

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 17th DAY OF NOVEMBER 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
Joel Lindsey	Deputy Mayor Pro Tem
Al Filidoro	Councilmember Place 2
Jeff Tasker	Councilmember Place 5

with the following member of Council absent:

Tim Trotter	Mayor Pro Tem
Jean Levenick	Councilmember Place 4

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
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. Town Council Boards and Commissions Liaison Reports

Councilmember Filidoro stated the Transportation Commission held a public hearing on the proposed Master Transportation Plan. He announced that Paul Stone was re-elected as Chair and Stephen Lyda was elected Vice Chair.

Councilmember Tasker attended the Parks, Arts, and Library Services (PALS) Board meeting last week, and a discussion was held about the Wild About Flower Mound event scheduled to be held in April 2009.

Mayor Smith stated the Board of Adjustment heard a case regarding a temporary building that was built without a permit. The Board voted to have the building removed.

2. Discuss Consent and Regular Items – no discussion

3. Discuss Future Agenda Items – no discussion

C. ADJOURN BRIEFING SESSION – 6:05 p.m.

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:06 p.m. Mayor Smith recognized Kim Snyder's third grade class from Old Settlers Elementary School.

E. INVOCATION

Pastor Phil Cook gave the Invocation.

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

Pastor Cook and one of the students from Old Settlers led the pledges.

G. PUBLIC PARTICIPTION

Sylvia Inboden, 2017 Brookville Lane, Flower Mound

Ms. Inboden stated last year several leaders in the community, including Mayor Smith and Jan Balakian, each purchased \$1,000 in turkeys and Kroger provided the rest of the groceries to complete a Thanksgiving dinner in grocery bags. Shoppers purchased the bags of groceries and the community fed 500 families. The goal this year was to feed 600 families. She encouraged everyone to participate in this worthwhile event.

H. PRESENTATIONS

- **Proclamation – Arbor Day**

Mayor Smith presented the proclamation for Arbor Day (November 21, 2008) to Jared Martin, Environmental Resources Analyst.

- **Proclamation – Marcus High School Band**

Mayor Smith presented the proclamation to Marcus High School Principal Gary Shafferman, and Band Director Amanda Drinkwater, as the marching band won the state competition for 2008 in San Antonio on November 4, 2008.

I. ANNOUNCEMENTS

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

Mayor Smith stated the Christmas Parade would be held on December 13, 2008. She encouraged everyone to bring canned goods for CCA. The holiday stroll would be held that evening at Parker Square, with the lighting of the Christmas tree.

J. TOWN MANAGER'S REPORT

- **Proposed 539-SERV Promotional Campaign**

Town Manager Harlan Jefferson stated the 539.SERV number was initiated about 10 years ago. The Town was revitalizing the number for citizens and employees to use to report situations such as high weeds and grass, bandit signs, light outages, potholes, etc.

- **Dash Board for the Dedicated Sales Tax Initiatives**

Mr. Jefferson stated there were four successful sales tax election propositions in November 2007. He gave an update of the projects that had been planned and those that had been completed. He noted that the dash board information was located on the Town's website.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Lindsey made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, and 9. 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 November 3, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on November 3, 2008.

2. **Consider approval of minutes acknowledging that a quorum of the Town Council was not present at the November 11, 2008 Chamber of Commerce Leadership Flower Mound Session.**

RECOMMENDATION: Approve minutes acknowledging that a quorum of the Town Council was not present at the November 11, 2008 Chamber of Commerce Leadership Flower Mound Session.

3. **Consider approval of a master professional services agreement with Webb Watch Corporation to perform financial consulting services, for a not-to-exceed amount of \$20,000.00 per fiscal year, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a master professional services agreement with Webb Watch Corporation to perform financial consulting services, for a not-to-exceed amount of \$20,000.00 per fiscal year, and authorize the Mayor to execute same on behalf of the Town.

4. **Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park on April 17, 2009 and April 18, 2009, during the Wild About Flower Mound festival. (The Parks, Arts and Library Services (PALS) Board recommended approval by a vote of 6 to 2 at its August 14, 2008, meeting.)**

RECOMMENDATION: Approve the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park on April 17, 2009 and April 18, 2009, during the Wild About Flower Mound festival.

5. Consider approval of Amendment No. 1 to the FY 2008-2009 Capital Improvement Program.

RECOMMENDATION: Approve Amendment No. 1 to the FY 2008-2009 Capital Improvement Program.

6. Consider approval of the construction for Bid #4308-B 2008 Street Reconstruction Phase II – Dover Drive, Savannah Court, and a portion of Homestead Street, to Dirtco, dba Styles Contracting, in the amount of \$576,845.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the construction for Bid #4308-B 2008 Street Reconstruction Phase II – Dover Drive, Savannah Court, and a portion of Homestead Street, to Dirtco, dba Styles Contracting, in the amount of \$576,845.00, and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of an agreement with Kellogg Brown & Root, Inc., to provide professional engineering design services associated with Phase I of the Oak Street Lift Station project in the amount of \$179,914.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve an agreement with Kellogg Brown & Root, Inc., to provide professional engineering design services associated with Phase I of the Oak Street Lift Station project in the amount of \$179,914.00, and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of a Professional Services Agreement with EcoSystems Environmental, Inc., to provide professional services and project management for the cleanup of the Wilson/Carmel/Ruff Tracts and the western portion of Bakersfield Park, for a not-to-exceed amount of \$19,055.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Professional Services Agreement with EcoSystems Environmental, Inc., to provide professional services and project management for the cleanup of the Wilson/Carmel/Ruff Tracts and the western portion of Bakersfield Park, for a not-to-exceed amount of \$19,055.00, and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of the award of RFP No. 4808-A for Employee Basic Life Insurance, Employee Accidental Death and Dismemberment Insurance, Employee Long Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee and Dependent Optional Accidental Death and Dismemberment Insurance, to Hartford Life and Accident Insurance Company, in the estimated

annual amount of \$78,315, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of RFP No. 4808-A for Employee Basic Life Insurance, Employee Accidental Death and Dismemberment Insurance, Employee Long Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee and Dependent Optional Accidental Death and Dismemberment Insurance, to Hartford Life and Accident Insurance Company, in the estimated annual amount of \$78,315, and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

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

K. REGULAR ITEMS

10. ***CSP-08-0002 The Plaza at Towne Centre***
Public Hearing to consider a request for a Comprehensive Sign Package (CSP 08-0002) for The Plaza at Towne Centre. The properties are located at 2911, 2881 and 2851 Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 27, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, noted that the rear of the buildings in The Plaza at Towne Centre faced FM 1171. The Town Code provided for only one sign on one face. He stated approval of the requested Comprehensive Sign Package would allow for the second signs for the businesses. He stated staff did not receive any correspondence on this item.

Applicant's Presentation

Don Silverman, applicant

Mr. Silverman stated with the buildings oriented to the inside of the property, parking spaces were eliminated close to FM 1171. He stated the businesses needed a second sign on the rear of the buildings so that drivers could see what businesses were in the development. He requested approval from the Town Council.

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

Councilmember Tasker asked if the Town had anticipated this being a problem when the development was previously approved.

Mr. Powell stated it was not pursued at the time. The applicant did request to be able to go before the Board of Adjustment for variances, but the Comprehensive Sign Package would actually work better for all the buildings in the development.

Councilmember Tasker stated he remembered when this was approved. He asked if the idea of the buildings facing inside was something the Town required or if the developer asked for that.

Mr. Powell stated part of the decision for the orientation of the buildings was generated from the need to move the existing drive for Sonic, the access into the Kroger parking lot, and the drive-through traffic throughout the development.

Public Comments

Greg Weir, owner of Z Pizza

Mr. Weir stated the second sign was important to his continued success of his restaurant.

Close Public Hearing

Council Deliberation

Deputy Mayor Pro Tem Lindsey stated the Town had received quite a few requests about the orientation of the buildings, and he was glad to have the opportunity to address this. He stated the developer had done a good job of making the rear of the buildings look very nice. He appreciated the applicant going through the Comprehensive Sign Package process.

Mayor Smith stated the Town was concerned about the traffic flow when the development was approved. She was in favor of the Comprehensive Sign Package.

Councilmember Filidoro moved to approve a Comprehensive Sign Package (CSP 08-0002) for The Plaza at Towne Centre. Councilmember Tasker seconded the motion.

VOTE ON THE MOTION

AYES: Lindsey, Tasker, Filidoro

NAYS: None

ABSENT: Levenick, Trotter

11. *RP 06-08 Roanoke Hills-Choctaw Trail*

Public Hearing to consider a request for a Replat (RP 06-08 - Roanoke Hills-Choctaw Trail) to create a residential lot and an exception to Section 90-302, Concrete streets, as authorized by Section 90-301, Exceptions to street standards. The property is located at 9128 Choctaw Trail. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 27, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the applicant desired to combine two lots in Roanoke Hills into one lot, adding that it would decrease residential density. He noted Choctaw Trail was an existing asphalt roadway, and the applicant and owner requested permission to allow the existing roadway to remain. The request required an exception to Section 90-302 of the Code of Ordinances (which required concrete streets.)

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

Public Comments **None**

Close Public Hearing

Council Deliberation

Councilmember Tasker moved to approve Replat RP 06-08 – Roanoke Hills-Choctaw Trail to create a residential lot and the requested exception. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Lindsey

NAYS: None

ABSENT: Trotter, Levenick

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

There was no discussion of this item.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 6:44 p.m. on November 17, 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, personnel, real property, and economic development negotiations and reconvened into an open meeting at 7:07 p.m. on November 17, 2008 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, Environmental Conservation Commission, Parks, Arts, and Library Services (PALS)

Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone (TIRZ) Board, and the Transportation Commission.

No action taken.

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

No action taken.

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

No action taken.

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

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the meeting at 7:08 p.m. on Monday, November 17, 2008, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY