

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH DAY OF JUNE 2008 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

and with the following member absent:

Jeff Tasker	Councilmember, Place 5
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constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Kent Collins	Town Engineer
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 6:02 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Councilmember Filidoro reported that the Board of Adjustment recently approved a variance for a second sign for Texas Roadhouse.

Deputy Mayor Pro Tem Lindsey stated the Parks, Arts, and Library Services (PALS) Board recently reviewed the park land dedication ordinance for new residential development. The Board received a report from the Greater Lewisville Area Soccer Association (GLASA). A member of the PALS Board made a statement that the Seniors In Motion were going to try to make the Community Activity Center space work, however they would soon be looking at having a Blue Ribbon Committee to discuss building their own facility. Deputy Mayor Pro Tem Lindsey stated he was disappointed with the comment from the PALS Board member.

Mayor Smith commented that perhaps the Community Development Committee should look at that request.

2. Discuss Pending Issues

a. Council Communications - None

3. Comments on Consent and Regular Items - None

4. **Discuss Future Agenda Items** - None

C. **ADJOURN BRIEFING SESSION**

D. **CALL REGULAR MEETING TO ORDER**

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

E. **INVOCATION**

Pastor Phil Cook gave the Invocation.

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

Pastor Cook led the pledges.

G. **PUBLIC PARTICIPTION**

Virginia Jellison, 2705 Lakeville, Flower Mound (requested verbatim)

"I would like to remind the Council that many members of our community did not move to Flower Mound for Urbanization. They moved here to raise their families in safe neighborhoods with minimal crime, low traffic, great schools, beautiful parks & trails, open pastures and natural habitats. The Master Plan and SMARTGrowth standards were our **resident's** assurance that this vision for Flower Mound would continue. If the "majority" of Council has determined a new vision for Flower Mound, with that direction being increased Urbanization, then you owe it to the community to publicly announce this to the residents now. Our residents should also be made aware of all of the impacts associated with urbanization, both positive and negative. As of today I have seen no reliable cost/benefit analysis from the Town associated with our proposed mixed use areas and our high density, multifamily zoned areas which include condos, town homes and apartments. This cost/benefit analysis should be conducted before any changes in our SMARTGrowth and Master Plan occur. This community at one time required high standards for development to protect our **residents'** best interest. It seems under our current leadership the Master Plan, Smart Growth, and our once "Most Livable Community" are far less important than maximizing profits for land owners, developers, and drilling speculators."

Kirk Widener, 2000 Breezywood Drive, Flower Mound

Mr. Widener referred to the proposal for a sewer system in Twin Coves Estates. He stated a number of residents felt it would be a good idea to consider other alternatives to lift stations and a deep dig gravity- fed sewer system. He did not want to lose hundreds of trees, and did not want odor from lift stations. He stated he had consulted with an engineer who had ideas for other options, including a low pressure system. He was concerned about property values in the subdivision.

Mayor Smith stated staff was looking at other options.

Richard Wilhoit, 2157 Breezywood Drive, Flower Mound

Mr. Wilhoit stated on May 28 a neighborhood meeting was held about the current plan for sewer for Twin Coves. Up until that time no one realized the impact on the quality of life in their neighborhood. He submitted a petition after collecting over 52 signatures. He asked the Town to stop and determine if other options existed. Mr. Wilhoit stated the neighbors valued the trees, and that the majority of the destruction would be around the deep digs. He stated he

located the right-of-way property lines within the deep trench areas and estimated that 370+ trees existed in this area (4 inch to 20 inch caliper trees). He asked the Council to take time to consider other options.

Robert Fletcher, 3920 Pocahontas, Flower Mound

Mr. Fletcher stated on June 2 he received a notice of violation for high grass on his property. He stated his grass was not over 12 inches tall, and his neighbors' lot had very high grass. He felt the Code Enforcement officer did not have enough to do that day. He stated he did not mind having this enforcement if he received all other services offered by the Town. He did not want Code Enforcement officers riding around neighborhoods and wasting gasoline.

Kendra Stephenson, 2321 Roadrunner Drive, Flower Mound

Ms. Stephenson stated there had been two confirmed cases of West Nile Virus in The Sanctuary. She expressed concern with controlling mosquito populations. She stated staff had provided much information, and she thanked staff for monitoring the property at 2500 Simmons Road. She asked the Town to make sure the property owner of the development known as Vilamoura was in compliance in the future.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie referred to the comments made about the sewer project and cautioned that if there is not some creative problem solving, the EPA would come in and tell the Town how to handle the situation. She referred to the River Walk density and noted that Flower Mound New Town was a HUD project that went bankrupt. The River Walk property had had zoning on the property that was more dense than it is now, and the property had held that zoning since the 1970's.

H. PRESENTATIONS - None

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Mayor Smith announced the Community Activity Center grand opening at the end of the week. To date, 845 memberships have been sold.

Mayor Pro Tem Trotter encouraged everyone to attend the ribbon cutting and grand opening of the Community Activity Center. He noted this vision was endorsed by the Town in the 2002 bond election. The Town had a commitment to get all the projects completed in within seven years and this was the final part. Mayor Pro Tem Trotter stated an additional meeting with Twin Coves residents was scheduled for June 23, and that the Town was looking at different options. He addressed Ms. Jellison's comments and stated he did not believe there had been a change in the Town's vision regarding the Master Plan and SMARTGrowth. He added some new projects may have requested changes to those documents along the way.

Deputy Mayor Pro Tem Lindsey stated the Town tended to make standards even higher at every meeting. The Council looked very closely at development. He encouraged Ms. Jellison to attend the Council meetings, stay for the entire meeting, and read previous meeting minutes.

J. TOWN MANAGER REPORT

Town Manager Harlan Jefferson referred to the May 23 meeting, noting Town Engineer Kent Collins would be meeting with Richard Wilhoit. If any other residents wanted to schedule a meeting, staff would accommodate their requests. He noted staff would provide a Council Communication with the results of research on different options. He also noted staff would

contact Mr. Fletcher with his concerns regarding Code Enforcement.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Lindsey made a motion to approve by consent. Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. Mayor Pro Tem Trotter 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 and work session of the Town Council held on May 19, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting and work session of the Town Council held on May 19, 2008.

- 2. Consider approval of minutes from a special meeting and work session of the Town Council held on May 29, 2008.**

RECOMMENDATION: Approve minutes from a special meeting and work session of the Town Council held on May 29, 2008.

- 3. Consider approval of minutes from a regular meeting of the Town Council held on June 2, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on June 2, 2008.

- 4. Consider approval of a resolution nominating Harlan Jefferson as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District.**

RECOMMENDATION: Approve Resolution No. 11-08 nominating Harlan Jefferson as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District . The caption of the resolution reads as follows:

RESOLUTION NO. 11-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, NOMINATING HARLAN JEFFERSON TO THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT.

- 5. Consider approval of Amendment No. 4 to the FY 2007-2008 Capital Improvement Program.**

RECOMMENDATION: Approve Amendment No. 4 to the FY 2007-2008 Capital Improvement Program.

- 6. Consider approval of the award of Competitive Sealed Proposal No. 2008-B for the construction of the Fleet Maintenance Facility to Piazza Construction, LTD, in the amount of \$4,101,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve the award of Competitive Sealed Proposal No. 2008-B for the

construction of the Fleet Maintenance Facility to Piazza Construction, LTD, in the amount of \$4,101,000.00, and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of a contract with Kleinfelder to provide geotechnical and material testing services associated with the construction of the Fleet Maintenance Facility for a not-to-exceed amount of \$64,000.00, and authorization for the Mayor to execute the same on behalf of the Town.**

RECOMMENDATION: Approve a contract with Kleinfelder to provide geotechnical and material testing services associated with the construction of the Fleet Maintenance Facility for a not-to-exceed amount of \$64,000.00, and authorize the Mayor to execute the same on behalf of the Town.

8. **Consider approval of Addendum No. 2 to the contract with Freese and Nichols, Inc., to provide additional professional services associated with the construction of the Fleet Maintenance Facility in the amount \$45,526.00, and authorization for the Mayor to execute the same on behalf of the Town.**

RECOMMENDATION: Approve Addendum No. 2 to the contract with Freese and Nichols, Inc., to provide additional professional services associated with the construction of the Fleet Maintenance Facility in the amount \$45,526.00, and authorize the Mayor to execute the same on behalf of the Town.

9. **Consider approval of the purchase of one Aerial Truck and two Fire Engines for the Fire and Emergency Services Department from Martin Apparatus, Inc., through the Houston-Galveston Area Council of Governments (HGAC) cooperative purchasing program, in the total amount of \$1,766,505.**

RECOMMENDATION: Approve the purchase of one Aerial Truck and two Fire Engines for the Fire and Emergency Services Department from Martin Apparatus, Inc., through the Houston-Galveston Area Council of Governments (HGAC) cooperative purchasing program, in the total amount of \$1,766,505.

10. **Consider approval of an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2008, and ending September 30, 2009, subject to renewal for an additional one-year term, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2008, and ending September 30, 2009, subject to renewal for an additional one-year term, and authorize the Mayor to execute same on behalf of the Town.

11. **Consider approval of a contract with Sawko & Burroughs, LLP, for the collection of delinquent property taxes beginning July 1, 2008, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a contract with Sawko & Burroughs, LLP, for the collection of delinquent property taxes beginning July 1, 2008, and authorize the Mayor to execute same on behalf of the Town.

12. **Consider approval of a resolution approving and authorizing publication of notice of**

intention to issue Certificates of Obligation, Series 2008, for \$10,485,000.

RECOMMENDATION: Approve Resolution No. 12-08 approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2008, for \$10,485,000. The caption of the resolution reads as follows:

RESOLUTION NO. 12-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

13. Consider approval of a resolution repealing Resolution No. 07-07 and appointing authorized representatives of the Town, as required by the Texas Local Government Investment Pool (TexPool).

RECOMMENDATION: Approve Resolution No. 13-08 repealing Resolution No. 07-07 and appointing authorized representatives of the Town, as required by the Texas Local Government Investment Pool (TexPool). The caption of the resolution reads as follows:

RESOLUTION NO. 13-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REPEALING TOWN OF FLOWER MOUND RESOLUTION NO. 07-07 AND APPOINTING AUTHORIZED REPRESENTATIVES OF THE TOWN, AS REQUIRED BY THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL).

VOTE ON THE MOTION

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

L. REGULAR ITEMS

14. Consider approval of a resolution authorizing execution of the Trinity River Authority of Texas - Denton Creek Wastewater Transportation System (Towns of Argyle, Flower Mound, and Northlake Project) Contract.

Staff Presentation

Town Engineer Kent Collins reviewed the information on the following page.

Questions from the Governing Body and Answers None**Council Deliberation**

Mayor Pro Tem Trotter moved to approve Resolution No. 14-08 authorizing execution of the Trinity River Authority of Texas - Denton Creek Wastewater Transportation System (Towns of Argyle, Flower Mound, and Northlake Project) Contract. Councilmember Filidoro seconded the motion. The caption of the resolution reads as follows:

RESOLUTION NO. 14-08

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING AND DIRECTING THE EXECUTION OF THE TRINITY RIVER AUTHORITY OF TEXAS - DENTON CREEK WASTEWATER TRANSPORTATION SYSTEM (TOWNS OF ARGYLE, FLOWER MOUND AND NORTHLAKE PROJECT) CONTRACT, AND PROVIDING FOR THE EFFECTIVE DATE OF SAID RESOLUTION AND CONTRACT.

VOTE ON THE MOTION

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

15. DP 01-08 Quail Run Estates

Consider a request for a Development Plan (DP 01-08 - Quail Run Estates) to create a residential subdivision. The property is generally located north of Quail Run Road and west of Bruton Orand Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its May 12, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, showed the proposed development plan indicating the street alignment. He noted the developer saved as many trees as possible. The applicant was requesting an exception to the 18' street, utility, drainage, construction, and maintenance easement required by the Town and proposing two 13' lanes of pavement and 17' in the easements on each side of the pavement.

Questions from the Governing Body and Answers**Council Deliberation**

Councilmember Levenick moved to approve Development Plan DP 01-08 - Quail Run Estates to create a residential subdivision, accept Park Development Fees in the amount of \$15,268.00 and cash in lieu of land in the amount of \$16,392.00 to satisfy the requirements of the Park Land Dedication Ordinance, and grant an exception to 90-311(b)(3) to allow a 17-foot street, utility, drainage, construction, and maintenance easement. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

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

ABSENT: Tasker

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- June 19 work session
- July 17 work session
- July 21 - next regular meeting

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 6:47 p.m. on June 16, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, and economic development negotiations and reconvened into an open meeting at 8:16 p.m. on June 16, 2008 to take action on the items as follows:

a. Discuss and consider economic development incentives.

Deputy Mayor Pro Tem Lindsey moved to authorize the Mayor to execute a Wastewater Impact Fee prepayment agreement for economic development purposes in the Prairie Vista District and Specific Plan Area 8 and related infrastructure needs. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Lindsey, Trotter, Filidoro

NAYS: None

ABSENT: Tasker

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 Board of Adjustment, Community Development Corporation, Environmental Conservation Commission, and Planning and Zoning Commission.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 8:18 p.m. on June 16, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY

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