

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2nd DAY OF AUGUST, 2010 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:

Melissa Northern	Mayor
Al Filidoro	Mayor Pro Tem
Tom Hayden	Deputy Mayor Pro Tem
Steve Dixon	Councilmember Place 1
Mike Wallace	Councilmember Place 3
Steve Lyda	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
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kent Collins	Assistant Town Manager
Eric Metzger	Fire Chief
Doug Powell	Executive Director of Development Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:04 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Dixon attended the July 29, 2010 meeting of the Parks, Arts, and Library Services Board. He noted that the Board would be sending a recommendation to the Council to name the wildflower area off of Garden Road the John Thomas Wildflower Preserve in memory of former Board member John Thomas.

Deputy Mayor Pro Tem Hayden stated he attended the TIRZ Board meeting earlier in the day. The Board discussed road priorities and future revenues.

Mayor Northern recently attended two Planning and Zoning Commission meetings. She noted that the Commission approved the site plan for the Western Elevated Storage Tank. The SMARTGrowth Commission also met, however no action was taken. She added that the Flower Mound Medical Village site plan was approved.

2. Discuss Consent and Regular Items

No discussion.

3. Discuss Future Agenda Items

Deputy Mayor Pro Tem Hayden stated he would like to discuss the election process from the May election and ways to make improvements for heavy voter turnout.

4. Discuss Council Communications

Town Manager Harlan Jefferson stated the Council had received a Council Communication regarding the appointment of a new Municipal Court Judge, and the matter would be discussed during Closed Session.

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

Mayor Northern adjourned the briefing session and called the regular meeting to order at 6:08 p.m.

E. INVOCATION

Pastor Richard Plunk gave the invocation.

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

Pastor Plunk led the pledges.

G. PRESENTATIONS

- **Certificate of Achievement: Kirby Lorig - Lone Star Leadership Academy Youth Facilitator Summer 2010**

Mayor Northern presented a Certificate of Achievement to Kirby Lorig for receiving the Lone Star Leadership Academy Youth Facilitator designation for Summer 2010.

H. PUBLIC PARTICIPATION

Bryan Webb, 4112 High Road, Flower Mound

Mr. Webb commented that two citizens filed a lawsuit against the Town regarding the Town's gas drilling ordinances. He did not agree with a board or commission member filing a lawsuit against the Town. He asked for the removal of those on the Oil and Gas Advisory Board who were involved with the lawsuit.

Renee Doyle, 1920 Widgon Way, Flower Mound

Ms. Doyle referred to the Consent Agenda items and asked that the Town have a policy that placed monetary limits and parameters on money items. She asked the Council to postpone Items 11 and 12 until after the budget is approved. Ms. Doyle asked where the funding was located for legal fees, consultants, etc. She felt the staff should be able to do some of the work. She asked why the Town was acquiring right-of-way in Tarrant County. She asked the Council if they read and researched the information in the agenda packets.

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone thanked Deputy Mayor Pro Tem Hayden for his email regarding an issue that occurred at the last meeting. He noted that language on the agenda on two items indicated that they would be tabled to the next meeting. Mr. Stone stated he waited two hours and the Town Council never called the public hearing open. Additionally, the members of the Council continued talking after the motion for tabling. Mr. Stone stated that at the last Oil and Gas Advisory Board meeting, the Chair announced that the Board would adjourn to Executive Session to have counsel answer their questions. He stated the Board was an ad hoc committee, not a governmental body. He asked what had happened to the promise of transparency. Mr. Stone asked why the Town was fighting the ICP lawsuit, and why the Town did not have more diverse housing options.

Todd Schreiber, 925 Canongate, Flower Mound

Regarding Item 12, Mr. Schreiber commended staff for creatively looking for funding sources.

Michael Flores, 4500 Jenny Lane, Flower Mound

Mr. Flores addressed the Windsor extension and noted that the previous councils removed the extension from the Master Plan. He gave a history of the issues with Windsor. He stated the Town bought Mr. Shu's property, and now the Council was faced with the situation of the extension and park. He stated that now was the time to mandate traffic safety, and he asked the Council to deny Item 12.

Brad Pittman, 4908 Kingswood Drive, Flower Mound

Mr. Pittman stated he was president of the Bridlewood HOA and was representing the board of directors. The board had polled 1300 households about the Windsor extension. The results, based on 483 responses, indicated that 35.8% supported the extension if the road was curvilinear, through a park, and the members of the Bridlewood community could give input regarding the design. 32.5% of the residents who responded supported the extension no matter how the road was constructed. 30.2% of the residents did not support the extension regardless of the design. 2.5% of the respondents had no preference. The survey also asked for comments. Most comments centered on the feeling that a curvilinear road would reduce the speed of cars and go a long way into protecting the children who walked to and from school. Additionally, the residents suggested installing stop signs along West Windsor at the road's intersections with Glenwick, Preakness/Auburn, Triple Crown, and the golf club entrance. The residents asked for a school crossing guard at the Preakness/Auburn/West Windsor intersection. They asked that the sidewalks be widened to eight feet along the existing section of West Windsor. They also asked for an island in the half circle to help separate the homes directly facing West Windsor from traffic. Mr. Pittman stated the Bridlewood residents wanted to help design the road.

Liza Doll, 4501 Kyle Lane, Flower Mound

Ms. Doll stated that when she and her husband bought their house, they were told the extension was not on the Master Plan. She was concerned for the safety of the children in the neighborhood. She asked if the Town had the matching funds. She felt the survey that was conducted by the HOA was flawed. She asked the Council to deny Item 12.

Dave Johnson, 3617 San Paula Drive, Flower Mound

Mr. Johnson agreed with the comments made by Bryan Webb.

Mayor Pro Tem Filidoro asked if members of the Oil and Gas Advisory Board did indeed have a conflict of interest.

Town Attorney Terry Welch stated he would send a memo to the Town Council in response to that request.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

- **Announcements and brief discussion regarding recent and upcoming civic and social events, traffic issues, informational updates on Town projects, capital improvement projects, reports about contacts with other groups and/or individuals about Town issues and projects, Town legislative and regulatory issues, informational responses to questions, and information sharing.**

Deputy Mayor Pro Tem Hayden commented that at the last Council meeting, Mr. Stone did sit for two hours during discussion of an item, and he was right. The public hearing was never opened. He stated that in the future, the Council needed to listen to the citizens. He noted that Congressman Burgess was speaking at a town hall meeting on Tuesday evening.

Mayor Pro Tem Filidoro agreed there should have been an opportunity for people to speak at the last meeting. He noted that the Town Attorney had concurred that the public hearing did not have to be opened, but the Council would do so in the future.

Councilmember Lyda attended the TML New Councilmember Orientation and met many fellow councilmembers and mayors from around the state. He commended the staff for having a good reputation.

Councilmember Wallace announced that the Youth Fire Academy would be held this week, and the department would be having an upcoming Citizen Academy.

Mayor Northern stated that on July 12 she participated with TML on the gas issues subcommittee, noting that the 2011 legislative session was fast approaching. She stated the subcommittee opposed two items and approved two items. Mayor Northern stated that Flower Mound would be actively participating in the TML process. She also attended the TML Newly Elected Officials training, and added that staff was highly respected throughout the state of Texas. At the Precinct 3 Task Force meeting last week, the group discussed concerns and frustrations on Phase 1 of FM 1171.

Town Manager Harlan Jefferson stated that the contractor had moved traffic over to the new lanes of FM 1171 between Shiloh and Huntwick.

Mayor Northern stated she attended several retention meetings with businesses in Flower Mound. She announced that some of the businesses were planning to expand. She stated that Congressman Burgess would be holding a town hall meeting at Flower Mound High School tomorrow. She announced that the Oil and Gas Advisory Board was meeting on the second and fourth Tuesdays at the Central Fire Station, and the new Sign Regulation Committee had started meeting, as well.

J. TOWN MANAGER'S REPORT

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

Town Manager Harlan Jefferson stated the Town had received input from the design team for the interim free standing senior center. He stated the center could be fully open and

operational in about a year.

Deputy Mayor Hayden asked what type of interaction the design team was having with the Seniors in Motion.

Kent Collins, Assistant Town Manager, stated they had met once.

Mayor Pro Tem Filidoro asked if Dunaway had gleaned a great deal of information during the Parks Master Plan process.

Mr. Jefferson responded that they did receive information about a permanent facility.

Mayor Pro Tem Filidoro noted that the Town and the Seniors In Motion did have a meeting in the shell of the proposed facility.

Mr. Jefferson commented that at the last Council meeting during Dr. Tramm's presentation, there was a question about dry cleaners. Staff worked with TCEQ and they had records on the number of cleaners and those that use perchloroethylene or "perc." There were 13 cleaners in Flower Mound of which eight were full cleaners and five were pick up only. Mr. Jefferson stated staff discovered that TCEQ had many standards and reporting efforts. Staff will continue to do some spot check monitoring.

Councilmember Wallace asked that air testing on cleaners be included in the ambient air study with canisters downwind from those locations. He also asked for an aerial of the four locations that used perc. He also asked that the testing information be sent to the Town Council along with more information about perc and both the short- and long-term effects screening levels.

Councilmember Lyda suggested sending the information to the Environmental Conservation Commission.

Mayor Pro Tem Filidoro asked if there were other options besides perc, and if there were any safer methods.

Mr. Jefferson commented that one of the four cleaners was phasing out of using perc. Regarding the ambient air testing, there was a device that could detect a perc leak.

Mayor Northern asked how often TCEQ reviewed the dry cleaners sites.

Mr. Jefferson stated the cleaners had monthly leak inspections and vapor leak tests. The cleaners did self monitoring testing and they reported back to TCEQ.

Councilmember Dixon asked about the letter that the Town received from the Federal Highway Administration about certain intersections that did not meet ADA requirements.

Mr. Jefferson responded that Town crews would install the improvements in the next 60 days.

Councilmember Dixon stated he was absent from the last meeting and did not have the opportunity to ask questions about legal expenses. He referred to the comprehensive monthly financial report for June. He stated the legal expenses were broken into two categories—general and lawsuits. He noted that \$294,000 (year-to-date) had been spent on lawsuits, and that was a 109% increase from last year. He noted that the majority of the expenses were due

to the ICP lawsuit. Under the general category for year-to-date FY 2008-2009, the expenses were \$385,292. The year to date number for FY 2009-2010 was \$550,105 which was a 43% increase. He stated that the general legal expenses were broken out by department. He noted that the Town **Manager's** Office budget, showed that June 2009 actual legal expenses were \$7,905. The June 2010 expenses were \$32,383 (a 300% increase). He asked for an explanation. Councilmember Dixon stated in June 2009, the general expenses were \$47,570, and in June 2010, the amount was \$64,437 (an increase of 35%). He stated it would help the citizens and Council to have more description in the comprehensive monthly report. He understood that many experts and legal consultants were used in the ICP case. Councilmember Dixon asked when the Rule 11 Agreement was entered into on the Hilliard site.

Mr. Welch responded it was entered into on June 25.

Councilmember Dixon noted that the primary access point to the drill site would be at Aberdeen. He felt that was much safer for ingress and egress. He noted that the new access plan would require a revised Rule 11 Agreement. He stated that certain information stated this could be done by a letter between the two parties or a potential development agreement.

Mr. Welch stated that new developments with this matter would be discussed in Closed Session.

Mr. Jefferson addressed the increases in legal fees for the Town **Manager's** Office. He noted that he had held many discussions with the Town Attorney regarding gas drilling. He noted that the Town was no longer negotiating with Williams. Regarding the amount of detail in the comprehensive monthly report, Mr. Jefferson stated it could compromise his position in working on agreements with others. He did offer to give a delayed response after the work was done.

Councilmember Dixon **responded that** "after the fact" was fine. Mayor Northern asked when the ICP lawsuit was filed.

Mr. Welch responded that it was filed in 2008.

Mayor Northern commented that the Town was just now seeing some of the financial impacts of the lawsuit.

Mr. Welch stated that the Town incurred fees for experts' testimonies and depositions. The Town was still waiting on a decision from the court.

Mayor Pro Tem Filidoro stated that the issue of lawsuits came up quite often, and lawsuits were a fact of life. Depending on what the issue was, members of the Council sometimes wanted them defended and sometimes not. He stated the Town should be consistent that if sued, they should expect the Town Attorney to defend the best interests of the Town.

Councilmember Wallace supported the Town Attorney in vigorously defending the Town. He stated he would like to see a monthly update on legal fees—what was budgeted and what was actual. **He also asked if the information could be posted on the Town's website.**

Mr. Jefferson stated the information was in the comprehensive monthly financial report. Also, he added that most lawsuits were settled out of court. He stated he would include the information in the Weekly Briefing.

K. CONSENT ITEMS

Mayor Pro Tem Filidoro made a motion to approve by consent Items 1, 2, 3, 4, 5, 6, 7, 8, and 9. Deputy Mayor Pro Tem Hayden 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 July 6, 2010.**

RECOMMENDATION: Approve the minutes from a special meeting of the Town Council held on July 6, 2010.

2. **Consider approval of minutes from a regular meeting of the Town Council held on July 19, 2010.**

RECOMMENDATION: Approve the minutes from a regular meeting of the Town Council held on July 19, 2010.

3. **Consider approval of cancelling the September 6, 2010, regular meeting of the Town Council and calling a special meeting on September 7, 2010.**

RECOMMENDATION: Approve cancelling the September 6, 2010, regular meeting of the Town Council and calling a special meeting on September 7, 2010.

4. **Consider approval of an ordinance cancelling the special election previously ordered by the Town Council for November 2, 2010.**

RECOMMENDATION: Approve Ordinance No 46-10 cancelling the special election previously ordered by the Town Council for November 2, 2010. The caption of the ordinance reads as follows:

ORDINANCE NO. 46-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REPEALING ORDINANCE NO. 30-10; CANCELLING THE SPECIAL ELECTION PREVIOUSLY ORDERED BY THE TOWN COUNCIL FOR NOVEMBER 2, 2010, AND DECLARING THAT SUCH ELECTION IS AND WOULD BE MOOT FOR THE REASONS STATED HEREIN; MAKING CERTAIN FINDINGS RELATED THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. **Consider approval of Change Order No. 2 for Phase III of the CDBG - Sunrise Circle Paving Improvements project, amending the contract with N.A.E. Enterprises, Inc., for a decrease in the amount of \$800.00; acceptance of the project; authorization of final payment to the contractor, N.A.E. Enterprises, Inc., in the amount of \$7,825.30, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve Change Order No. 2 for Phase III of the CDBG - Sunrise Circle Paving Improvements project, amending the contract with N.A.E. Enterprises, Inc., for a decrease in the amount of \$800.00; acceptance of the project; authorization of final payment to the contractor, N.A.E. Enterprises, Inc., in the amount of \$7,825.30, and authorize the Mayor to

execute same on behalf of the Town.

6. **Consider approval of an agreement with Teague Nall and Perkins, to provide professional engineering design services associated with the College Parkway Reconstruction project, in the amount of \$63,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an agreement with Teague Nall and Perkins, to provide professional engineering design services associated with the College Parkway Reconstruction project, in the amount of \$63,000.00, and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of an agreement with Teague Nall and Perkins, to provide professional engineering design services associated with the Sagebrush Drive Paving Reconstruction project, in the amount of \$107,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an agreement with Teague Nall and Perkins, to provide professional engineering design services associated with the Sagebrush Drive Paving Reconstruction project, in the amount of \$107,000.00, and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Waketon Road 16-inch Water Line project, in the amount of \$16,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Waketon Road 16-inch Water Line project, in the amount of \$16,000.00, and authorize the Mayor to execute same on behalf of the Town.

9. **Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214, of the Code of Ordinances of the Town of Flower Mound, Texas, relating to prima facie speed limits for specific streets, by lowering the prima facie speed limit for Park Ridge Road northeast of Creekview Drive and River Hill Drive to 25 mph.**

RECOMMENDATION: Approve Ordinance No 47-10 amending Chapter 66, Article V, Section 66-214, of the Code of Ordinances of the Town of Flower Mound, Texas, relating to prima facie speed limits for specific streets, by lowering the prima facie speed limit for Park Ridge Road northeast of Creekview Drive and River Hill Drive to 25 mph. The caption of the ordinance reads as follows:

ORDINANCE NO. 47-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY AMENDING SUBPART A, CHAPTER 66 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES," THROUGH THE AMENDMENT OF ARTICLE V, "SPEED LIMITS," BY AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS," BY THE ADDITION OF TWO MORE STREETS TO THE LIST OF STREETS ENUMERATED THEREIN AND IDENTIFYING THE MAXIMUM PRIMA FACIE SPEED

LIMITS FOR SAID TWO STREETS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

L. REGULAR ITEMS

Mayor Northern opened Items 10 and 11 together.

10. **Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2010, in the amount of \$6,045,000, and resolving other matters incident and related thereto.**
11. **Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2010, in the approximate amount of \$7,715,000, and resolving other matters incident and related thereto.**

Boyd London, First Southwest Company

Mr. London gave the following presentation, noting that Morgan Keegan & Co., Inc. was the best responsive bidder on both the General Obligation Bonds and the Certificates of Obligation.

Deputy Mayor Pro Tem Hayden asked if the financial outlook was stable in Flower Mound.

Mr. London responded yes.

Deputy Mayor Pro Tem Hayden asked if there was any way to use Build America bonds.

Mr. London responded that Build America usually did not do small amounts of bonds.

Councilmember Lyda asked Mr. London to review repayment of the bonds.

Mr. London stated the General Obligation Refunding Bonds matured from 2011-2021. When those bonds were refunded, the debt service was just matched. For the Certificates of Obligation Bonds from 2011-2030, the Town would transfer money into the Utility Fund and levy a tax to pay for the General Fund portion.

Mr. Jefferson stated the bonds would be repaid with property tax revenues and it would help to balance the budget over the next 10 years. The Town would save about \$1 million.

Mayor Pro Tem Filidoro moved to approve Ordinance No. 48-11 authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2010, in the amount of \$6,045,000, and resolve other matters incident and related thereto. Dixon seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 48-10

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2010"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

Mayor Pro Tem Filidoro moved to approve Ordinance No. 49-10 authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2010, in the approximate amount of \$7,635,000, and resolve other matters incident and related thereto. Councilmember Dixon seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 49-10

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010”; SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE REDEMPTION OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

12. **Consider approval of a resolution in support of the Flower Mound Downtown Sustainable Development Project (a.k.a. Windsor Extension project) and providing an effective date.**

Kent Collins, Assistant Town Manager, stated this item was to consider a resolution in support of receiving a sustainable development grant. The project was selected by the North Central Texas Council of Governments (NCTCOG). The project had two planned traffic circles that would allow connections with Pecan Acres. It called for an eight foot concrete trail along with crushed granite trails for pedestrian and bike access. Safety access would improve in Pecan Acres. Mr. Collins noted that the project called for a four hole Frisbee golf course and picnic areas. Many trees on the property would be saved. He added that the land at FM 2499 and Windsor had been platted and was currently on the market for sale. The Town owns the entire tract. Proceeds from the sale will cover the Town’s matching portion of the grant. Mr. Collins gave the following presentation.

Mr. Collins stated the Town's model showed 4,500 vehicles per day on Windsor. He added that staff was not aware of any bankruptcy with The River Walk at Central Park, although there was a foreclosure in January 2010. The grant application was made in 2009. He noted that the Town continued to receive applications for buildings in The River Walk.

Deputy Mayor Pro Tem Hayden asked how long the Town had to spend the grant

money.

Mr. Collins stated the Town did not have a draft agreement yet from NTCTCOG, however he stated it would probably be a five-year timeframe.

Deputy Mayor Pro Tem Hayden asked if the project would start before the piece of property is sold.

Mr. Collins stated the Town would need the money for its portion of the match.

Deputy Mayor Pro Tem Hayden clarified that the total cost would be \$3.7 million, including the park and amenities.

Councilmember Lyda asked what the maximum speed limit would be.

Mr. Collins responded that the speed limit on the existing Windsor Road was 30 mph, and he anticipated the new section would be signed to match. He added that the Town would conduct a speed study after the road is opened.

Councilmember Wallace asked where people would park their vehicles.

Mr. Collins stated this would be a linear park and was designed to serve the surrounding area. There were no plans for parking.

Councilmember Wallace asked what would happen if the Council did not approve the resolution.

Mr. Collins stated the Town would not receive the grant.

Councilmember Wallace asked if the Town could spend the money on another project.

Mr. Collins responded no.

Councilmember Wallace asked if the signal at FM 2499 was already warranted.

Mr. Collins stated TxDOT would not warrant a signal based on projections. The project would have to be completed first and then be warranted by TxDOT.

Councilmember Wallace asked about meeting with the nearby residents.

Mr. Collins stated the meeting last week was the first time staff met with the residents. The alignment was driven by comments received in the public process. Staff had received a few emails. The purpose of the meeting was to receive specific input on elements of the project. Most residents that attended the meeting were opposed to the project but offered ideas.

Councilmember Dixon stated the Town needed to mitigate the speed on Windsor and to create a nice park for the neighborhood. He asked if it was possible to have a three-way stop sign at Glenwick and Windsor even if it did not meet warrants.

Mr. Collins stated the Town used the warrants from the Texas Manual on Uniform Traffic Control Devices for stop signs. The manual was adopted by ordinance, so putting in a stop sign that did not meet warrants would be in conflict with the ordinance.

Councilmember Dixon asked for the criteria for warranting a stop sign.

Mr. Collins stated the first was accident experience. For a location to warrant an all way stop, there would have to be five or more correctable accidents in a twelve month period. The volume warrant was the combined volume on a major street and the volume had to have 300 vehicles per hour for eight hours of a day. The side street traffic would have to have 200 vehicles per hour for the same eight hours of a day. If a location met warrants for a traffic signal, but there was no funding for the signal, it would meet warrants for an all-way stop in the interim time period.

Councilmember Lyda asked how much influence NCTCOG had in the design of the project.

Mr. Collins stated the Town had 100% control of the design. The funding was from Regional Tollway Revenue.

Mayor Northern commented that two residents had concerns about bike traffic. She asked if there were school crossing guards at Bridlewood and Windsor.

Mr. Collins stated that during the public process for the Master Plan, staff learned that students cross the wooded property to get to Bridlewood Elementary. He noted that some cities were using the combination of a speed limit sign with another sign that tells how fast a driver is driving.

Mayor Northern asked if the trail would meet up with a new or current trail at FM 2499.

Mr. Collins answered that it would tie into the Bridlewood trail.

Mayor Pro Tem Filidoro stated the Town had received citizen input on this property over the past 10-15 years. Prior to the Town buying the property, it was owned by a private individual. He was planning to put in homes or offices. Mayor Pro Tem Filidoro stated he had talked to people in the Westchester, Glenwick, Pecan Acres, and Bridlewood subdivisions. Pecan Acres residents did not want homes or offices behind them. They liked the idea of a natural park. The Town bought the property in order to control its development, and he was comfortable that the Council took the action to buy the property.

Deputy Mayor Pro Tem Hayden stated he walked through the neighborhoods and handed out flyers about the project. He received comments from citizens and asked if they could be added to the funding agreement. He asked that staff review the speed limits along West Windsor. He asked if the extension could have a speed limit of 15 mph.

Mr. Jefferson stated the Town would have to set speed limits at the 85th percentile. He noted that the roundabouts were designed to effectively control speeding.

Deputy Mayor Pro Tem Hayden asked that stop signs be placed where applicable (West Windsor/Triple Crown, West Windsor/Preakness/Auburn, and West Windsor/Glenwick).

Mr. Jefferson stated that the Town had a difficult time enforcing stop signs that were not warranted, however staff would conduct the warrant studies.

Deputy Mayor Pro Tem Hayden stated the Town needed to do periodic warrant studies.

Mr. Jefferson stated that annual studies would be reasonable. Usually warrant studies were tied to an event that happened in the area.

Deputy Mayor Pro Tem Hayden stated the sidewalk on West Windsor directly across from Kyle Road was right at the road. He asked if it could be moved back and/or a guard rail could be installed.

Mr. Jefferson stated that could be looked at during the design phase.

Mayor Northern noted that this would not be in the current project, and she asked that staff look at that outside this project for safety issues.

Deputy Mayor Pro Tem Hayden stated the Town needed to be sensitive to the safety issues. He noted that the Windsor extension was taken off the Master Plan at one point and people bought their houses that way. He stated a school crossing guard was needed at West Windsor/Preakness/Auburn, and a landscaped design should be placed in front of the small cul-de-sac. He stated the roundabouts should not be like those in Lakeside. Increased traffic enforcement should be located where golf carts cross to avoid accidents. Residents had told him that the 35 mph speed limit was not enforced now. He asked for more enforcement on weekends when kids were causing mischief in the country club parking lot. He asked if the brick wall could be increased. Deputy Mayor Pro Tem Hayden stated the nearby residents wanted to have input in the design of the road.

Mayor Pro Tem Filidoro agreed with Deputy Mayor Pro Tem Hayden's comments. He stated he would appreciate segregating the concerns for West Windsor from the Windsor extension project.

Councilmember Dixon asked if the hammerheads were good for Pecan Acres, would they not be appropriate in other areas.

Deputy Mayor Pro Tem Hayden asked for a future agenda item to address the stop signs and the landscape feature in front of the four homes.

Mr. Jefferson stated that staff could propose and an estimate of the costs and then the Council could discuss it during the budget process. Staff could do warrant studies now and then check them again once the road is in. Staff would look at school and pedestrian traffic after school starts. He was not sure if those concerns should be included in the agreement. The agreement was just the funding tool.

Deputy Mayor Pro Tem Hayden asked who requested traffic studies.

Mr. Jefferson responded that requests could be submitted by a member of the Council, a resident, or the Transportation Commission.

Deputy Mayor Pro Tem Hayden asked about enforcement on Windsor.

Mr. Jefferson stated the Town could use placards showing what speed people are driving. Additionally, if the beat officer was notified, they would come up with a strategy for enforcement. The Town could also use the trailers that showed speed limits, and would look at increasing officer coverage.

Mayor Northern asked who maintained the sidewalks.

Mr. Jefferson responded that within subdivisions, generally the residents were responsible. The Town did maintain the sidewalks that were along major roadways.

Councilmember Wallace commented that at one time, the extension was going to be a straightaway. At that time, the property owner and many residents were opposed. The curvilinear roadway would be much safer. He thanked Deputy Mayor Pro Tem Hayden for reaching out to the citizens.

Councilmember Lyda suggested getting a recommendation from the Transportation Commission about adding something in the resolution that would address the design process.

Mr. Jefferson stated the proposed resolution was a model resolution and Council could add different language.

Mayor Northern commented that staff would make sure there would be resident input at the 30%, 60%, and 90% completion stages of the design.

Councilmember Dixon asked Mr. Jefferson to make sure that the road, park, and amenities would be completed simultaneously.

Mr. Jefferson stated the project would be done that way.

Mayor Pro Tem Filidoro moved to approve Resolution No.18-10 in support of the Flower Mound Downtown Sustainable Development Project and provide an effective date. Councilmember Wallace seconded the motion.

Councilmember Lyda amended the motion to include language about a new Section 10:“ The Town of Flower Mound shall endeavor to seek and receive public input in the design phases of this project, including review by the Town’s Transportation Commission.”

Mayor Pro Tem Filidoro and Councilmember Wallace accepted the amendment.

The caption of the resolution reads as follows:

RESOLUTION NO. 18-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, IN SUPPORT OF THE TOWN OF FLOWER MOUND’S SUSTAINABLE DEVELOPMENT PROJECT.

VOTE ON THE MOTION

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

13. **ANX 01-10 - Extra Territorial Jurisdiction Annexation** **Public Hearing**
The first of two public hearings to consider approval of an ordinance for annexation (ANX 01-10 - Extra Territorial Jurisdiction Annexation) of land within the Town's extraterritorial jurisdiction, and adjacent and contiguous to the Town, in accordance with Chapter 43 of the Texas Local Government Code. The subject properties are

generally located north and northwest of Tour 18 in the Town's existing extraterritorial jurisdiction, generally adjacent to the jurisdictional boundaries of the Towns of Argyle and Bartonville.

Staff Presentation

Doug Powell, Executive Director of Development Services, briefed the Council and gave the following presentation.

The subject property included part of the Estates of Montalcino. This annexation would c onclude the Town's extraterritorial jurisdiction (ETJ). The service plan was included in the agenda packet. Property owners had been notified and staff had received a few inquiries.

Public Comments

Robert Furst, 4215 Beverly Drive, Dallas

Mr. Furst asked why the Town was doing this annexation now. He asked if the pad sites in the ETJ would be grandfathered. He asked when municipal services would be provided.

Town Attorney Terry Welch responded that the pad sites would be grandfathered—the Town could not change that. Services would be provided as per the service plan.

Mr. Furst noted that the subject area was in the Bartonville CCN (water).

Mr. Welch stated the Town could not change the service provider.

Mr. Furst stated he had one pad site with two wells and two contemplated wells. He asked if the two additional wells would be grandfathered.

Mr. Welch stated if the Town had notice of a pad site, it had notice of the wells.

Mr. Furst stated that the Town Manager and Mr. Powell had been given permission to enter his ranch and test any well. He stated this annexation affected the people who lived on the property.

Close Public Hearing

Council Deliberation

Mayor Northern commented that prior to being elected and when Montalcino came through, there was discussion by the previous Council to annex the land.

Deputy Mayor Pro Tem Hayden stated that when the Mantalcino project came through it included homes. Half of the project was in Flower Mound and half was in the ETJ. The Town desired to have the entire development under Flower Mound's jurisdiction.

No action was required or taken.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Future agenda item - **safety** concerns on Windsor
- **August 12 - budget work session**
- **August 16 - regular meeting**
- September 6 meeting cancelled and special meeting called for September 7

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:38 p.m. on August 2, 2010 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, personnel, and economic development negotiations and reconvened into an open meeting

at 11:23 p.m. on August 2, 2010 to take action on the items as follows:

1. Discuss and consider economic development incentives.

No action taken.

2. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

3. Discuss Town of Flower Mound v. Mockingbird Pipeline, L.P., No. 02-10-00069-CV, pending in the Texas Court of Appeals at Fort Worth, and all matters incident and related thereto.

No action taken.

4. Discuss and consider Titan Operating, LLC v. Town of Flower Mound, et al., Cause No. 2010-6-171-393, pending in the 393rd Judicial District Court of Denton County, Texas, and all matters incident and related thereto.

No action taken.

5. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission, TIRZ #1 Board, and Transportation Commission.

No action taken.

6. Discuss selection of and applications for Town Secretary position, and all matters incident and related thereto.

No action taken.

7. Discuss and consider appointment of a Presiding Municipal Judge for the Municipal Court of Record No. 1 in the Town of Flower Mound, Texas.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the regular meeting at 11:26 p.m. on Monday, August 2, 2010, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

MELISSA D. NORTHERN, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY