

**THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING AND WORK SESSION HELD ON THE 22<sup>nd</sup> DAY OF JANUARY 2009 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 special meeting and work session with the following members present:

Jody Smith	Mayor
Joel Lindsey	Deputy Mayor Pro Tem
Jean Levenick	Councilmember Place 4
Al Filidoro	Councilmember Place 2

with the following members absent:

Tim Trotter	Mayor Pro Tem
Jeff Tasker	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kent Collins	Assistant Town Manager
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Smith called the briefing session to order at 6:06 p.m.

**B. BRIEFING SESSION**

**1. Town Council Boards and Commissions Liaison Reports**

Councilmember Levenick stated the Parks, Arts, and Library Services (PALS) Board held a work session on the possible Community Activity Center expansion.

**2. Discuss Consent and Regular Items - no discussion**

**3. Discuss Future Agenda Items - no discussion**

**C. ADJOURN BRIEFING SESSION**

**D. CALL SPECIAL MEETING TO ORDER**

Mayor Smith called the special meeting to order at 6:06 p.m.

**E. INVOCATION**

Pastor Phil Cook gave the Invocation.

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

The Citizens in the Community Badge Class (12 scout groups) attended the meeting and several scouts led the pledges.

**G. PUBLIC PARTICIAPTION**

Patsy Mizeur, 1821 Castle Court, Flower Mound

Ms. Mizeur stated she was president of Flower Mound Voters for Conservative Spending, and reminded everyone that the nation was in a near depression. She spoke about the Community Activity Center (CAC) proposed expansion, noting the facility had only been open for six months. She felt the Town might be "jumping the gun." She asked the Council to be extra fiscally responsible.

Sylvia Inboden, 2017 Brookville Lane, Flower Mound

Ms. Inboden welcomed Councilmember Filidoro back to Town. She stated with the state of the economy Flower Mound might not be insulated from trouble. Regarding the CAC, she stated it might be prudent to not spend funds at this time. She added the Town must learn the difference between needs and wants and that the Town needed to operate within its means.

Charlie Carr, 1012 Canyon Drive, Flower Mound, representing the Flower Mound Youth Sports Association (FMYSA)

Mr. Carr recalled that the AAYBA baseball tournament was held in Flower Mound last year, and it brought \$5.5 million to the local economy. He stated the FMYSA recently signed a five year contract with AAYBA. He also noted that the proceeds from the tournament helped to fund a 35' x 40' pavilion at Bakersfield Park, picnic tables, and a variety of other amenities to the local fields.

Bill Collins, 2413 Birchwood Drive, Flower Mound

Mr. Collins announced the annual Friends of the Flower Mound Library Murder Mystery Dinner at Celebrations on March 7, and stated they were looking for sponsors for the event. The proceeds would be used to buy books and help with the summer reading program. Mr. Collins stated the Flower Mound Chamber of Commerce Leads meeting would be held January 27 at Celebrations. The new member orientations would be held at the Chamber office on January 29 at 9 a.m. and 1:00 p.m. The Senior Resource Connect Program would be held on February 4 at Autumn Leaves. The annual State of the Cities Luncheon was scheduled for February 17.

**H. PRESENTATIONS - no presentations**

**I. ANNOUNCEMENTS**

- **Announce recent and upcoming civic and social events**

Councilmember Filidoro reminded everyone about the Flower Mound Rotary Vine and Dine on Friday, January 22, at Celebrations.

**J. TOWN MANAGER'S REPORT - no report**

**K. CONSENT ITEMS**

Councilmember Filidoro made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, and 8. Councilmember Levenick seconded the motion. Each item, as approved by consent, is

restated below along with the approved recommendation for each, for the record.

1. **Consider approval of minutes from a regular meeting of the Town Council held on January 5, 2009.**

**RECOMMENDATION:** Approve minutes from a regular meeting of the Town Council held on January 5, 2009.

2. **Consider approval of a resolution by the Town of Flower Mound, Texas, suspending the January 23, 2009, effective date of CoServ Gas Ltd.'s requested rate change.**

**RECOMMENDATION:** Approve Resolution No. 01-09 by the Town of Flower Mound, Texas, suspending the January 23, 2009, effective date of CoServ Gas Ltd.'s requested rate change. The caption of the resolution reads as follows:

**RESOLUTION NO. 01-09**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, SUSPENDING THE EFFECTIVE DATE OF COSERV GAS LTD.'S REQUESTED RATE CHANGES TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE COSERV SYSTEM TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; AUTHORIZING INTERVENTION IN THE PROCEEDING AT THE RAILROAD COMMISSION; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY.**

3. **Consider approval of Work Order No. 17 with Kellogg Brown & Root Inc., (KBR) for professional services associated with the update of the Town's Water System Master Plan in the amount of \$20,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve Work Order No. 17 with Kellogg Brown & Root Inc., (KBR) for professional services associated with the update of the Town's Water System Master Plan in the amount of \$20,000.00, and authorize the Mayor to execute same on behalf of the Town.

4. **Consider approval of Addendum No. 1 to the contract with Kleinfelder, to provide additional geotechnical and material testing services associated with the construction of 2008 Street Reconstruction - Churchill Drive from FM 1171 to Oxford Lane in the amount of \$5,585.30, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve Addendum No. 1 to the contract with Kleinfelder, to provide additional geotechnical and material testing services associated with the construction of 2008 Street Reconstruction - Churchill Drive from FM 1171 to Oxford Lane in the amount of \$5,585.30, and authorize the Mayor to execute same on behalf of the Town.

5. **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 prima facie speed limits for specific streets by lowering the prima facie speed limits for Locke Drive and Townsend Drive to 25 mph.**

**RECOMMENDATION:** Approve Ordinance No. 06-09 amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound relating to prima facie speed limits for specific streets by lowering the prima facie speed limits for Locke Drive and Townsend Drive to 25 mph. The caption of the ordinance reads as follows:

**ORDINANCE NO. 06-09**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 66, ARTICLE V, SECTION 66-214 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY REVISING THE LIST OF ENUMERATION OF PRIMA FACIE SPEED LIMITS FOR SPECIFIC STREETS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

6. Consider approval of Amendment No. 2 to the FY 2008-2009 Capital Improvement Program.

**RECOMMENDATION:** Approve Amendment No. 2 to the FY 2008-2009 Capital Improvement Program.

7. Consider approval of the award of Bid No. 409-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:** Approve the award of Bid No. 409-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.

8. Consider approval of the award of Bid No. 509-A Miscellaneous Concrete Replacement Services to F & F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$190,000, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve the award of Bid No. 509-A Miscellaneous Concrete Replacement Services to F & F Concrete, LLC, at the unit prices bid, in the estimated annual amount of \$190,000, and authorization for the Mayor to execute same on behalf of the Town.

**VOTE ON THE MOTION**

**AYES:** Filidoro, Lindsey, Levenick  
**NAYS:** None  
**ABSENT:** Tasker, Trotter

**L. REGULAR ITEMS**

There were none.

**M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

**N. RECESS SPECIAL MEETING AND CALL WORK SESSION TO ORDER**

Mayor Smith recessed the special meeting and called the work session to order at 6:26 p.m.

**O. WORK SESSION ITEMS**

**9. Discuss and provide direction on an Outdoor Aquatic Master Plan for the Community Activity Center.**

Bart Stevenson, Executive Director of Community Services, gave an update on the Phase I improvements to the Community Activity Center (CAC) that were authorized by the Town Council. Although they were not able to install the tarp in the corner of the building as suggested by Councilmember Tasker, the vendor could provide two smaller shade structures instead. Additional decking was planned along with the expansion of the interactive water play structure in the zero-depth pool. Staff anticipated the improvements would be ready before the 2009 swim season.

Mark Hatchel, Kimley- Horn and Associates

Mr. Hatchel gave the following presentation.





Councilmember Levenick asked about the increases in the costs for the proposals since the work session in December.

Mr. Hatchel responded they were still in a planning mode and the numbers were changing. He added they would complete the Phase I improvements very efficiently.

Councilmember Levenick was concerned that the original cost of the CAC was \$16 million and the Council was looking at committing to a 1/3 increase.

Mr. Hatchel stated the revenues and expenses would help to determine what can be done.

Deputy Mayor Pro Tem Lindsey asked when the Return on Investment report would be completed.

Mr. Hatchel stated they really needed to have the experience of a full summer season. He commented that many times people cut back on vacations and tend to use local aquatic centers. He stated he needed a couple of weeks to talk with staff and develop a logical breakdown of indoor vs. outdoor activities and attendance, and he would provide that information once completed.

Deputy Mayor Pro Tem Lindsey stated he did like the concept presented.

Harlan Jefferson, Town Manager, stated staff brought this back as quickly as possible after the work session, mainly because of timing issues. He stated this was first brought to the Council at the December work session to discuss the improvements that could be done by summer. He asked the Council if they wanted to be able to have the Phase 2 improvements completed by summer 2010. He noted that the 4B Board did not want to use all the 4B funding for these improvements.

Mayor Smith stated she would like to continue with the ability to master plan this, and that it would be an integral part of the entire master plan for parks. She was not really ready to move forward with the Phase 2 improvements by 2010, however she wanted staff to continue with the planning.

Councilmember Levenick agreed with Mayor Smith about not proceeding with the Phase 2 improvements at this time. Councilmember Levenick felt the proposal was too extravagant with the CAC only being open less than a year. She suggested putting the projects on the CIP and looking at them in 4-5 years. She felt there were other priorities in the Town, and the Council still needed to see the projected numbers. She asked for staff to provide the priority list created by the 4B Board.

Mr. Stevenson stated the list was part of the CIP.

Councilmember Filidoro stated he also wanted to see the revenue numbers and how the improvements could possibly pay for themselves. He also wanted to look at the membership numbers after a couple of years to see if they continued to grow.

Mr. Jefferson commented that \$420,000 was in the CIP for the Phase 1 improvements.

Mr. Hatchel stated for planning purposes (for phasing) it would be helpful to know if the Council would prefer to have the lazy river or the lagoon. He suggested that they target



particular pieces of the plan regarding the phases.

Mayor Smith appreciated the reduction of the size of the bath house. She asked if it had to be built no matter how the phasing was determined.

Mr. Hatchel stated if a slide went into a pool, it would be necessary to provide more restrooms.

Deputy Mayor Pro Tem Lindsey stated during the 2008 summer swim season, the outdoor pool area was packed. Additionally, memberships far exceeded the estimates, primarily because of the pool space. He stated he would prefer the lagoon or a large body of water being constructed first, rather than the lazy river.

Mr. Hatchel noted it would be more economical to do it all at once, but could plan for phasing if the Council desired.

Mayor Smith asked Mr. Hatchel to do a breakdown of phasing the lagoon, then the lazy river and then the slides. However, she would prefer to see it all done at the same time since all the mechanical parts would have to be put in with the first phase.

**10. Presentation and discussion regarding proposed updates to the Water and Wastewater Master Plans.**

Assistant Town Engineer Edith Marvin stated the updates to the Water and Wastewater Master Plans helped establish capital projects priorities. The updates allowed for updates of impact fee studies and kept the Town up-to-date with growth trends. Lastly it allowed for diversion from the Master Plan through analysis and helped with problem-solving in the field. The schedule of public meetings was as follows: Planning & Zoning Commission work session on January 12, Town Council work session tonight, Planning & Zoning Commission public hearing on February 9, and Town Council public hearing on March 2.

Troy Hotchkiss, KBR

Mr. Hotchkiss gave the presentation. **A copy is on file in the Town Secretary's Office.**

Deputy Mayor Pro Tem Lindsey asked for clarification regarding the two elevated water storage tanks, and if the Town did meet the Texas Commission on Environmental Quality (TCEQ) requirements.

Mr. Hotchkiss stated it was hard to have an exact population number. As long as the Town was planning, moving forward and acknowledging the situation, the chances of TCEQ taking enforcement action was slim. If TCEQ did not see the Town taking action, enforcement could happen. He suggested moving forward with detailed engineering on the system.

Town Manager Harlan Jefferson recommended moving forward with the public hearings. He noted that staff did ask KBR to evaluate the requirements to serve the Cross Timbers area (sewer). KBR confirmed that the Town did not have the capacity in the lines to serve the flows in that area.

**P. ADJOURN WORK SESSION AND RECONVENE SPECIAL MEETING**

Mayor Smith adjourned the work session and reconvened the work session at 7:22 p.m.

**Q./R. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:23 pm on January 22, 2009 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, real property, personnel, and economic development negotiations and reconvened into an open meeting at 9:40 p.m. on January 5, 2009 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.

Councilmember Levenick moved to authorize the Mayor to execute a lease agreement with Keystone Exploration, Limited. Deputy Mayor Pro Tem Lindsey seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Filidoro  
**NAYES:** None  
**ABSENT:** Trotter, Tasker

Deputy Mayor Pro Tem Lindsey moved to approve the purchase of easements, in association with the Kirkpatrick Lift Station Force Main Project, from Miguel A. Novoa and Lorena A. Goodman, not to exceed the settlement amount, plus closing costs and authorization for the Town Engineer, or his designee, to execute all documents at closing on behalf of the Town and authorize to initiate all actions incident and related thereto, including authorization for the Town Attorney or this designee to file condemnation proceedings against the property owner(s) to acquire the property in the event a settlement cannot be reached. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Filidoro, Lindsey, Levenick  
**NAYS:** None  
**ABSENT:** Trotter, Tasker

- c. Discuss and consider appointments to the Environmental Conservation Commission, Parks, Arts, and Library Services (PALS) Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone (TIRZ) Board, and the Transportation Commission.

No action taken.

**S. ADJOURN SPECIAL MEETING**

Mayor Smith adjourned the special meeting at 9:41 p.m. and all were in favor.

---

JODY A. SMITH, MAYOR

ATTEST:

---

PAULA J. PASCHAL, TOWN SECRETARY

THIS PAGE LEFT BLANK INTENTIONALLY