

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15th DAY OF JUNE 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:

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| Jody Smith | Mayor |
| Jean Levenick | Mayor Pro Tem |
| Steve Dixon | Deputy Mayor Pro Tem |
| Al Filidoro | Councilmember Place 2 |
| Mike Wallace | Councilmember Place 3 |
| Tom Hayden | Councilmember Place 5 (arrived 6:13 pm) |

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

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| Harlan Jefferson | Town Manager |
| Paula Paschal | Town Secretary |
| Terry Welch | Town Attorney |
| Chuck Springer | Assistant Town Manager/Chief Financial Officer |
| Kenny Brooker | Police Chief |
| Eric Metzger | Fire Chief |
| 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 6:12 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Liaison Reports

Deputy Mayor Pro Tem Dixon attended the June 8, 2009 Planning & Zoning Commission and SMARTGrowth Commission meetings. He noted that the SMARTGrowth Commission discussed possible modifications to the tables. Tom Goss was elected Vice Chair of the Planning & Zoning Commission.

Mayor Smith attended the Transportation Commission meeting and noted there was quite a bit of discussion.

Councilmember Wallace stated the Parks, Arts, and Library Services Board meeting was rescheduled to June 25 due to the recent storm.

Councilmember Hayden attended the Environment Conservation Commission meeting and toured the Town Tree Farm. He stated the Commission was interested in looking at recycling program enhancements.

2. Discuss Consent and Regular Items - no discussion

3. Discuss Future Agenda Items

Mayor Smith stated discussions were on-going about recycling enhancements, green buildings and procedures. More research would be conducted regarding these initiatives.

4. Discuss Council Communications

Town Manager Harlan Jefferson stated staff would bring an agenda item to the July 20 meeting regarding the **Town's** relationship with Fred Hill (lobbyist). The economic development policies item would be placed on a future work session (possibly on the July 20 agenda).

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

Mayor Smith adjourned the briefing session and called the regular meeting to order at 6:16 p.m.

E. INVOCATION

Chaplain Grace Sherrill gave the Invocation.

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

Chaplain Sherrill led the pledges to the flags.

G. PUBLIC PARTICIPTION

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone congratulated Councilmembers Hayden and Wallace and Deputy Mayor Pro Tem Dixon for their recent wins in the election. He appreciated their willingness to serve, and thanked the other candidates for running.

Kendra Stephenson, 2321 Roadrunner, Flower Mound

Ms. Stephenson thanked the Council for considering Item 5 which would lower the speed limits in her neighborhood.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie spoke about the devastation to the **Town's** tree canopy following the storm last week. She suggested planting replacement trees from the Tree Farm in the Town parks.

Randal Wilson, 3005 Oak Meadow Drive, Flower Mound

Mr. Wilson announced that today was the 234th birthday of the United States Army. He asked the Council to make a motion to postpone Item 8 to the July 20th meeting. He noted that many people attended the Transportation Commission meeting, but there were not many present tonight. He stated the Town usually sends many notices out in advance. He received an email today to the **homeowners'** associations from the Town. He added that many people were on vacation in June.

Mayor Smith stated many people knew about this meeting, and it was hard for governments to put off doing business during the summer months.

Renee Doyle, 1920 Widgon Lane, Flower Mound

Ms. Doyle apologized for being rude at the Transportation Commission meeting. At the

meeting, Commissioner Robinson asked if the Town's professionals or administrative staff ever considered saying that the Town did not need a six lane roadway at any point in the revisions. Ms. Doyle stated that Kent Collins responded that he was not aware of any such statement. She stated that at the November 21, 2002 Council meeting, Brian Shamburger (Kimley-Horn) referred to Morriss from FM 407 to Gerault and then to FM 2499. She stated that he recommended changing the roadway to a greenway urban arterial and maintaining the existing cross section, as the six lanes were not needed from a capacity standpoint at that time. Ms. Doyle asked that Items 8, 9 and 10 be tabled until after the Transportation Commission approved the minutes of their meeting.

H. PRESENTATIONS

Certificate of Achievement - Eagle Scout Bradford Mazur - was not at the meeting

I. ANNOUNCEMENTS

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

Mayor Smith thanked all the Town staff for working on the cleanup after the storms on Wednesday. There was quite a bit of destruction of trees and property. She also recognized that the Police and Fire Departments responded to a major fatality accident the previous Friday.

Mayor Pro Tem Levenick reminded everyone about the Independence Day activities on July 4. The **Children's** Parade would begin on Timbercreek at 11 am and the fireworks display would be held at Flower Mound High School at FMHS (with gates opening at 7 pm).

Councilmember Wallace commented that the Summit Club will be selling glow ropes at the fireworks show. He reminded everyone about the Flower Mound Recycles Day on June 20 at Bakersfield Park. He added that the Highland Village Red, White, and Blue Festival on June 6 was a great event.

Councilmember Hayden named the cities in the DFW area that had senior centers. He noted that Flower Mound was the largest community in North Texas that did not have a senior center. He stated the time had come to build a senior center in Flower Mound.

Councilmember Filidoro commented that the Summit Club had done much work in the Town. He invited other men in the community to join the group.

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 Allied had committed additional fleet to picking up the brush from the storms. He encouraged residents to watch the website for updates. He commented that there will likely be a special session of the legislature. Mr. Jefferson addressed the issue of public notice for the Council meeting. He stated the public hearing was advertised at the May 21st and June 1st Council meetings.

K. CONSENT ITEMS

Councilmember Filidoro made a motion to approve by consent. Items 1, 2, 3, 4, 5, and 6. Deputy Mayor Pro Tem Dixon 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 of the Town Council held on May 14, 2009.

RECOMMENDATION: Approve minutes from a special meeting of the Town Council held on May 14, 2009.

2. Consider approval of minutes from a regular meeting of the Town Council held on June 1, 2009.

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on June 1, 2009.

3. Consider approval of a resolution allowing the Denton County Sheriff's Department to offer Roanoke Hills Block CR Lot 15 at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed.

RECOMMENDATION: Approve Resolution No. 18-09 allowing the Denton County Sheriff's Department to offer Roanoke Hills Block CR Lot 15 at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed. The caption of the resolution reads as follows:

RESOLUTION NO. 18-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REQUESTING AND DIRECTING THE DENTON COUNTY SHERIFF'S DEPARTMENT TO SELL THE PROPERTY KNOWN AS ROANOKE HILLS BLOCK CR LOT 15 AT A PUBLIC VENUE AS PROVIDED UNDER TEXAS TAX CODE §34.05(c).

4. Consider approval of the purchase of asphalt overlay services from Reynolds Asphalt and Construction Company, through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$129,450.

RECOMMENDATION: Approve the purchase of asphalt overlay services from Reynolds Asphalt and Construction Company, through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$129,450.

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 Condor Street, Mockingbird Lane, and Roadrunner Drive to 25 mph.

RECOMMENDATION: Approve Ordinance No. 23-09 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 Condor Street, Mockingbird Lane, and Roadrunner Drive to 25 mph. The caption of the ordinance reads as follows:

ORDINANCE NO. 23-09

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 a Road Maintenance Agreement for gas well permit GO-09-1644 in the amount of \$10,087.00 for the Cummings gas well site generally located north of FM 1171, east of Red Rock Lane, south of Hawk Road, and west of Shiloh Road, for Williams Production-Gulf Coast Company, L.P., to provide funds in advance should gas well operations on the property create a need for road repair on the travel route of Red Rock Lane; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Road Maintenance Agreement for gas well permit GO-09-1644 in the amount of \$10,087.00 for the Cummings gas well site generally located north of FM 1171, east of Red Rock Lane, south of Hawk Road, and west of Shiloh Road, for Williams Production-Gulf Coast Company, L.P., to provide funds in advance should gas well operations on the property create a need for road repair on the travel route of Red Rock Lane; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Hayden, Wallace, Levenick, Dixon, Filidoro
NAYS: None

L. REGULAR ITEMS

7. Consider approval of a resolution authorizing the Mayor to execute a proposal on behalf of the Town, to be submitted to the U. S. Department of Energy for an Energy Efficiency and Conservation Block Grant for the Purpose of Reducing Emissions and Improving Energy Efficiency; and acceptance of money if the grant is awarded.

Staff Presentation

Director of General Services Melanie Harden gave the following presentation.

Questions from the Governing Body and Answers

Council Deliberation

Councilmember Wallace moved to approve Resolution No. 19-09 authorizing the Mayor to execute a proposal on behalf of the Town, to be submitted to the U. S. Department of Energy for an Energy Efficiency and Conservation Block Grant for the Purpose of Reducing Emissions and Improving Energy Efficiency; and acceptance of money if the grant is awarded. Councilmember Filidoro seconded the motion. The caption of the resolution reads as follows:

RESOLUTION NO. 19-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE FILING OF AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION WITH THE U.S. DEPARTMENT OF ENERGY; AND AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE TOWN OF FLOWER MOUND IN ALL MATTERS RELATED TO THE APPLICATION.

VOTE ON THE MOTION

AYES: Filidoro, Dixon, Levenick, Wallace, Hayden

NAYS: None

- 8. Morriss/Gerault Capacity Improvement Project Public Hearing**
Public Hearing to discuss the recommendations from the Transportation Commission regarding potential design enhancements and implementation of the Morriss/Gerault Capacity Improvement project and consider approval of a resolution providing direction regarding the design and implementation of the Morriss/Gerault Capacity Improvement project.

Staff Presentation

Assistant Town Manager Kent Collins gave a power point presentation. Due to the length of the presentation, a copy is on file in the Town Secretary's Office.

Mr. Collins stated the Transportation Commission work session was held on April 21 and a public hearing was held on May 26. He reviewed the charge given to the Commission by the Town Council. The charge was to meet, listen to the residents, review the project, and make recommendations regarding engineering, enhancements to landscaping, speed limits, signals and stop signs, school crossing safety, below-grade crossing, truck traffic and phasing. The Commission recommended that the project be designed and constructed in one phase. He stated the basic scope of the project was to add two more lanes in the existing median of Morriss and Gerault, taking it to a major arterial (six-lane divided section). One section of the Master Transportation Plan was to provide a flyover interchange at Gerault and FM 2499. The scope of the project had expanded to include safety and pedestrian improvements.

Mr. Collins stated the plan provided options and corridors for east/west and north/south traffic. This philosophy was reflected in the Thoroughfare Plan. He stated Morriss Road was first identified as a six-lane arterial in 1981. Gerault was added in 1985. All subsequent plans maintained Morriss and Gerault as six-lane roadways. He noted that the Council recently adopted the 2009 Master Transportation Plan, and the subject project was also discussed in the context of The River Walk at Central Park and the Traffic Impact Analysis (TIA) that was

performed for that project. Mr. Collins showed the 2030 Level of Service (LOS) Map. He stated the three routes that make up the north/south corridor (FM 2499, Gerault/Morriss and Garden Ridge) were shown to be projected at LOS E and F in 2030. LOS was defined as the grading scale that reflects the volume to capacity ratio on a certain facility (A was exemplary and F was failing). Mr. Collins stated LOS C was important in Flower Mound because of the SMARTGrowth requirements. He noted that the extra traffic in the Town was coming from all around the region. He noted that the traffic will shift to Morriss and Gerault as traffic increases on FM 2499.

Brian Shamburger, Kimley Horn and Associates

Mr. Shamburger discussed the process and gave a presentation. A copy of the presentation is on file in the Town **Secretary's** Office. He noted that the Town has consistently followed the Master Plan, which included a Land Use and Thoroughfare Plan. The two were designed to work together. The **Town's** Land Use Plan defined future land uses based on the numbers of households and numbers of employees. The numbers were directly tied to the **Town's** Thoroughfare Plan via the transportation model. He stated the Morriss/Gerault corridor was an attractive alternative to motorists. Mr. Shamburger stated the transportation model was created in 2001 to make informed decisions on future transportation needs. The North Central Texas Council of **Government's** (NCTCOG's) Regional Travel Model was the starting point. Extensive detail was added to reflect local Town roadway network and land use data. It was validated every few years using ground counts. The model was used for Thoroughfare Plan updates and updated frequently as part of the **Town's** SMARTGrowth Transportation Analysis process.

Mr. Shamburger summarized the modeling process that was followed: gathered existing traffic counts; ran the current model; validated the model using existing traffic volumes; determined the **Town's** model to be accurate across the board when compared to existing conditions; modified network to match proposed thoroughfare plan; and modeled the proposed thoroughfare plan using 2030 demographics. Mr. Shamburger reviewed the 2007 existing daily traffic volumes and showed the Levels of Service. He noted that many of the traffic volumes along Morriss and Gerault Roads varied from 15,000 to almost 22,000. He reviewed the projected 2030 daily traffic volumes, particularly on the six-lane roadways. He noted in the 2003 -2004 update, US 377 was changed from a four-lane facility to a six-lane facility because of the changes in travel patterns and regional growth. Looking at the projected (2030) daily traffic counts, Mr. Shamburger stated the numbers on Morriss, between FM 407 and FM 1171 ranged from 29,000 - 30,000 vehicles per day. That number steadily increases south of FM 1171 to 40,000 - 45,000 vehicles per day. There were similar increases on FM 2499. Even when everything was built out, there would still be LOS E and F on certain facilities throughout the Town.

Mr. Shamburger pointed out information on daily trip patterns. Currently about 12% of trips were served internally. Almost 90% of the trips had origins or destinations outside of the Town. This provided for a significant impact on the **Town's** few north/south major arterials (US 377, FM 2499, and Morriss/Gerault Road). Mr. Shamburger summarized that the typical threshold for a six-lane divided roadway at an acceptable level of service was roughly 24,000 vehicles per day. Gerault Road would be well over that threshold at 40,000-50,000 per day. The volumes would begin to decrease proceeding north on Gerault/Morriss (about 30,000), but they still warranted a six-lane section.

Mr. Collins reviewed that the River Walk project had more than double the office retail component as does Southlake Towne Center. The key difference was the residential component - 1,250 units. Even though the River Walk was a large development, Southlake had

FM 1709 (seven lanes) and a controlled access freeway, SH 114.

Dharmesh Shah, Lee Engineering

Mr. Shah stated Lee Engineering performed the TIA for the River Walk project. His presentation is on file in the Town **Secretary's** Office. Based on the size of the development, particular intersections were chosen for the TIA. He stated they collected data during the rush hours (morning and evening), and 24-hour traffic counts. They looked at adjacent land uses and the proposed land uses for the development. The next step was trip generation. Based on the proposed development, they used the national standards (Institute of Traffic/Transportation Engineers) as a trip generation manual. Based on these standards, they estimated the number of trips that would be generated by the proposed development. Once that data was collected, they assigned the traffic to the roadways and intersections. Mr. Shah stated at the end of Phase 1, Morriss and FM 1171 would be at LOS D and E. The **Town's** standard was LOS C. At buildout of the River Walk (2015), if Morriss was not widened, the intersection would be at LOS E and F. If widened, it could be at LOS D and E. Mr. Shah reviewed the SMARTGrowth Analysis of the existing roadway conditions for Morriss Road.

Mayor Pro Tem Levenick asked why the traffic counts were only done over a 24-hour period. She noted that some event may have been held at that time.

Mr. Shah responded that they make sure there is no major event going on in the area. The goal was to look at typical weekday (Tuesday, Wednesday, Thursday) conditions.

Mayor Pro Tem Levenick asked why they did not average several 24-hour periods.

Mr. Shah stated that typical days should not be much different.

Mr. Collins discussed the funding sources and the costs associated with the Morriss/Gerault expansion project. He noted the Town had approved an Advanced Funding Agreement (AFA) with the Texas Department of Transportation to receive the \$10.77 million in Regional Toll Revenue. In addition, Denton County would be providing \$5.5 million as a result of a County bond election (TRIP '08 Funds). Regarding developer funding (The River Walk), the initial contributions were \$247,500 associated with Phase 1 and 2, or the first phase of the TIA. The total projected funding for Morriss was \$4.9 million. The AFA required the Town to begin construction within the fiscal year that the Town receives funding for some construction. Additionally, the full \$10.77 million has to be spent within 10 years of the execution of the funding agreement. He stated if Morriss/Gerault was not built, the Commissioners Court could not guarantee that the funding would stay in Flower Mound. Current cost estimates for the entire project were \$16.52 million. Mr. Collins stated that based on the **developer's** concept plan, the estimated roadway impact fees were \$6.8 million. Impact fees could be used on any project that was on the Roadway Impact Fee CIP.

Mr. Collins reviewed the timing of other road projects in the Town. The completion date for FM 2499 Section 3 was estimated to be January 2010. The let date for FM 407 (Briarhill to Chinn Chapel) was estimated at November 2009. The completion date for FM 1171 Section 1 was estimated to be July 2010. The completion date for Spinks IV was June 2010. The design for Morriss/Gerault was estimated to take 6-12 months, with construction in 12-18 months. He reviewed several slides regarding crime rates, police and fire response times, speed limits, and property values. Staff felt there was no data or evidence that indicated a negative impact from expanding a four-lane roadway to a six-lane roadway. He stated the benchmarks were FM 3040 and FM 2499.

Mr. Collins stated the Town had a long history of providing safe routes to schools. He stated there were four reduced speed school zones along Morriss Road. Staff investigated the Forestwood Middle School area. There were two marked crosswalks with crossing guards, and one marked crosswalk without crossing guards. Additionally there was a below-grade crossing which would receive improvements in the future. The Town has also adopted a policy of 25 mph speed limits within ¼ mile of a school boundary. He also noted there was a cell phone ban when the school zones were active. Staff conducted pedestrian counts. The average of those days was a total of 107 crossings of Morriss at Forest Vista and at the crosswalk at Forestwood Middle School (combined). Mr. Collins stated there were four school zones on Morriss, and none on Gerault. He stated Forestwood opened in 1993 according to the LISD, and Marcus High School opened in 1981.

Mr. Collins addressed the median widths after construction. In general, the medians would not be narrower than 16 feet. They could be as wide as 44 feet, post construction. He noted that the sidewalks were located in the ROW, outside the back of the curb. He highlighted that prior to the Morriss Road Beautification Project, there were 41 trees in the median on Morriss and Gerault. With that project, the Town installed 122 additional trees along with irrigation. Some trees will be impacted by the construction but the Town has programmed in \$1.2 million for additional landscaping. Mr. Collins stated the Town had been working with a landscape architect on a Town-wide plan. There would be three different median designs (narrow, medium width, and wider medians).

Mr. Collins stated the Transportation Commission had made a recommendation to the Town Council and it was on the agenda for Council consideration, in the form of a resolution. He noted the "Frequently Asked Questions" (FAQ) Sheet had been provided to the citizens at the meeting. He reviewed the option of phasing the project, where Phase 1 would be Gerault widening, the flyover at FM 2499, and the landscaping, intersection and safety enhancements for the entire corridor. Phase 2 would include the construction of everything not included in Phase 1. Several triggers were associated with the River Walk amenity, SMARTGrowth, and the completion of FM 2499 Section 5 (the connection to I-35) or some date in the future that would allow the Town to stay in compliance with the funding agreement.

Questions from the Governing Body and Answers

Mayor Pro Tem Levenick asked for more information about the 2001 consideration of the re-classification of Morriss Road to a greenway urban arterial.

Mr. Collins stated that was presented simply as an option for discussion. The volumes at that time did not warrant the widening. He stated the decision was made not to consider going forward with the greenway option.

Public Comments

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated the bridge over Timber Creek had been six lanes since it was built. Doc Wilkerson, former mayor, worked hard to get roads in place. She stated the flyover from Gerault to FM 2499 was needed. She stated it was like going through a tunnel to get out of Town, and the widening needed to be done now.

Leo Gonya, 2217 Shumard Lane, Flower Mound

He asked if the citizens wanted quiet character or the character of a community with six-lane roads. He encouraged the Council to vote for funds for Spinks, Flower Mound Road,

the flyover at FM 2499, and to correct the intersections on Morriss at FM 407, FM 1171 and Forest Vista. He stated they should table any other expansion for Morriss Road for two to four years. He asked them to finish FM 2499 and see where and how traffic will flow at that time. After that time, he asked the Council to put an item on the ballot as a non-binding referendum to go to six lanes.

Todd Schreiber, 925 Canongate Drive, Flower Mound

Mr. Schreiber supported the project. Funding was available. He stated it would be a blessing to put infrastructure in place in advance of when it is needed.

Don Shields, 3815 Cortadera Court, Flower Mound

Mr. Shields stated he was not for or against a six-lane road. He had a hard time getting across Morriss Road already. He had heard that when the project is completed, the feeder roads that intersect with Morriss would be removed.

Mr. Collins stated there were no plans to eliminate feeder roads. Also, there was a projected need for a signal at Buckeye.

Cathy Weiskopf, 2121 Cheshire Drive, Flower Mound

Ms. Weiskopf stated she was in favor of reducing emissions and keeping Morriss a four-lane road, as that would be a green initiative. She encouraged the Council to look at busses, trams, trolleys or some other public transportation.

Gloria Vargo, 1312 Rustic Timbers, Flower Mound

Ms. Vargo stated she had children at Forest Vista Elementary and FMHS. The main area of concern was between FM 3040 and FM 1171. She thanked staff for the FAQ Sheets. She expressed concern about the future speed limit on Morriss Road, and about the safety of small children.

Patricia Feager, 1765 Meyerwood Lane, Flower Mound

Ms. Feager asked that the minutes and the validity of the Transportation Commission meeting be ruled invalid and expunged. She stated that answers to questions were not given to the people who signed up to speak. She felt there was an abuse of power. She asked the Council to not compromise the safety and well-being of children. Ms. Feager felt the decision by the Transportation Commission was made long before the meeting was held.

William Payne, 5112 Water Oak, Flower Mound

Mr. Payne stated the Transportation Plan indicated that roads should be built for cut-through traffic. He noted that making Flower Mound Road six lanes was removed from the Plan several years ago. He felt traffic would cut through east and west. He asked for statistics for the traffic counts for trips, as he could not find it on the website. He stated the River Walk would be a place for people to go on Saturdays, and he wanted to see traffic counts for that.

Scott Pillifont, 3012 Brush Creek Lane, Flower Mound

Mr. Pillifont spoke about compromise and that decisions needed to be based on **people's** input. He stated staff and consultants talked about models, needs and estimates. Staff said the project could be built in 18 months. He asked why it needed to be built now. He stated the Stop Morriss 6 group was a response to wanting to be heard and showed citizen involvement. He felt money and The River Walk were driving this project. He stated it should be built only when there is a need for it.

Patti Fennessey, 1804 Castle Court, Flower Mound

Ms. Fennessey stated she did not understand the development agreement for The River Walk. She asked about the TIAs on each phase of the River Walk. She asked how the information was derived regarding the trip patterns. Ms. Fennessey stated she and Kim Berg met with LISD and discussed hazardous routes with them. She stated the LISD indicated that each hazardous route would cost \$36,000 for the busses. She asked where a 44 foot median would be located. Ms. Fennessey stated she reviewed the minutes from the January 2008 Council retreat and Morriss Road was not discussed when Spinks and Garden Ridge were.

Scott Cleland, 2900 Branch Hollow Circle, Flower Mound

Mr. Cleland stated the residents had to accept an unwanted project. He stated there had been 28 years of development on Morriss Road and there were some unsafe sections of the road. He was in favor of phasing the project. It would make construction easier. Also, phasing had to be commensurate with the need. He asked the Council to make the road as safe as possible. He felt the 12,000 feet of sidewalk on Morriss was not safe, and would like to see the sidewalks pushed away from the street. Drivers posed a hazard to pedestrians.

Sylvia Inboden, 2017 Brookville, Flower Mound

Ms. Inboden stated the Council was elected to represent all people in the Town. For the Town to move forward, the Council needed to do what was best for the majority. She noted the funding was available now. She commented there was much growth to the north and those drivers would come through Flower Mound. Ms. Inboden added that congested roads were not safe.

Randal Wilson, 3005 Oak Meadow, Flower Mound

Mr. Wilson stated he was not for or against the project. A wooden fence was not a soundwall. The soundwalls on FM 2499 and FM 3040 were farther from the street than a fence would be on Morriss Road. Many of the neighborhoods were too close to the ROW for the street. Mr. Wilson stated the Town did not know what the different neighborhoods wanted. Mr. Wilson suggested putting left and right turn lanes on Morriss Road, and to fix the patchwork of speed limits in the area. He felt the entire vicinity would be dangerous during construction. He added that all neighborhoods along major arterials should be 25 mph.

Kendra Stephenson, 2321 Roadrunner, Flower Mound

Ms. Stephenson supported the project, as Morriss was dangerous now. She felt traffic was going to occur whether the road was built or not. She was pleased about the significance of the development (River Walk).

John Thomas, 5308 Timbercreek Road, Flower Mound

Mr. Thomas stated the increased lanes would take care of the increased traffic that was coming through Flower Mound. He asked the Council to not base decision on emotions. He felt the River Walk area would develop into something great, adding to the quality of life in Flower Mound.

Renee Doyle, 1920 Widgon Way, Flower Mound

Ms. Doyle felt there was faulty data. She stated the TIA was only measured north of FM 1171 to College Parkway and only on one 24-hour period. She asked how the tubing was put onto the road and how it was secured to the road. She stated the day the traffic counts were taken was a windy day. She asked how often the machinery was calibrated. She noted that Kimley Horn was putting new data into the model at all times, however it was stated at the Transportation Commission that it had not been tested. She understood that the numbers for the traffic studies were provided by the Town to Kimley Horn. Ms. Doyle referred to the September 15, 2003 Town Council meeting and stated there were fewer cars on the road four

years later in 2007. She asked the Council not to base their decision on faulty data.

Bob Butler, 2804 Lake Hollow Lane, Flower Mound

Mr. Butler asked why Morriss/Gerault was originally meant to be a six-lane road and residential was allowed to be built along it instead of commercial. He stated Morriss Road was originally supposed to connect to SH 121, and that was why it was designated as a six-lane road. He felt it should remain four lanes. **He asked for the name of the Town's** traffic engineer.

Patsy Mizeur, 1821 Castle Court, Flower Mound

Ms. Mizeur stated it was ironic that people were being murdered for voting in Iran by their own government. She stated funding was in the Denton County Bond Election 18 months ago and many did not vote. She asked the Council to build the road in one phase.

Renee Doyle, 1920 Widgon Way, Flower Mound

Ms. Doyle asked if the Town had started any design work with Halff and Associates for Morriss/Gerault.

Mayor Smith stated yes, there could be compromise and discussion, including the fact that the Council could consider phasing. Regarding hazardous routes in school zones, she stated the comments on the blog were misrepresented. She was told that \$36,000 hazardous zones would not be forced.

Mr. Collins read an email from Brant Buck with LISD, which stated that an amount, if any, could not be determined for hazardous zones on the Morriss/Gerault project.

Town Manager Harlan Jefferson stated the Town traditionally would construct roadway improvements during the summer.

Mayor Smith addressed other questions that were asked by residents. She stated there might not be enough right-of-way for deceleration lanes along Morriss. She thanked Renee Doyle for her apology to Paul Stone. Regarding the 2008 Council Retreat, she did not recall specific details about thoroughfares at that meeting. Mayor Smith noted that the LISD was building a 9th grade campus on Dixon Road. Improvements were being made to Marcus High School, including a new stadium. Regarding public transportation, the voters denied joining DCTA at an election in 2003. She noted that she, Mr. Jefferson and Mr. Collins regularly attend various transportation meetings. She applauded the Transportation Commission for their contributions to better internal communication regarding transportation issues. Mayor Smith noted that Lewisville, Denton and Highland Village were paying members of DCTA. Mayor Smith stated she and Councilmember Filidoro were on the Planning & Zoning Commission when residents begged them to put residential along Morriss instead of commercial (on the west side of Morriss south of FM 1171 to about Forestwood Middle School).

Mr. Collins stated the trip count data presented this evening was part of the Transportation Plan and was on the **Town's** website. It was not new data. He stated Morriss and Gerault was not a funnel. Once on the road, a driver can get off. He stated some trips were long through Flower Mound and some were short. Some people come to Flower Mound to a destination on Morriss Road or Gerault. Some were driving through Flower Mound to an outside destination, thus the volume was created by any number of types of trips. The origin and destination of projected trips was studied in the model. He stated trips did not equal volume. He noted that Morriss (in 2030) was projected to have 19,000 trips just within Flower Mound. About 35,000 trips were projected as originating outside of Flower Mound and ending up in Flower Mound. There was about 33,000 trips that originated in Flower Mound and left Flower

Mound. There were about 21,000 trips that originated outside of Flower Mound and had a destination outside of Flower Mound.

Mr. Jefferson responded to the questions about the funding of The River Walk and the development agreement. Since the development agreement required TIAs to determine how much the developer paid at certain phases, the question had arisen whether Morriss Road could be done. He stated the Town used TIAs when looking at one development or project to determine the traffic impact that would be generated. Regarding the **Town's** roadway system, staff took a more macro approach. He stated the Town and developers had to comply with a number of ordinances. One was the ordinance regarding impact fees, and there was a window of opportunity to actually collect the fees and make the improvements. The same went for SMARTGrowth, as that ordinance required that infrastructure be constructed at the time to accommodate development. Those types of ordinances protected the Town from a patchwork improvement system. Mr. Jefferson stated the Town would receive over \$9 million for roadway and wastewater improvements from the developer through impact fees. The developer would also be making contributions to the park system. He noted that for years the TIA had been used to make sure that developers paid their fair share for infrastructure improvements. He noted that Flower Mound was fortunate to get the funding for the flyover at Gerault and FM 2499, as the cost had increased from over \$12 million to over \$16 million.

Mr. Collins stated the 44 foot median would be located north of Firewheel.

Mr. Shamburger commented on the internal/external trips and stated that many zones were reviewed. Only a small percentage of trips were in internal to internal zones. He added that workplace surveys were conducted.

Mr. Collins addressed questions regarding traffic counts. If there was inclement weather, the counts were not used. However, wind did not matter so much. Generally speaking, the tubes were nailed to the pavement. Regarding calibration of the equipment, several counting companies operated in the area. He stated it was their business to keep the equipment up-to-date and calibrated. Developers, cities and professionals relied on the data. He stated the data was reviewed for abnormalities when first received. They also looked at trends. He stated traffic counts were done on a Saturday based on what type of development was being proposed. In response to the question regarding the testing of models, he stated the first step in updating a model is to look at the existing model and existing counts. He stated the difference was within 2.5-3% Townwide. The model was based on the land use plan. Traffic studies were not provided to Kimley Horn by the Town. No design work had been done with Half and Associates regarding the Morriss Road project to date. Matthew Hotelling, PE, was the **Town's** Traffic Engineer, and he had a degree in civil engineering. Mr. Collins, PE, had a Master's Degree in civil engineering with specialization in transportation.

Mr. Jefferson noted when Chuck Springer was the **Town's** Chief Financial Officer in the 1980s, he had done the acquisition of the land for six lanes for Morriss Road.

Mr. Collins showed a slide of the Thoroughfare Plan that was adopted in 1981. The note along the roadway was marked with the code of M6D - major six-lane divided arterial. Mr. Collins stated the 1985 Plan showed Morriss to Gerault designated as 120 foot ROW, six-lane divided major thoroughfare.

Councilmember Hayden asked if Flower Mound Road, west of FM 2499, was designated as a six-lane road.

Mr. Collins stated it was changed in 2001 from a six-lane to four-lane roadway.

Close Public Hearing

Council Deliberation

Councilmember Hayden asked about receiving the funding from the state (\$10.7 million with the Advanced Funding Agreement).

Mr. Jefferson responded that the Town will receive funding for Spinks (80%) and the design for Morriss this month. The balance would be delivered in October.

Councilmember Hayden noted that the Town would have to return any unused money from the SH 121 funding after ten years. He asked if the agreement had a provision for extensions.

Mr. Jefferson stated the Town Could request amendments but not extensions.

Councilmember Hayden asked how the Town would receive the funds from Denton County. He asked if there was any time limit on those funds.

Mr. Jefferson was not aware of a time limit. He stated the process normally began with the execution of an interlocal agreement. The Town would be reimbursed, after making expenditures, up to 50% of the funding. Since the project design had changed, the amount was locked in at \$5.5 million.

Councilmember Hayden asked when the Town would receive the developer portion of funding. He asked if the funding could be used anywhere up and down the road.

Mr. Jefferson stated the Town had already received \$247,000. Other portions would be paid in a phasing process. Impact fees would be collected when the developer applied for building permits.

Councilmember Hayden asked if any money left over could be used for additional landscaping.

Mr. Jefferson responded yes. Any amount leftover would depend on when the project was constructed.

Councilmember Hayden asked about the funding sources listed on the impact fee schedule (\$11 million).

Mr. Jefferson stated that grants/interlocal funds was Denton County's portion. The River Walk funding (developer) was considered escrow.

Councilmember Hayden asked about the decibel level when the projected roadway was completed.

Mr. Jefferson responded that no studies had been conducted.

Councilmember Hayden stated when Councilmembers were running for office, they said they wanted quality of life. He stated he had seen a petition signed by 1,000 citizens who did

not want the road built. He felt the Councilmembers needed to be respectful of the citizens. Regarding the Denton County bond election when Morriss Road was approved, many residents did not know they were voting for the road. He suggested putting this issue on the ballot in May 2010. Councilmember Hayden suggested changes to the resolution. Regarding screening fences, many residents would like to be able to have eight foot fences. He suggested adding living soundwalls along the road. He suggested having milestone workshops (at least three) and ask for citizen input at each milestone.

Mayor Smith asked if the Town had received a petition with 1,000 signatures.

Town Secretary Paula Paschal stated she would have to check the petitions filed in the vault.

Mayor Smith asked the Council to bring their questions to staff before the Council meetings.

Deputy Mayor Pro Tem Dixon thanked staff for the updated FAQ sheet. He asked staff for their perception of a two-level phase or just a one-phase option (as recommended by the Transportation Commission).

Mr. Collins stated either alternative would work in terms of providing the infrastructure as needed. The key was the trigger (whether it was SMARTGrowth or funding constraints). If the property triggers were in place and were tracked, a phased option would work.

Deputy Mayor Pro Tem Dixon asked for information on how SMARTGrowth could stop certain things in the Town. He noted that about a year ago, it was response times that were an issue.

Mr. Collins responded that when a development application is submitted, and is subject to SMARTGrowth, the developer pays for a Transportation Analysis (TA) and the TransCad Model is used to determine whether that development creates an impact on a Town link or intersection. If there are impacted links, another analysis is done (TIA) and unless it can be insured that LOS C will be maintained, the development would not meet SMARTGrowth.

Deputy Mayor Pro Tem Dixon asked if acceleration or deceleration lanes would be beneficial (where there was room) in areas other than major intersections.

Mr. Collins responded that deceleration lanes, left turn lanes, and right turn lanes were in the Access Management Standards. As part of the design process, staff would evaluate all intersections along the corridor.

Deputy Mayor Pro Tem Dixon asked if there were any thoughts of using different fence heights for certain neighborhoods. Some yards were at grade and some were above grade.

Mr. Jefferson stated they will construct what is generally in the area. Some neighborhoods in Planned Developments limited the height of fences. The Town's intention was to improve the aesthetics of the neighborhoods. Additionally input will be obtained from landscape architects.

Mayor Smith suggested bringing studies on sound abatement, noise abatement, and green trees and bushes to the neighborhood meetings.

Deputy Mayor Pro Tem Dixon asked about planting some of the ROW early where it has

time to grow and mature.

Mr. Jefferson agreed that the more mature the plantings are, the better they would serve as a sound abatement. The plantings could be done early. He was open to talking with the HOAs about planting trees. There may be areas where the Town would have to work through an easement to get that done.

Mayor Pro Tem Levenick asked if there was enough room for 12-foot lanes instead of 11-foot lanes.

Mr. Collins responded that it might be difficult in the areas where there is a deceleration lane. He added that 11-foot lanes had a calming affect on traffic.

Councilmember Hayden commented on a phasing plan. He asked if the LOS dropped below C, would that be a trigger for the second phase.

Mr. Jefferson responded if any portion of the road dropped below LOS C, that would be a trigger.

Councilmember Wallace asked what the lowest lawful speed limit for six lanes was, and if it would have to be increased to 45 mph.

Mr. Collins stated the improvements would be completed and the speed limit would be unchanged. The Town would allow the traffic to settle out and then conduct a speed study at 3-6 months after the improvements are made. It would be set as low as is lawfully possible.

Mayor Smith asked if there were other avenues of calming affects.

Mr. Collins stated traffic circles and speed humps would not apply to this roadway. The Town would do a lot to calm traffic around the school crossing areas.

Mayor Smith stated she had observed a stained concrete roadway with raised bumpy areas in Las Colinas. She stated it got her attention and would be aesthetically pleasing.

Mr. Collins commented that the raised areas made a great deal of noise.

Councilmember Filidoro asked if staff had found any major negative impacts if construction was phased rather than building it all at once. He commented that nobody was saying that the Town should not fix Gerault and FM 2499. There were elements of the project that needed to be done sooner than later.

Mr. Jefferson did not believe there would be any detriment with phasing the project. Phase 1 would be to construct the additional lanes on Morriss plus the flyover. Additional landscaping, fencing and the intersection improvements would also be part of the project. The inflationary costs would be offset by interest income that would be earned. Additionally the Town would have the impact fee funding.

Councilmember Filidoro was concerned with the safety at Forestwood Middle School today and in 1991. He stated he was concerned with the flooding of the below grade crossing under Morriss Road, and he would like to see that fixed no matter what. Councilmember Filidoro stated everyone was trying to do the best for the Town, and he stated he would like to see consensus. He was in favor of taking care of what needed to be done now.

Mayor Smith stated the Council served and represented the citizens. She stated she was offended when The River Walk was being blamed for this. She recognized that many people had written emails and some were very rude. None of the Councilmembers were in the developer's pockets. She stated the Council would strive to make the best decisions for the Town. Mayor Smith stated she lived in the western area of the Town, noting that there were no new access roadways in that area. She stated the original Planned Development for the land in the River Walk was only for more residential only (over 3,000 homes). She stated the hospital and medical offices would bring good clean businesses. She felt Flower Mound was ready for a hospital.

Mayor Pro Tem Levenick moved to approve a resolution included in the agenda packet providing direction regarding the design and implementation of the Morriss Road Capacity Improvement Project with Section 2 of the resolution being amended to read as follows:

The Town of Flower Mound sincerely appreciates the efforts undertaken by the Transportation Commission to inform the citizens of the details associated with the Morriss/Gerault Project, and after consideration of the presentations and comments made at the Town Council meeting on June 15, 2009, and after a detailed review of all pertinent documentation, the Town Council generally endorses the recommendation of the Transportation Commission and adopts a resolution in support of the Morriss Road Capacity Improvement Project, as follows:

The Town Council hereby approves the Morriss/Gerault Capacity Improvement Project with the following design, engineering and implementation elements as follows:

The project shall be designed in one phase, in its entirety, and construction shall occur in phases as follows:

Phase 1 will begin after design is complete, and shall include construction improvements to Gerault Road, and the flyover at FM 2499, and Phase 1 shall include the landscaping, fencing, safety and intersection improvements for the entire Morriss Road corridor, and Phase 2 shall begin upon completion of Phase 1 and shall include those areas from FM 3040 to FM 407.

Councilmember Wallace seconded the motion.

Discussion on the Motion

Councilmember Filidoro amended the motion with the following language:

The project shall be designed in one phase, constructed in two phases to include:

Phase 1 will begin after design is complete and could include construction improvements to Gerault and the flyover at FM 2499, landscaping, fencing, safety, and intersection improvements. Phase 2 would begin in either Fiscal Year 2017-2018 or after completion of The River Walk amenity, whichever comes first.

In the original motion where it says tree, sod, irrigation, and decorative plantings, I also want to include "and living soundwalls shall be installed in the medians, rights-of-way with the focus being on full width median sections."

Town and/or Town consultants shall consider replacing existing perimeter screening fences with 8 foot fences, where possible, and/or explore other fencing options and other methods to

mitigate sound impacts.

Councilmember Hayden seconded the amendment.

Discussion

After further discussion, Councilmember Filidoro amended his amended motion to read as follows:

The project shall be designed in one phase in its entirety, and construction shall incur in two phases as follows:

Phase 1 will begin after design is complete and shall include construction of improvements to Gerault Road and the flyover at FM 2499, and Phase 1 shall include the landscaping, fencing, safety, and intersection improvements for the entire Morriss Road corridor. Further Phase 1 shall include trees, sod, irrigation, decorative plantings, and living soundwalls where applicable to be installed in the medians and rights-of way with focus being on full width medians sections, and 8 foot fences, where possible, shall be utilized.

Phase 2 will begin in Fiscal Year 2017-2018, or after completion of the River Walk amenity, whichever occurs first.

Mayor Smith liked the phasing aspect, but was concerned with what would happen, if, prior to the completion of the River Walk amenity, the Levels of Service were so bad that the Town would want to review and analyze the project. She noted the football stadium would open in the fall of 2010, and the 9th grade campus would open in 2013. The ballpark would also be opening on Dixon.

Councilmember Filidoro stated if Phase 2 was done immediately after Phase 1, it was all really Phase 1. He noted the roadway was almost at LOS C now (23,000 vehicles).

Mr. Jefferson stated the problem with SMARTGrowth was that someone could submit a development application and the Council would be in a position to have to deny the application.

Councilmember Wallace asked about #37 on the FAQ which showed the approximate estimate cost of phasing. To start Phase 2 would be eight years out with an additional cost of \$3.4 million.

Mr. Jefferson responded that the inflationary costs would increase by 4% per year if the project was broken into phases. The estimate on interest income would add up to \$1.3 million.

Councilmember Wallace stated the year 2017 was too far away, and he was not comfortable with that part of the amendment.

Councilmember Filidoro stated 2017 was the outlaying year. He stated it was not expected that the River Walk amenity would happen in 2017. The reason he suggested a stop gap was because he wanted to get in under the 10 years. He still felt the project was one whole phase instead of two.

Mayor Pro Tem Levenick clarified that with her motion, Phase 1 would have everything done south of FM 3040, including landscaping and safety issues being addressed. The Council had been told that all of this phase of the project would be done in 18 months. She stated the

costs would go up by doing it in phases.

Deputy Mayor Pro Tem Dixon had three concerns over the FY 2017/2018 possibility which included SMARTGrowth risks, the Marcus Stadium creating a huge impact, and the inflation risks. He suggested looking at a FY 2014/2015 timeframe as opposed to FY 2017 /2018.

Councilmember Filidoro accepted the amendment to the FY 2014/2015 timeframe. That would be the latest that Phase 2 would commence. Councilmember Hayden seconded the acceptance.

Mayor Smith clarified that the Town Council would have the opportunity to look at this again if something happened with SMARTGrowth, and Mr. Welch concurred.

Councilmember Wallace preferred a single phase as recommended by the Transportation Commission. He felt a single phase was appropriate for the Town.

Councilmember Filidoro moved as follows:

- The project shall be designed in one phase in its entirety and construction shall occur in two phases as follows:
 - Phase 1 will begin after design is complete and shall include construction improvements to Gerault Road and the flyover at FM2499, and Phase 1 shall include the landscaping, fencing, safety, and intersection improvements for the entire Morriss/Gerault corridor; further, trees, sod, irrigation, and decorative plantings and living soundwalls, where applicable, shall be installed in the medians and rights-of-way, with the focus being on the full-width median sections, and 8' fences where possible, shall be utilized.
 - Phase 2 will begin in Fiscal Year 2014-2015 or after completion of the River Walk amenity, whichever occurs first.

Councilmember Hayden seconded the motion.

The caption of the resolution reads as follows:

RESOLUTION NO. 20-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE MORRISS ROAD/GERAULT ROAD CAPACITY IMPROVEMENT PROJECT WITH CERTAIN DESIGN, ENGINEERING AND IMPLEMENTATION ELEMENTS, AND OTHER RECOMMENDATIONS, AS NOTED HEREIN; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE AMENDED MOTION

AYES: Filidoro, Dixon, Levenick
NAYS: Wallace
ABSTAIN: Hayden

Councilmember Hayden stated when he ran for office, he had declared he was not in support of widening Morriss Road and his position on this had not changed.

VOTE ON ORIGINAL MOTION

AYES: None
NAYS: Filidoro, Dixon, Levenick, Wallace, Hayden

The Council took a break between 11:00 pm and 11:15 pm.

Mayor Smith stated she had consulted with the Town Attorney and Town Manager and that there appeared to be some confusion with understanding the motion. She asked Mr. Welch to re-read the motion.

Councilmember Filidoro moved to approve the resolution included in the agenda packet providing direction regarding the design and implementation of the Morriss/Gerault Capacity Improvement Project with Section Two of that motion being amended to read as follows:

The Town of Flower Mound sincerely appreciates the efforts undertaken by the Transportation Commission to inform citizens of the details associated with the Morriss/Gerault project and after consideration of the presentations and comments made at the Town Council meeting on June 15, 2009, and after a detailed review of all pertinent documentation, the Town Council generally endorses the recommendation of the Transportation Commission and adopts this Resolution in support of the Morriss/Gerault Capacity Improvement Project as follows:

The Town Council hereby approves the Morriss/Gerault Capacity Improvement Project with the following design, engineering, and implementation elements as follows:

- The project shall be designed in one phase in its entirety and construction shall occur in two phases as follows:
 - Phase 1 will begin after design is complete and shall include construction improvements to Gerault Road and the flyover at FM2499, and Phase 1 shall include the landscaping, fencing, safety, and intersection improvements for the entire Morriss/Gerault corridor; further, trees, sod, irrigation, and decorative plantings and living soundwalls, where applicable, shall be installed in the medians and rights-of-way, with the focus being on the full-width median sections, and 8' fences where possible, shall be utilized.
 - Phase 2 will begin in Fiscal Year 2014-2015 or after completion of the River Walk amenity, whichever occurs first.

Councilmember Hayden seconded this motion.

VOTE ON THE MOTION

AYES: Levenick, Dixon, Filidoro
NAYS: Hayden, Wallace

9. **Consider approval of Amendment No. 4 to the Fiscal Year 2008-2009 Capital Improvement Program.**

Staff Presentation

Kent Collins, Assistant Town Manager, stated staff had prepared an alternate CIP amendment for consideration. The difference between what was in the packet and the alternate amendment was that a portion of the construction costs for the Morriss/Gerault improvements would be moved to the out years, the 5-10 year horizon on the CIP tables. He noted the budget was adjusted for incidental design items as they arise. Staff was adding \$20,000 for the current fiscal year for the West Windsor extension to cover surveying and closing costs associated with the Shu property. Additionally, the CIP would show an increase in the budget for Fire Station #5 (grading, sewer service, and a third bay).

Questions from the Governing Body and Answers None

Council Deliberation

Mayor Pro Tem Levenick moved to approve Amendment No. 4 to the Fiscal Year 2008-2009 Capital Improvement Program. Deputy Mayor Pro Tem Dixon seconded the motion.

Discussion on the Motion

Councilmember Hayden commented that it was difficult to represent constituents when all projects were in one motion. He preferred to vote individually on each project.

Mayor Smith stated all the projects had already been approved.

Councilmember Hayden stated he was in support of one item and in opposition to two of the items.

VOTE ON THE MOTION

AYES: Filidoro, Dixon, Levenick, Wallace

NAYS: Hayden

- 10. Consider approval of a Professional Services Agreement with Halff Associates, Inc., to provide engineering design services for Morriss/Gerault Improvement project, from FM 2499 to FM 407, in the amount of \$1,252,890.00, and authorization for the Mayor to execute same on behalf of the Town.**

Staff Presentation

Kent Collins, Assistant Town Manager, stated this item was the award of the professional services agreement for Halff Associates to design the Morriss/Gerault project in its entirety at a cost of \$1,252,890.

Questions from the Governing Body and Answers

Councilmember Hayden asked how many bids were submitted.

Mr. Collins stated by state law the Town did not have to contract for professional services through a bidding process. He noted that every two years the town put out a request for qualifications for engineering and design services. The Town selects a number of firms to do those services, and Halff was the one selected for this project.

Council Deliberation

Deputy Mayor Pro Tem Dixon moved to approve a Professional Services Agreement with Half Associates, Inc., to provide engineering design services for Morriss/Gerault Improvement project, from FM 2499 to FM 407, in the amount of \$1,252,890.00, and authorize the Mayor to execute same on behalf of the Town. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Wallace, Levenick, Dixon, Filidoro
NAYS: Hayden

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Combine meeting and work session on July 20

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 11:28 p.m. on June 15, 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 12:54 a.m. on June 16, 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.

No action taken.

- c. Discuss and consider appointments to the Community Development Corporation, Board of Adjustment, Planning and Zoning Commission, and Tax Increment Reinvestment Zone #1 Board.

Mayor Pro Tem Levenick moved to removed Jeffery Whittaker as a member and treasurer of the Community Development Corporation; and appointed Al Filidoro with a term to expire December 31, 2009, and appointed Claudio Forest with a term expiring December 31, 2009. Councilmember Wallace seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wallace, Levenick, Dixon, Filidoro
NAYS: None

Deputy Mayor Pro Tem Dixon moved to appoint Laile Neal to the Alternate Place 6 position with a term to expire September 30, 2010. Councilmember Hayden seconded the

motion.

VOTE ON THE MOTION

AYES: Filidoro, Dixon, Levenick, Wallace, Hayden
NAYS: None

Councilmember Filidoro moved to appoint Jeffery Whittaker to the Alternate Place 9 position on the Planning and Zoning Commission, term to expire September 30, 2009. Deputy Mayor Pro Tem Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wallace, Levenick, Dixon, Filidoro
NAYS: None

Councilmember Hayden moved to appoint Mike Wallace to the vacated position on the TIRZ Board #1 with a term to expire December 31, 2009. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Dixon, Levenick, Wallace, Hayden
NAYS: None

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 12:58 a.m. on Tuesday, June 16, 2009, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY