

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16th 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
Al Filidoro	Councilmember Place 2
Jean Levenick	Councilmember Place 4 (arrived 7:15 p.m.)
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
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
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 6:05 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Liaison Reports

Councilmember Filidoro reported that the Planning & Zoning Commission approved the Marcus 9th Grade School, noting that a few issues should be resolved soon. He added that the SMARTGrowth Commission met and talked about possible amendments to the SMARTGrowth Program.

2. Discuss Consent and Regular Items

Mayor Pro Tem Trotter thanked staff for getting Fire Station No. 4 and the Dixon Lane construction projects on the agenda for approval.

3. Discuss Future Agenda Items

Town Manager Harlan Jefferson stated staff would prepare agenda items Flooring America, Country Living and a sign application for Which Wich for the March 2nd agenda as the March 16 meeting had been cancelled.

4. Discuss Council Communications - no discussion

C. ADJOURN BRIEFING SESSION

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:08 p.m.

E. INVOCATION

Chaplain Mike Liles gave the Invocation.

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

Mayor Smith led the pledges.

G. PUBLIC PARTICIPTION

Rustam Tarafdar, 3404 Dorchester Court, Flower Mound

Mr. Tarafdar spoke on behalf of the Bahai Faith announcing that a devotional gathering would be held on Sunday, February 22 at 7:00 p.m. at the Lewisville Bahai Center, 103 Catherine Drive.

H. PRESENTATIONS - none

I. ANNOUNCEMENTS

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

Mayor Smith announced that candidate packets were available in the Town **Secretary's** Office for the Town Council election on May 9, 2009. She thanked Deputy Mayor Pro Tem Lindsey, Mayor Pro Tem Trotter and Councilmember Tasker for their service on the Council as they had announced they would not seek re-election.

J. TOWN MANAGER'S REPORT

- **Update and status report related to capital improvement projects, budget projections, grants, legislation, and regulatory activities.**

Town Manager Harlan Jefferson stated staff and Mayor Smith met with CoServ and AT &T representatives, along with Commissioners Bobbie Mitchell and Andy Eads about the utility poles on FM 1171. AT&T wanted to keep their facilities underground for Sections 2 and 3 and was committed to putting the Section 1 facilities underground in the future, as TxDOT did not allow enough room in their right-of-way to put the facilities underground during the construction. CoServ was committed to removing their old poles. Grande had moved their lines and Time Warner planned to remove their lines by the end of the month. CoServ presented a new design for removing the concrete poles at FM 1171 and Bruton Orand and would put the lines underground. Staff will bring the design to Council for direction at a future date.

Mr. Jefferson reported that the Regional Transportation Council (RTC) anticipated receiving \$133 million in bailout funding, and they wanted to leverage the funding with state funding to get between \$700 million and \$800 million. They would like to match up the remaining funding shortage on the Southwest Parkway project and to work on the DFW Connector. The Town was supportive of RTC's regional effort for a sewer system in the Denton Creek area. Regarding regional toll revenue funding, the RTC came to an agreement with TxDOT to develop advanced funding agreements with each municipality or entity. Local design

standards will be used as opposed to TxDOT design standards, and no environmental studies will be needed with those projects. Within 30 days of the agreements being executed, the funds will be transferred to the Town of Flower Mound, and the Town will have up to ten years to complete the projects. He noted that the Spinks Road project had already been bid, and Flower Mound Road will be bid later this year.

Mr. Jefferson announced that the groundbreaking for Fire Station No. 4 was scheduled for March 2 at 4 p.m. He noted there had been much news coverage about the Town receiving the SAFER grant. Congressman Burgess was very instrumental in obtaining the grant, along with Fire Chief Eric Metzger and Assistant Chief Scott Mitchell.

Mr. Jefferson announced that the Comprehensive Monthly Financial Report was on the Town's website for citizen review, and next month the Council will consider approval of the Comprehensive Annual Financial Report.

K. CONSENT ITEMS

Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. 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 regular meeting of the Town Council held on February 2, 2009.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on February 2, 2009.

- 2. Consider approval of an ordinance ordering a general Town election to be held on the 9th day of May 2009 for the purpose of electing three Councilmembers, Places 1, 3 and 5, for two-year terms each; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.**

RECOMMENDATION: Approve Ordinance No. 08-09 ordering a general Town election to be held on the 9th day of May 2009 for the purpose of electing three Councilmembers, Places 1, 3 and 5, for two-year terms each; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice. The caption of the ordinance reads as follows:

ORDINANCE NO. 08-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ORDERING A GENERAL TOWN ELECTION TO BE HELD ON THE 9th DAY OF MAY 2009, FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS, PLACES 1, 3 and 5, FOR TWO-YEAR TERMS EACH; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.

- 3. Consider approval of an interlocal agreement with Denton County for rental of voting machines, equipment and supplies for the May 9, 2009, General Election, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an interlocal agreement with Denton County for rental of voting machines, equipment and supplies for the May 9, 2009, General Election, and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of a joint agreement with the Lewisville Independent School District (LISD) for the Town of Flower Mound to conduct the May 9, 2009, general election, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a joint agreement with the Lewisville Independent School District (LISD) for the Town of Flower Mound to conduct the May 9, 2009, general election, and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of a Cooperative Agreement with the U.S. Army Corps of Engineers (CORPS) in the amount of \$27,053.88, for off-duty Flower Mound Police Officers to provide services for several parks at Lake Grapevine on weekends and holidays, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Cooperative Agreement with the U.S. Army Corps of Engineers (CORPS) in the amount of \$27,053.88, for off-duty Flower Mound Police Officers to provide services for several parks at Lake Grapevine on weekends and holidays, and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of the award of Competitive Sealed Proposal No. 2209-B for the construction of Fire Station No. 4 to C.R. Reynolds, Inc., in the amount of \$2,635,595.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of Competitive Sealed Proposal No. 2209-B for the construction of Fire Station No. 4 to C.R. Reynolds, Inc., in the amount of \$2,635,595.00, and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of a resolution to approve a Municipal Maintenance Agreement with the State of Texas for continued assistance with the maintenance and operation of state highways within the Town.

RECOMMENDATION: Approve Resolution 03-09 to approve a Municipal Maintenance Agreement with the State of Texas for continued assistance with the maintenance and operation of state highways within the Town. The caption of the resolution reads as follows:

RESOLUTION NO. 03-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE TOWN OF FLOWER MOUND FIXING THEIR RESPECTIVE RESPONSIBILITIES FOR MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS WITHIN AND THROUGH THE CORPORATE LIMITS OF THE TOWN OF FLOWER MOUND AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT.

8. Consider approval of the award of Bid No. 3109-B, with Weir Brothers, Inc., for the construction of Dixon Lane, from the end of the existing four-lane cross-section located west of FM 2499 to Chinn Chapel Road, in the amount of \$974,645.95, and

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

RECOMMENDATION: Approve the award of Bid No. 3109-B, with Weir Brothers, Inc., for the construction of Dixon Lane, from the end of the existing four-lane cross-section located west of FM 2499 to Chinn Chapel Road, in the amount of \$974,645.95, and authorize the Mayor to execute same on behalf of the Town.

9. **Consider approval of a resolution to approve a Landscape Maintenance Agreement with the State of Texas for the Town to maintain the Green Ribbon Landscaping Project and other landscaping projects on State roadways.**

RECOMMENDATION: Approve Resolution No. 04-09 to approve a Landscape Maintenance Agreement with the State of Texas for the Town to maintain the Green Ribbon Landscaping Project and other landscaping projects on State roadways. The caption of the resolution reads as follows:

RESOLUTION NO. 04-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE TOWN OF FLOWER MOUND FOR THE MAINTENANCE OF CERTAIN LANDSCAPE IMPROVEMENTS INSTALLED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) IN AND ABOUT STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE TOWN OF FLOWER MOUND AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT.

10. **Consider approval of a resolution that supports increased funding for the Texas Recreation and Parks Account and the Texas State Park System.**

RECOMMENDATION: Approve Resolution No. 05-09 that supports increased funding for the Texas Recreation and Parks Account and the Texas State Park System.

RESOLUTION NO. 05-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REQUESTING THE MEMBERS OF THE 81ST LEGISLATIVE SESSION OF THE STATE OF TEXAS SUPPORT INCREASED FUNDING FOR THE TEXAS RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAM AND THE TEXAS STATE PARK SYSTEM.

11. **Consider approval of a Professional Services Agreement with Teague Nall and Perkins to provide median and rights-of-way (ROW) master planning, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Professional Services Agreement with Teague Nall and Perkins to provide median and rights-of-way (ROW) master planning, and authorize the Mayor to execute same on behalf of the Town.

12. **Consider approval of a Boundary Adjustment Agreement with the City of Highland Village regarding Chinn Chapel Road, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Boundary Adjustment Agreement with the City of Highland Village regarding Chinn Chapel Road, and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

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

L. REGULAR ITEMS

13. Consider a request for a Site Plan (SP 22-08 - Chase Bank - Cross Timbers Village) to develop a single-story bank building. The property is located at 4081 Bruton Orand Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 26, 2009, meeting.)

Staff Presentation

Executive Director of Development Services Doug Powell stated the proposed bank was part of the Cross Timbers Village development at 4081 Bruton Orand Boulevard. He noted there would be a great deal of landscaping as noted in the Planned Development PD). He commented that the rest of the development would move forward following the planned improvements to FM 1171. Additionally, the PD required Council approval of the site plan.

Council Deliberation

Councilmember Tasker moved to approve Site Plan SP 22-08 - Chase Bank - Cross Timbers Village - to allow development of a single-story bank building. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

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

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Next regular meeting and work session - March 2
- March 16 meeting cancelled due to Spring Break

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 6:29 p.m. on February 16, 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 9:37 p.m. on February 16, 2009 to take action on the items as follows:

Councilmember Levenick arrived at 7:15 p.m.

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 Tasker moved to grant authority to negotiate and purchase the Janet E. Bunn Tract right-of-way property, to abandon existing Flower Mound Road prescriptive right-of-way and all rights to the existing Flower Mound Road property in association with the Flower Mound Road Project, plus closing costs and for the Assistant Town Manager, or his designee, to execute all documents at closing on behalf of the Town and authorization for the Town Attorney or his designee to file condemnation proceedings against the property owner(s) in the event a settlement cannot be reached. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Lindsey, Trotter, Tasker, Filidoro

NAYS: None

c. Discuss and consider annual review of Town Manager.

Councilmember Levenick moved to take action on the review of the Town Manager as discussed in Closed Session. Deputy Mayor Pro Tem Lindsey seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Trotter, Lindsey, Levenick

NAYS: None

d. Discuss and consider annual review of Town Secretary.

Councilmember Filidoro moved to take action on the review of the Town Secretary as discussed in Closed Session. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Lindsey, Trotter, Tasker, Filidoro

NAYS: None

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 9:39 p.m. on February 16, 2009, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY