORDINANCE NO. 56-12, BY PROVIDING FOR ADJUSTMENTS TO THE TIRZ, PARK DEVELOPMENT, STREET MAINTENANCE, PARKS 4B, AND GENERAL CAPITAL PROJECTS FUNDS; 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.

6. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of Emergency Medical Services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of Emergency Medical Services for the benefit of the citizens of Flower Mound and Denton County, and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorize the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Levenick, Webb.

NAYS: None.

L. REGULAR ITEMS

8. Consider approval of the award of Bid No. 2013-17-B, to C. Green Scaping, LP, for the construction of the Braden-Bakersfield Park project, for a total amount of \$235,348.34; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Collins provided a presentation identifying or noting:

- Project summary
- Site location
- Bid summary

Levenick: Inquired as to how the newly installed grass and turf would hold up given the site location is the same one used for the Independence Fest and the significant amount of foot traffic.

Collins: The turf grass will be able to handle that the way it is prepped.

Sims: The type of turf going in is specifically designed to handle wear and tear and it's anticipated to have large crowds on that one day.

Mayor Pro Tem Stephenson moved to approve the award of Bid No. 2013-17-B, with C. Green Scaping, LP, for the construction of the Braden-Bakersfield Park project, in the amount of \$235,348.34; and authorize the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: Webb, Levenick, Stephenson, Dixon, Wise.

NAYS: None.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

No discussion.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:32 p.m. on January 7, 2013, 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 9:33 p.m. on Monday, January 7, 2013, to take action on the items as follows:

- a. **Discuss and consider economic development incentives.**

No action taken.

- b. **Discuss and consider purchase, exchange, lease or value 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. **Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.**

No action taken.

- e. **Discuss and consider Presiding Judge, Alternate Judge, and addition of second Alternate Judge position.**

No action taken.

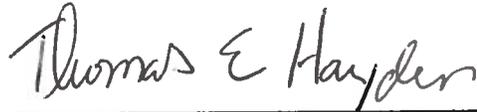
- f. **Red Oak Gas, L.P., et al. v. Town of Flower Mound, Cause No. 2009-30345-211, pending in the 211th Judicial District Court, Denton County, Texas.**

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:37 p.m. on Monday, January 7, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY