

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2<sup>ND</sup> DAY OF FEBRUARY 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 regular meeting with the following members present:

Jody Smith	Mayor
Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5
Al Filidoro	Councilmember Place 2

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
Kenny Brooker	Police Chief
Doug Powell	Executive Director, Development Services

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Smith called the briefing session to order at 6:09 p.m.

**B. BRIEFING SESSION**

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

Councilmember Filidoro stated he had attended the last Planning & Zoning Commission meeting.

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

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

**4. Discuss Council Communications**

Town Manager Harlan Jefferson stated the Economic Development Advisory Commission (EDAC) was first created in the late 1990's. The Economic Development Policy was most recently updated in 2007. He noted the tax abatement policy must be re-authorized every two years. He stated staff could put the current policy on a future agenda as is or with changes. He noted that in the past, each member of the Town Council had appointed a member and alternate to the EDAC. He stated staff would contact the current members to see if they were still interested in serving.

As some members of Council had changed since the last appointments, the consensus was that each member would again appoint a member and alternate.

**C. ADJOURN BRIEFING SESSION**

**D. CALL REGULAR MEETING TO ORDER**

Mayor Smith called the regular meeting to order at 6:13 p.m.

**E. INVOCATION**

Chaplain Mark Sherrill gave the Invocation.

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

Chaplain Sherrill led the pledges.

**G. PUBLIC PARTICIPTION**

Allen Harris, 4573 Shadowridge Drive, The Colony

Mayor Pro Tem Harris (The Colony) stated he was the current President of the TML Region 8. He invited the Council and staff to the next Region 8 meeting on March 12 in Haltom City.

Tony Baumgard, 5415 Medlin, Flower Mound

Mr. Baumgard referred to the construction on Kirkpatrick Road. He stated before the construction he had access to the rear of his property. He noted that Town engineers came to his property 8 months ago and never mentioned that he would no longer have the rear access. In addition, a retaining wall would be erected along Kirkpatrick. He wished the Town had told him that a curb and a wall were going to be built.

Mayor Smith stated a soundwall was part of the road project, however staff would check into this.

Elizabeth Covington, 2845 London Lane, Flower Mound

Ms. Covington represented 350 dog owners in Flower Mound and related businesses who still would like a dog park. She noted that Arlington had built the first private dog park, and Lewisville was also building a dog park.

Mayor Smith commented that the Town wanted to keep the tax rate low and did not want to over-spend.

Melissa Northern, 4601 Portsmouth Court, Flower Mound

Ms. Northern commented that the nation was in a recessionary time and she asked the Council to not take on additional debt for citizens - referring to the Capital Improvement Plan (CIP). She asked that the Town provide a report for residents to review for current repayment obligations.

Denise Roberts, 709 Paisley, Flower Mound

Ms. Roberts, representing the Court Appointed Special Advocated (CASA) of Denton County, thanked the Council for the ongoing community support funding. She noted that CASA made a great impact in the lives of the children they served, however they could not serve 100% of the children in need right now.

Patricia Feager, 1765 Meyerwood Lane, Flower Mound

Ms. Feager stated Timbercreek Subdivision did not have a **homeowners'** association.

She had concerns about her neighborhood - one with many families, young children. She stated many drivers were speeding on the streets.

Randal Wilson, 3005 Oak Meadow, Flower Mound

Mr. Wilson stated the Town had been negatively affected by disparaging remarks about the Windsor Extension. He felt it was a wise and courageous decision to approve the extension, and thanked the Council for their decision.

**H. PRESENTATIONS - none**

**I. ANNOUNCEMENTS**

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

Councilmember Filidoro recently attended the Vine and Dine event (Rotary).

Mayor Smith recently attended the Military Ball for JROTC for LISD.

**J. TOWN MANAGER'S REPORT**

- **Capital Improvement Projects (CIP) Update.**

Town Manager Harlan Jefferson stated the Town was seeing increased impacts of the recession, however the Town was also seeing lower prices and lower interest rates on projects that were bid. He stated the Lusk Lane water line project came in over \$400,000 under the engineer's estimate. The Town received good bids for Fire Station #4. The Spinks Road project came in under budget even with add alternates. He stated the State was trying to move forward with the DFW Connector project, even though the pricing had increased \$1.2 billion. TxDOT planned to hold a State Public Hearing on February 24 at 6:30 pm at the Grapevine Convention Center. Regarding the 4B funding, the Town was scheduled to start construction on several parks very soon. In the near future, staff would bring an agreement to a Council agenda for a landscape architect for the beautification in the rights-of-way for the Green Ribbon Funding.

Mayor Pro Tem Trotter asked about the timeframe for the improvements to International Parkway.

Mr. Jefferson stated that project was in the latter part of the program.

**K. CONSENT ITEMS**

Councilmember Levenick made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11. Councilmember Tasker 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 special meeting and work session of the Town Council held on January 22, 2009.**

**RECOMMENDATION:** Approve minutes from a special meeting and work session of the Town Council held on January 22, 2009.

- 2. Consider approval of the award of Proposal No. 2909-A RFP for Annual Fireworks Display to AM Pyrotechnics, LLC, in the annual amount of \$23,000, and authorization**

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

**RECOMMENDATION:** Approve the award of Proposal No. 2909-A RFP for Annual Fireworks Display to AM Pyrotechnics, LLC, in the annual amount of \$23,000, and authorize the Mayor to execute same on behalf of the Town.

- 3. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional design services associated with the Western Elevated Storage Tank project in the amount of \$337,500.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional design services associated with the Western Elevated Storage Tank project in the amount of \$337,500.00, and authorize the Mayor to execute same on behalf of the Town.

- 4. Consider approval of a Professional Services Agreement with Half Associates, Inc., to provide professional engineering design services, professional real property negotiation, and appraisal services for Garden Ridge Blvd. Phase III and Garden Ridge Blvd. Phase III Water Line, in the amount of \$356,920.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve a Professional Services Agreement with Half Associates, Inc., to provide professional engineering design services, professional real property negotiation, and appraisal services for Garden Ridge Blvd. Phase III and Garden Ridge Blvd. Phase III Water Line, in the amount of \$356,920.00, and authorize the Mayor to execute same on behalf of the Town.

- 5. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering design services associated with the FM 407 12-inch Water Line project in the amount of \$39,200.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering design services associated with the FM 407 12-inch Water Line project in the amount of \$39,200.00, and authorize the Mayor to execute same on behalf of the Town.

- 6. Consider approval of the award of Bid #2609-B Lusk Lane Water Line Improvements, to the lowest responsible bidder, John Burns Construction Company of Texas, Inc., in the amount of \$886,300.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve the award of Bid #2609-B Lusk Lane Water Line Improvements, to the lowest responsible bidder, John Burns Construction Company of Texas, Inc., in the amount of \$886,300.00, and authorize the Mayor to execute same on behalf of the Town.

- 7. Consider approval of an Electric Line Easement at the new Fleet Services Facility from the Town of Flower Mound to the Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve an Electric Line Easement at the new Fleet Services Facility from the Town of Flower Mound to the Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, and authorize the Mayor to execute same on behalf of the Town.

8. 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 Meyerwood Lane N., Meyerwood Lane S., Kingston Lane, Newton Drive and Cambridge Drive to 25 mph.

**RECOMMENDATION:** Approve Ordinance No. 07-09 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 Meyerwood Lane N., Meyerwood Lane S., Kingston Lane, Newton Drive and Cambridge Drive to 25 mph. The caption of the ordinance reads as follows:

**ORDINANCE NO. 07-09**

**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 WHICH ENUMERATES THE PRIMA FACIE SPEED LIMITS FOR SPECIFIC STREETS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

9. Consider approval of a resolution expressing support for the Historical Preservation Project. (The PALS Board recommended approval by a vote of 8 to 0 at its December 11, 2008 meeting.)

**RECOMMENDATION:** Approve Resolution No. 02-09 expressing support for the Historical Preservation Project. The caption of the resolution reads as follows:

**RESOLUTION NO. 02-09**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, EXPRESSING SUPPORT FOR THE HISTORICAL PRESERVATION PROJECT THAT PLANS TO COLLECT AND PRESERVE THE HISTORY OF THE TOWN.**

10. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services associated with the 2009 Water, Wastewater, and Roadway Impact Fee Update in the amount of \$230,000.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services associated with the 2009 Water, Wastewater, and Roadway Impact Fee Update in the amount of \$230,000.00, and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of a Professional Services Agreement with Halff Associates, Inc., to provide professional engineering design services and professional real property

**negotiation and appraisal services for Wichita Trail Phase II, from Simmons Road to Skillern Road, in the amount of \$198,160.00, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve a Professional Services Agreement with Halff Associates, Inc., to provide professional engineering design services and professional real property negotiation and appraisal services for Wichita Trail Phase II, from Simmons Road to Skillern Road, in the amount of \$198,160.00, and authorize the Mayor to execute same on behalf of the Town.

**VOTE ON THE MOTION**

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

**L. REGULAR ITEMS**

There were none.

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

- Cancel March 16 meeting due to LISD spring break

**N./O. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 6:52 p.m. on February 2, 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 11:59 p.m. on February 2, 2009 to take action on the items as follows:

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

Councilmember Tasker moved to authorize the Mayor to execute a First Addendum to the Development Agreement with Flower Mound CBD, Ltd. Deputy Mayor Pro Tem Lindsey seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Tasker, Trotter, Lindsey, Levenick  
**NAYES:** Filidoro

**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 approve the purchase of easements, in association with the FM 1171 to US 377 Water Line Phase 1 Project and the US 377/UPRR Water Line Phase 1 Project, from Old WR Ranch 1 LP, not to exceed the new settlement limits, plus closing costs. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Trotter, Tasker, Filidoro

**NAYS:** None

- 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.

- d. **Discuss and consider annual review of Town Manager.**

No action taken.

- e. **Discuss and consider annual review of Town Secretary.**

No action taken.

- f. **Discuss and consider review of the Town Attorney.**

No action taken.

**P. ADJOURN REGULAR MEETING**

Mayor Smith adjourned the regular meeting at 12:02 a.m. on Tuesday, February 2, 2009, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**JODY A. SMITH, MAYOR**

**ATTEST:**

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**PAULA J. PASCHAL, TOWN SECRETARY**