

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18th DAY OF FEBRUARY, 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
Jean Levenick	Councilmember Place 5

With the following members absent:

Bryan Webb, Councilmember Place 2

Steve Dixon, Councilmember Place 4

(Mayor Hayden announced Councilmembers Webb and Dixon are in Austin visiting with local legislators)

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

Theresa Scott	Town Secretary
Alan Lathrom	Town Attorney
Jimmy Stathatos	Town Manager
Kent Collins	Assistant Town Manager
Gary Sims	Executive Director of Community Services
Doug Powell	Director of Development Services
Mark Wood	Director of Economic Development

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden adjourned the briefing session and called the regular meeting to order at 6:02 p.m.

B. INVOCATION

Rabbi Dennis gave the invocation.

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

Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Achievement of Excellence in Libraries Award, Town of Flower Mound Public Library

Sue Ridnour accepted a plaque denoting this achievement.

2. Resolution for Kent Collins, departing Assistant Town Manager for the Town of Flower Mound

Kent Collins accepted the resolution acknowledging his service.

E. PUBLIC PARTICIPATION

(does not reflect the order of speakers during the meeting)

Gerald Remassk Sr., 4035 Cactus Dr, Argyle, TX 76226

Mr. Remassk indicated being in a serious accident on February 1st of this year at FM 377 and FM 1171. He pointed out being unable to obtain for what he believes to be the company name for the other vehicle that was involved in the accident. He also pointed out that Hwy 377 is a curved road and when cars are making a left hand turn, and the other cars that are trying to go straight north, that curve is blind, and a sign is needed there to say "left turn only on signal". He added there have been two deaths and a whole lot of wrecks for the past year. In addition, reduce the speed to about 45 mph because when you are going through there a driver is right on a car that is trying to make a left turn – you don't even have a chance to stop, noting that had his son not swerved they would have had a head on collision.

Mayor Hayden indicated he will have the Town's Traffic Engineer look into it.

Jeff York, 1528 Rustic Timbers Ln, Flower Mound, TX

Mr. York spoke in favor of Flower Mound Youth Football Association as the preferred league of choice for Flower Mound football.

Pete Poepona, 2304 Waterford Dr, Flower Mound, TX/Cody Robbins, 1814 El Paso St

Mr. Poepona and Mr. Robbins spoke in support of the Flower Mound Youth Football Association (FMYA).

Paul Stone, 709 Lake Bluff Blvd, Flower Mound, TX

Mr. Stone offered congratulations to Mr. Collins on his move and future career. He acknowledged having learned a lot from him. He also announced The Summit Club of Flower Mound is having their annual Western Saloon Night fundraiser on March 2nd at Circle R Ranch, and the benefiting agency this year is the Denton County Friends of the Family. He provided contact information for tickets.

Jim Musil, 2205 Paradise Ln, Flower Mound, TX

Mr. Musil expressed interest in having a tennis center moved up on the Parks Master Plan (noting it's currently at number nine) and outlined the benefits associated with doing so. He indicated he would be willing to volunteer his time.

Mike Carter, 6718 Beauford, Austin, TX

Mr. Carter stated he works for the US Texas Association of Texas (USTA) and believes Flower Mound should have a tennis facility. He pointed out there are many grants available that could assist with funding. He indicated the national US Tennis Association could pay up to 20% of the cost of the facility through the national funding association, and in addition, the US Texas Association usually gives 5 – 10% on top of that.

Punam Kersten, 3201 Whispering Oak, Farmers Branch, TX 75234

Ms. Kersten indicated she is a tennis professional and has served on many US Tennis Association committees, both locally and nationally. She expressed interest in having a tennis facility in Flower Mound because her family is here. She offered insight as to the benefits that tennis can bring to a community, in addition to offering her assistance.

Randy Robertson, 4300 Native Oak Ct, Flower Mound, TX

Mr. Robertson expressed support for a tennis center. He pointed out he is a Captain for a USTA team and they have to seek alternative locations to play.

Frank Ford, 9865 Gallontin Ln, Ft Worth, TX 76177

Mr. Ford indicated he is a contracted tennis professional for the Town of Flower Mound. He indicated when he accepted the tennis professional position in Flower Mound nine years ago; the program totaled just a few hundred participants and barely made a profit. Today the program has almost 2,000 participants. He expressed support for a tennis center in Flower Mound. He noted currently Leonard Johns and Glenwick are the only locations in which games are played and they are currently pushing the limits on capacity. He pointed out the limitations that exist today with the existing facilities, membership levels in area tennis organizations, as well as citing that a recent master plan study stated that a city like Flower Mound should have one court per 5,000 people. We currently stand at one court per 12,500 – 13,000 residents. Public walk-up play is an issue because they are turned away because there is a program or class taking place at that time. More courts are needed to support that. In addition, the types of courts offered by Flower Mound deter a lot of good pros from coming to Flower Mound. He stated it's his expert opinion, and with first-hand knowledge of the pulse of the tennis community in Flower Mound, that Flower Mound must meet the community's demand and build a tennis facility.

Austin Wyrre, 1681 Prescott Cir, Flower Mound, TX

Mr. Wyrre expressed his support for a tennis center. He highlighted some of the benefits of having a tennis center. He encouraged an open bidding process when that time comes. He pointed he teaches tennis.

Robyn Readucker 4101 Beacon Hill Ct, Grapevine, TX

Ms. Readucker indicated she is the USTA representative for the Dallas area. She expressed interest in having a Flower Mound tennis facility and indicated she is working with LISD for coordinating getting their PE teachers trained for tennis so they can offer tennis to their elementary schools and those kids are going to be introduced to a sport in which they don't have the facilities to play (all of which are Flower Mound residents). She provided some brochures about the program related to what is taking place in the school system.

Joy Drew, 3313 Langley Ct, Flower Mound, TX

Ms. Drew expressed interest in having a tennis center in Flower Mound. She pointed out they have a team of 14 people, 10 of which are in Flower Mound, and they all drive to Coppell every week to play tennis, along with Southlake and North Richland Hills. She pointed out other benefits associated with having a tennis center in Flower Mound.

Vicky Schneider, 3217 Steeple Point Pl, Flower Mound, TX

Ms. Schneider expressed interest in having a tennis center in Flower Mound. She pointed out that currently she has played tennis for almost 20 years and currently plays at Southlake, Coppell, Farmers Branch, North Richland Hills, and is a member of Brookhaven Country Club, acknowledging we do have courts we play socially in our area.

Katie Mayer, 3612 Burlington Dr, Flower Mound, TX

Ms. Mayor expressed interest in having a tennis center in Flower Mound. She pointed out that currently she plays in Coppell, Southlake, and at the Hilton, and we go to lunch and shop in those same locations. She noted it would benefit the city economically to have a tennis center in Flower Mound.

Mayor Hayden acknowledged Council has received many emails on the topic. He pointed out that on the CIP list for parks, there is \$22 million of things that we have budgeted for parks, and our annual budget for items is about \$1.5 million. So it really comes down to priorities. He encouraged those interested in having a tennis center to approach the PALS Board because they make recommendations to Council identifying priorities.

He also pointed out another way to put money in Flower Mound in terms of tennis, is to shop Flower Mound because the sales tax generated will contribute to the budget that would allow the Town of pay for something like this.

He noted that when we get to the Town Manager's Report I will ask Mr. Sims to update us where we are with tennis within the CIP.

F. ANNOUNCEMENTS

1. Announce recent and upcoming civic and social events.

Several Councilmembers expressed appreciation for Mr. Collins and his years of service.

Councilmember Levenick had the following announcements:

- The Women of Flower Mound is now accepting applications for their 2012/2013 scholarship program. She outlined the application criteria for eligibility and provided the website address and noted the deadline is March 22nd.
- The Women of Flower Mound is having their annual fund-raiser fashion show on Saturday, March 23rd from 10:30 a.m. – 1:00 p.m., at Celebrations in Highland Village.

Mayor Hayden had the following announcements:

- Recently toured North Central Texas College and pointed out 1,600 student go to NCTC and they estimate in another 5 – 10 years they will be at 3,200. He encouraged enrollment as many of their courses are transferrable to colleges and universities in Texas and the cost is lower than a major university.
- A five minute video has been released on the Town's website regarding Upper Trinity and the impact of the proposed Lake Ralph Hall. There have been discussions with Upper Trinity about the cost of our water and right now they made a presentation to ask for a lake that is going to cost about \$300 – 400 million dollars and since Flower Mound represents about 40% of the Upper Trinity's customer base, 45% of that \$300 – 400 million is going to be on the backs of Flower Mound residents. We believe we have alternatives where water can be found at a much cheaper rate. We already have some of the most expensive water in North Texas and at the rate it's going it could be substantially more.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Tennis Center Update:

Mayor Hayden asked Mr. Gary Sims for an update regarding the tennis center in the way of what has happened and what is being done to date.

Mr. Sims responded that the Town's parks and trails and Master Plan are on the Town's web page. It was completed in May of 2010 and there was a citizen survey that was completed at the same time. Based on the data that was received from citizens there were thirteen priorities (or facilities) that were identified and scored based on the demand that we received during the survey.

Tennis was number nine out of thirteen. We have been working on that list. We're down to number five right now, which is a dog park/off leash area. We have also been working on acquiring Twin Coves. Tennis is on the CIP list, however, it has not been assigned a date yet. We work on five years' worth of capital programs, and as the Mayor stated, the funding is about around \$1.5 - \$1.6 million dollars per year. Tennis hasn't been assigned a date yet, but the PALS Board will be meeting on March 7th, and I encourage you to come out. He noted they are currently working on the CIP now and have been for the last two months. This would be a good time to show the PALS Board your interest in that, by possibly moving that up on the priority list. That is how the process works.

Mr. Stathatos provided the following Capital Improvement Projects updates:

Wichita Trail:

The contractors anticipate transitioning to the new pavement this week.

Councilmember Levenick inquired how is it possible that they are going to be able to switch that over when there still is a huge gap that is just dirt – it is still a big ditch that is part of the road.

Mr. Collins responded that for the crossing you are talking about it will be on temporary pavement. They will route around the crossing (as that's part of the next phase – is to work on the crossing). Traffic will be moved over and there will be temporary asphalt around that stream/culvert crossing so vehicles would go off the pavement around that crossing (because the culverts will be moving in to actually construct that).

Councilmember Levenick clarified that they are actually going to move the traffic from no eastbound to a no westbound situation?

Mr. Collins stated it will be the same direction.

Councilmember Levenick commented it's beginning to be a problem in that area with Skillern and the water line going in, where really the only way to get out of that area of Town is on Skillern. She inquired when is that going to be done.

Mr. Collins responded that the water line will be done soon; however, he didn't have the date.

Mayor Hayden had the following questions:

1. Asked for an update on park dedication fees
 - a. Mr. Stathatos responded I believe its \$72,000 - \$73,000.
2. For West Windsor, one of the things the Town committed to was a half cul de sac there where we were going to put in a living barrier for that neighborhood (four houses that go around and they were going to be shielded by that barrier with a planter and Bridlewood was going to take care of it). Is that still in the plans and when will it be put in?

- a. Mr. Collins responded yes, it's still in the plans, and it would be toward the end as it's being treated as a stand-alone type of project.

Update and discussion on Economic Development projects.

Mr. Stathatos indicated there are many projects in the pipeline. He highlighted the following projects:

Academy:

The Academy is underway and should be finished this fall. He pointed out a retail store such as The Academy generates \$250,000 - \$350,000 a year in sales tax.

Riverwalk:

- Market Street is under construction and supposed be finished by October 16th.
- Undisclosed retailers should be forthcoming by August
- Another office building will be under construction late spring

Lakeside DFW:

Grading will begin in late April.

Lakeside Business District:

We have two new buildings that collectively exceed 750,000 square feet and expected to generate over 200 jobs and the net impact of just those two buildings will be a minimum of \$22 million, and with Flower Mound's tax rate that will generate \$90,000 per year.

Mayor Hayden commented it's important to point out that in the warehouse district there is it approximately 95% occupied, and with the construction of the buildings mentioned, I think that will complete the plan for the Lakeside Business District in terms of warehouse space.

Living Local Program Update:

Mr. Mark Wood, Director of Economic Development, reported that in order to encourage shopping local last November the Town's Economic Development Department launched a new campaign to replace the Shop Flower Mound program – titled Living Local. It incorporates shopping, dining, and medical services. Medical services was a new component to the program and it is intended to be used on a mobile device: LivingLocalFM.com and you can pull up categorically retailers, restaurants, and medical professionals, which includes addresses and phone numbers. In addition, there is an events and calendar section.

Mr. Stathatos indicated if anyone has any questions to contact us at any time, whether it's any of the projects discussed tonight or going forward. We'll share with you what we can. Also, please feel free to share with us any particular businesses you would like us to target.

Councilmember Levenick commented that one of the reasons she wanted an update on the Living Local program is to find out if we have any kind of data yet on how successful the program is such as how many hits the website is getting, or anything like that.

Mr. Wood responded we have the ability to get those numbers, however, didn't have those figures from memory. He indicated there has been positive feedback from local businesses, and many request for events to be posted on our web site.

Councilmember Levenick requested to have that information forthcoming in a Council Communication because that's the kind of information she was looking for when she requested a program update because it's been in place for about four months now, and I know we have signs up around Town, but it warrants the question do we need to do additional promotion. Is it showing success or not.

Mayor Hayden suggested, in terms of economic development to put together a one or two page document that highlights the Town (i.e. things that real estate agents can hand out to those seeking homes and one for commercial as well). One that basically markets the Town such as including what awards that the schools have one and that highlights neighborhoods.

In taking it a step further, another worthwhile endeavor would be connecting to our website or separate web site, where again it has some of this same information.

Hayden: I am thinking about someone who was coming to our Town several years ago and where we were talking about the Master Plan, thoroughfares, and other items. Also, if you wanted to apply for a permit that this is the process you need to go through (both for residential and commercial).

3. Update and discussion regarding Town's website.

Mr. Stathatos pointed out the catalyst for this item is that staff had received feedback from residents that were trying to retrieve archived agendas or minutes.

Mr. Dalton gave a presentation related to how to navigate through the agendas and minutes section of the Town's website.

Councilmember Levenick commented that in the past you could search for specific topics from within those types of pages and it would give you responses based on that criterion. Is the web site still doing that because it appears you can't do that anymore?

Ms. Scott pointed out there is a search option within the main drop down features within agendas and minutes page in that you can search for keywords.

Mr. Dalton indicated staff will look into the functionality of the search bar and if it can be addressed.

Mayor Pro Tem Stephenson commented it might be helpful to have an identified contact in which users can reach out to if they have questions or suggestions about the website.

Mr. Dalton responded we will look into that.

4. **Discuss Council Communications**

CC 03-13 – Sustainability plan update

Mr. Stathatos indicated tonight we really want to see if there is any feedback. Staff is going to continue analyzing all of the recommendations and so we're not in a position to make a recommendation tonight, however, we wanted to remind everyone to get with us in the event you have any feedback and to let us know in the future if you do.

Mayor Hayden asked Mr. Stathatos to give Council a week on the Council Communication and then get back to them.

Mr. Stathatos responded yes, as it's not time sensitive.

Mayor Pro Tem Stephenson offered her feedback by stating she was the Council liaison on ECC when this started and her feedback has always been if we're doing this for Town buildings and we can show a good payback (for those of you that don't know sustainability is the green initiatives). She added, if we can make them pay for themselves, I think that is good and we should go ahead and do that. As far as adopting the International Green Building Code (IGBC), I would be cautious in doing that. For example, Parkland Hospital is being built right now and they are voluntarily using the IGBC. There is a lot of reasons why when you build a building you would want to do that voluntarily. I would think we would want to be cautious about forcing the use of that and spending a lot of staff time on. I would wonder if that would be a good use of our resources – to look at adopting that for Flower Mound.

H. **CONSENT ITEMS**

Deputy Mayor Pro Tem Wise made a motion to approve by consent Items 1-8. Councilmember Levenick 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 Project Close-Out Agreement, Change Order No. 2 for a contract reduction of \$2,898.90, and final acceptance of the Kirkpatrick Force Main project; authorization for final payment to International Fidelity Insurance Company, in the amount of \$34,428.20; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve the Project Close-Out Agreement, Change Order No. 2 for a contract reduction of \$2,898.90, and final acceptance of the Kirkpatrick Force Main project; authorize final payment to International Fidelity Insurance Company, in the amount of \$34,428.20; and authorize the Mayor to execute same on behalf of the Town.

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 Chinn Chapel Road Phase I project, in the amount of \$103,424.00; 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 Chinn Chapel Road Phase I project, in the amount of \$103,424.00; and authorize the Mayor to execute same on behalf of the Town.

3. **Consider approval of a Professional Services Agreement with Fugro Consultants, Inc., to provide geotechnical, structural and material testing services associated with the construction of the Operations and Maintenance Facility project in the amount of \$65,848.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Fugro Consultants, Inc., to provide geotechnical, structural and material testing services associated with the construction of the Operations and Maintenance Facility project in the amount of \$65,848.00; and authorize Mayor to execute same on behalf of the Town.

4. **Consider approval of Change Order No. 1 for a contract increase of \$1,960.00, final acceptance of the Bakersfield Park 12-Inch Water Line project, authorization for final payment to Four Star Excavating, Inc., in the amount of \$15,530.10; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 1 for a contract increase of \$1,960.00, final acceptance of the Bakersfield Park 12-Inch Water Line project, authorize final payment to Four Star Excavating, Inc., in the amount of \$15,530.10; and authorize the Mayor to execute same on behalf of the Town.

5. **Consider approval of an ordinance vacating and abandoning the 5' X 5' pedestal easement located in the backyard of Lot 35, Block R, of the Westchester, Third Increment Addition, which lot is more commonly known as 2940 Windsor Drive. The Westchester, Third Increment Addition is generally located west of Long Prairie Road, on the north side of Windsor Drive.**

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the 5' X 5' pedestal easement located in the backyard of Lot 35, Block R, of Westchester, Third Increment Addition, which lot is more commonly known as 2940 Windsor Drive. The Westchester, Third Increment Addition is generally located west of Long Prairie Road, on the north side of Windsor Drive.

ORDINANCE NO. 07-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE 5' X 5' PEDESTAL EASEMENT LOCATED IN THE BACKYARD OF LOT 35, BLOCK R, OF THE WESTCHESTER, THIRD INCREMENT ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 2940 WINDSOR DRIVE; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THE SAID EASEMENT AS DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. Consider approval of Change Order No. 1 for the Skillern Road 12-Inch Water Line project, amending the contract with PC Contractors, LLC, for an increase in the contract amount of \$17,705.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 1 for the Skillern Road 12-Inch Water Line project, amending the contract with PC Contractors, LLC, for an increase in the contract amount of \$17,705.00; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of the award of Bid No. 2013-31-B Median Nose Markings Service to BTA Services, Ltd., DBA Action Services, at the unit price bid, in a not-to-exceed amount of \$55,000; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 2013-31-B Median Nose Markings Service to BTA Services, Ltd., DBA Action Services, at the unit price bid, in a not-to-exceed amount of \$55,000; and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of the award of Bid No. 2013-32-A Annual Sidewalk Replacement Program to F&F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$60,000; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 2013-32-A Annual Sidewalk Replacement Program to F&F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$60,000; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: WISE, STEPHENSON, LEVENICK

NAYS: NONE

ABSENT: WEBB, DIXON

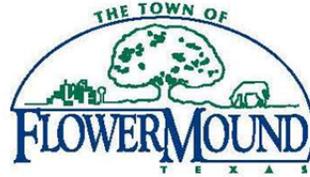
I. REGULAR ITEMS

- 9. Consider approval of a Memorandum of Understanding with the University of North Texas; and authorization for the Mayor to execute same on behalf of the Town.**

Staff Presentation

Mr. Wood introduced Dr. Lane Rawlins, President, University of North Texas (UNT) and Harold Strong, Director of UNT's Discovery Park.

Mr. Wood gave the following presentation:



Flower Mound – UNT Phase Zero Program

Town Council
February 18, 2013

Background

- Town and UNT have partnered to establish a Phase Zero Small Business Innovation Research / Small Business Technology Transfer (SBIR/STTR) program
- SBIR/STTR are federally funded grant programs for small businesses
 - Small Business Administration serves as the coordinating agency
 - Federal agencies set aside a portion of their R&D budget for SBIR/STTR
 - Encourage small businesses to engage in R&D that has potential for commercialization
 - SBIR/STTR Phase 1 and 2 programs funding ranges from \$100K to \$1M
 - SBIR/STTR programs provide over \$2.5 billion dollars in contracts to innovative small business firms annually
 - STTR requires partnership with non-profit research institution

Background

- Goal of the Phase Zero program is to help Flower Mound small businesses compete effectively and increase participation in federal SBIR and STTR programs by providing funds to develop concepts and to prepare high-quality, competitive proposals
- Program will focus on medical technology, although not limited to that field
- Program is for Flower Mound businesses only, which demonstrates direct investment in the community

Phase Zero Program

- Applicants apply to the Town and a selection committee will recommend applications to fund and at what level
- Funding is limited to up to \$5,000 per applicant
- Funds are to be used to defray costs of preparing an SBIR/STTR Phase I proposal and help strengthen the application
- Allowable expenses include consulting and professional fees, professional writing and editing, travel to agency or SBIR/STTR conferences, etc.
- Expenses are reimbursed, not paid upfront

Phase Zero Program

- UNT will provide businesses participating in the program with access to professors within the applicable field of study, graduate student workers, and other resources pertaining to the subject matter to help strengthen the application
- UNT can serve as the research institution for the STTR program
- Have spoken with two Flower Mound medical businesses; both expressed interest and enthusiasm
- Anticipate first award by summer 2013

Dr. Lane Rawlins, President, UNT gave a presentation outlining or identifying:

- UNT's economic impact on the North Texas Region.
- The SBIR/STTR program will support more entrepreneurship in Flower Mound
- They want to be an asset for Flower Mound and to be what our name suggest we are – not just a university in North Texas but the University of North Texas

Mayor Pro Tem Stephenson inquired about how this program will be promoting in Flower Mound and how will we reach out to the businesses that could actually use the funding.

Mr. Wood indicated they have already met with some businesses (Stryker and ThermoTek and plan to meet with more). We are in the process of scheduling meetings. We will meeting with the hospital and medical companies in Flower Mound to not only to get their participation in the program, but if they are not interested in submitting for an application, maybe they know people who are looking for seed money and they can spread the word through their networks. Harold is also clued in to a lot of networks like this that can promote it. He has already been meeting with several networks in the North Texas area to provide funding – venture capitalist that are interested in the program that are talking it up already, so once it is formalized I think it will grow even greater.

Dr. Rawlins pointed out there are a number of agencies that provide funding for small businesses. Dealing with those agencies and the federal government takes an incredible amount of experience and expertise – we have it. What we are really doing here is sharing that expertise with you, not just in the connections to these agencies, but some faculty members that may be able to work side by side with other people, internships for our students. It's putting resources from UNT (both knowledge and manpower) into the building up of businesses in Flower Mound.

Mr. Strong added that another way we are going to advertise to businesses is – advertising SBIR conferences through mailers that you send through utility bills. This will allow a lot of the companies and individuals that are interested in participating in SBIR to find out at their home that there is a meeting from a federal agency in a local area that they can come in and look at directly.

Deputy Mayor Pro Tem Wise asked for clarification that it was \$5,000 per applicant that would be awarded.

Wood: Up to \$5,000.

Wise: Then we just have that proposed expenditure and we just stop at that point or do you come back – can you address the ongoing aspect.

Wood: It would be funded out of the economic development budget for this current budget year and we have some funds allotted for this program. Once the maximum is reached then we would stop.

Mayor Hayden commented that the niche that we are talking about and what we really want to focus on is trying to encourage entrepreneurs to locate to Flower Mound. We already have our slogan "Where Entrepreneurs Succeed". What else can we do as a municipality and your university to help provide the resources? What can we do to help get you to Flower Mound where you have offices here where entrepreneurs have the resources in that they can interact?

Dr. Rawlins: The most important thing that has happened out of this is the personal relationship between Mark and Harold. Harold has the funnel to these things.

Mayor Hayden noted we're trying to find ways to bring jobs to our Town and this is a great opportunity and we would like to get with UNT to do something significant.

Mr. Strong: The first thing that every start up business needs is money and this serves that purpose.

Hayden: Is it possible to get a nursing program where nurses are interning in our hospital.

Dr. Rawlins: We don't have a nursing program, however, we are about to announce a stronger relationship with TWU that has a nursing program and we might be a channel.

There was additional discussion regarding the importance of education as a resource in business recruiting.

Mayor Pro Tem Stephenson moved to approve a Memorandum of Understanding with the University of North Texas; 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: LEVENICK, STEPHENSON, WISE
NAYS: NONE
ABSENT: WEBB, DIXON

- 10. Consider approval of the award of Bid No. 2013-33-A Miscellaneous Concrete Replacement Services to F&F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$325,000; and authorization for the Mayor to execute same on behalf of the Town.**

Staff Presentation

Mr. Collins gave a presentation outlining or identifying:

- Annual services use for maintenance repair of concrete
- Bid summary
- The estimated proposed amount is based on pass usage

Councilmember Levenick moved to approve the award of Bid No. 2013-33-A Miscellaneous Concrete Replacement Services to F&F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$325,000; 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: WISE, STEPHENSON, LEVENICK
NAYS: NONE
ABSENT: WEBB, DIXON

11. Consider approval of the award of Bid No. 2013-5-B, to METCO Engineering, Inc., for the construction of the Town Wide Lift Station Auxiliary Power Upgrades project, in the amount of \$1,296,300.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Collins gave a presentation outlining or identifying:

- Project summary
- Historical background
- Bid summary

Deputy Mayor Pro Tem Wise inquired as to how long it will run in the event of an outage.

Collins: We have the manpower to keep them running throughout a power outage but a lift station actually has a wet well so they don't run continuous. They fill, they pump. Depending on the weather they typically will fill faster during rainfall events because of I and I, but there is a fill and pump stage process.

Mayor Pro Tem Stephenson moved to approve the award of Bid No. 2013-5-B, with METCO Engineering, Inc., for the construction of the Town Wide Lift Station Auxiliary Power Upgrades project, in the amount of \$1,296,300.00; 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: LEVENICK, STEPHENSON, WISE
NAYS: NONE
ABSENT: WEBB, DIXON

12. Consider approval of a Professional Services Agreement with Freese and Nichols, Inc., for construction administrative services for the Operations and Maintenance Facility project, in the amount of \$80,874.98, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Collins pointed out this item is for construction phase services with Freese and Nichols (they were the design engineer for the O & M facility) so they will provide services such as shop drawing review, structure drawing review, and things like that.

Deputy Mayor Pro Tem Wise moved to approve the Professional Services Agreement with Freese and Nichols, Inc., for construction administrative services for the Operations and Maintenance Facility project, in the amount of \$80,874.98 and authorize the Mayor to execute same on behalf of the Town. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WISE, STEPHENSON, LEVENICK
NAYS: NONE
ABSENT: WEBB, DIXON

- 13. Public Hearing to consider approval of an exception to Section 90-423 of the Flower Mound Code to permit the existing overhead electric service to remain in place, and not be placed underground, to provide electric service to the new residence at 3100 Wager Road.**

Staff Presentation

Mr. Powell gave a presentation outlining or identifying:

- Town's regulations require overhead utility lines to be placed underground
- There is a new house being built on Wager Road South of Kirkpatrick and the line to service that house is not going to be underground so they are seeking a relief from the Town's Code that requires undergrounding of overhead utilities
- The item didn't go to P & Z because there is no development plan attached to it as it's just a building permit for a single family residence
- The request is for one single family lot
- Aerial map of location, including visibility from the roads that pass by the lot, and adjacent property uses
- Type of traffic flow
- History of the area

Mr. Collins clarified what the various lines represent on the aerial map, and noted details associated with the request in the way of existing poles and aerial lines, and what portions would be underground.

Mayor Hayden opened the Public Hearing at 8:09 p.m.

Public Participation

Randy Soderberg, 3100 Wager Rd, Rd, Flower Mound, TX

Mr. Soderberg indicated he purchased the property and it's just less than two acres. He noted the sewer and water lines are coming together fine, however, he came across this problem with the electric. He noted it would cost approximately \$4,000 just to move the pole out to the right of way, then he would need to go back underground to the house which would be quite costly. Currently the house has been built within 20 feet of the pole, so I don't mind going down the pole and 20 feet to my box, which would be ideal. I don't mind the pole being located where it is. You go another 20 feet to the north you are in a cemetery that dates back to the 1850s. To the south of us there is one family that has approximately 15 acres, which is all ag property. Another house is 4 acres with a house but no ag. It's a no outlet road. It's not a big 4-lane concrete road. It's just a 12 foot wide paved little road going down there and crosses with the trails end. I would appreciate your consideration to allow us to leave the pole where it's at. We're happy with it and it's been there forever.

Mayor Hayden closed the Public Hearing at 8:12 p.m.

Mayor Hayden stated in general he's not excited about not burying utilities as it starts the process of people's thinking that it's normal that they will grant exceptions. In our community we want our utilities buried. However, that being said, this does seem like a minor change so I don't really see a grand issue. We do, however, need to be cautious about granting variances to this because it will become the norm instead of the exception.

Mayor Pro Tem Stephenson moved to approve an exception to Section 90-423 of the Flower Mound Code to permit the existing overhead electric service to remain in place, and not be placed underground, to provide electric service to the new residence at 3100 Wager Road. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: LEVENICK, STEPHENSON, WISE
NAYS: NONE
ABSENT: DIXON, WEBB

- 14. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Oak Street, Phase III Lift Station and Force Main project, for a not to exceed amount of**

§372,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Collins gave a presentation outlining or identifying:

- Item summary
- Scope of work
- Highlighted location of project
- Cost summary

Mayor Pro Tem Stephenson moved to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Oak Street, Phase III Lift Station and Force Main project, for a not to exceed amount of \$372,000.00; 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: LEVENICK, STEPHENSON, WISE
NAYS: NONE
ABSENT: WEBB, DIXON

- 15. Public Hearing to consider a request to amend Section 1.0, Land Use Plan (MPA 01-13 - Lakeside DFW), of the Master Plan to change the current land use designation on approximately 0.88 acres of land from Medium Density Residential to Mixed Use, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Surrey Lane and north of Lakeside Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 11, 2013, meeting.)***

Mayor Hayden pointed out that since this item is a Master Plan Amendment it would require at least four members of Council to vote on it, and since four voting members of Council were not present, he solicited a motion from Council to continue both the public hearing and deliberation on the item to the March 4th agenda.

Mayor Pro Tem Stephenson moved to continue this item and discussion to the March 4th agenda. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WISE, STEPHENSON, LEVENICK
NAYS: NONE
ABSENT: WEBB, DIXON

16. Public Hearing to consider a request to rezone (MU 01-13 - Lakeside DFW) approximately 0.88 acres of land from Agricultural District (A) uses to Mixed Use District-1 (MU-1) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Surrey Lane and north of Lakeside Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 11, 2013, meeting.)*

Deputy Mayor Pro Tem Wise moved to continue MU 01-13 to the March 4th meeting agenda. Mayor Pro Tem Stephenson seconded the motion.

VOTE ON THE MOTION

AYES: LEVENICK, STEPHENSON, WISE
NAYS: NONE
ABSENT: WEBB, DIXON

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Discuss and consider moving the May 16, 2013, Town Council Work Session date to May 23, 2013.

There was consensus by Council to move the May 16, 2013 Town Council Work Session date to May 23, 2013.

Councilmember Levenick stated having a meeting with the Town Manager last week, along with some developers and investors, and noted one person in that meeting works for the Dallas Service Center for the EB5 funding program. She expressed interest in having him on a future agenda to speak to Council and questions can be asked as it was interesting and there have been a few people in Town contact Council about why isn't the Town doing anything about the EB5.

Mayor Hayden recognized that Council has been talking about this for the last 6 – 9 months, noting Mayor Pro Tem Stephenson went to a work session about it at TML and we've been working on EB5 funding. He pointed out that Councilmember Levenick has been doing quite a bit to recruit businesses so hopefully they will have some positive momentum to talk about.

Mayor Hayden asked for this to be scheduled at a future Council meeting based on their schedule availability.

Mayor Hayden also requested that at a future meeting to have members of the fire department to come forward as they have expressed interest at their awards banquet – just to give an overview of things that are happening in their department (so perhaps the middle of March meeting).

Mr. Stathatos responded yes, we'll schedule both items.

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:20 p.m. on February 18, 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 9:04 p.m. on February 18, 2013, 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. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

No action taken.

M. ADJOURN REGULAR MEETING

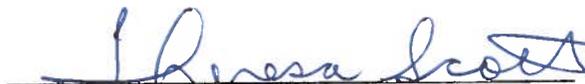
Mayor Hayden adjourned the meeting at 9:05 p.m. on Monday, February 18, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY