

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 17TH DAY OF SEPTEMBER 2018, 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.**

[Click here](#) for meeting video link (subject to change)

The Town Council met in a regular meeting with the following members present:

Steve Dixon	Mayor
Jason Webb	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Sandeep Sharma	Councilmember Place 2
Kevin Bryant	Councilmember Place 3
Jim Engel	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Executive Director of Public Works
Tom Vyles	Environmental Health Manager
Matthew Woods	Director of Environmental Services
Kay Wilkinson	Budget Officer

**A. CALL REGULAR MEETING TO ORDER**

Mayor Dixon called the regular meeting to order at 6:00 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Geoffrey Dennis gave the invocation and Mayor Dixon led the pledges.

**D. PRESENTATIONS**

1. Recognition of the 2018 Food Service Award of Excellence winners and National Food Safety Month

Mr. Vyles announced the 2018 winners:

Hospital Assisted Living: Autumn Leaves

Fast Food: Pizza Hut (2717 Cross Timbers)

Full Service: Red Robin

Grocery Store: Tom Thumb #3575 (2301 Justin Rd)

**E. PUBLIC COMMENT**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Brian Smiley, 1540 Rustic Timbers	Santa Cops
2.	Stephen Smith, 3705 Sarah Springs Trl	Traffic on FM 2499
3.	Carol Kyer, 2616 Crepe Myrtle	Circle of Friends/RISE Event on Oct 17 <sup>th</sup>

**F. ANNOUNCEMENTS**

Mayor Pro Tem Webb announced various awards the Town's Communications Department recently won.

Mayor Dixon pointed out that last night UNT was highlighted on a national telecast during an NFL half time game.

Councilmember Bryant expressed appreciation for those who participated in the 9/11 Memorial Service.

Deputy Mayor Pro Tem Forest expressed appreciation for those who participated in the blood drive on 9/11 in honor of Dan Licardo, who was recently injured in a car accident.

**G. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - Infrastructure work that caused a recent flood event on FM 2499
2. Economic Development projects or announcements
  - New businesses coming to Lakeside DFW
  - Restaurants slated for the River Walk development
  - Other new restaurants/retailers coming soon
  - Flower Mound ranked 16<sup>th</sup> best to live in the Country by CNN Money Magazine

Ms. Bruce provided a statement of fact regarding traffic counts, as well as levels of service, on FM 2499 in response to an inquiry made during public comment.

There was Council consensus to proceed with a future agenda item that would include level of service mapping (after the 2019 traffic counts are done in the FY 19/20 budget) that would allow year 2040 projections, especially for FM 2499.

**H. FUTURE AGENDA ITEMS**

1. There were no items brought forward.

**I. COORDINATION OF CALENDARS**

1. A work session for Board & Commission interviews only: Tuesday, September 18
2. A work session, including Board & Commission interviews: Thursday, September 20
3. A regular meeting: Monday, October 1

Mayor Dixon announced the above referenced future meetings.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting held on September 4, 2018.
2. Consider approval of a request to allow the consumption of alcoholic beverages (sparkling wine) at Leonard Johns Park on October 6, 2018.
3. Consider acceptance of a land donation for open space. The 5.5 acre property is part of Lot 4X, Block A of the Timber Creek Medical Office Plaza, and generally located north of Central Park Drive and east of Long Prairie Road.
4. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RESOLUTION NO. 16-18**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

5. Consider approval of a resolution amending the financial policies of the Town of Flower Mound.

**RESOLUTION NO. 17-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF AMENDED FINANCIAL POLICIES; AND PROVIDING AN EFFECTIVE DATE.**

6. Consider approval of a resolution adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

**RESOLUTION NO. 18-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.**

7. Consider approval of an ordinance amending the Town of Flower Mound’s Annual Budget for the fiscal year beginning October 1, 2017 and ending on September 30, 2018, as adopted by Ordinance No. 33-17 and amended by Ordinance No. 46-17, 20-18 and 22-18 for adjustments to the General Fund.

**ORDINANCE NO. 29-18**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN’S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2017, AND ENDING ON SEPTEMBER 30, 2018, AS ADOPTED BY ORDINANCE NO. 33-17 AND AMENDED BY ORDINANCE NO. 46-17, 20-18 AND 22-18, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

8. Consider approval of a Professional Services Agreement with ECS Southwest LLP., to provide construction materials engineering and testing, for the Bakers Branch Collector Phase II project, in the amount of \$66,082.50; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of Change Order No. 2, for the Heritage Park Phase IV project, with North Rock Construction, LLC., in the amount of \$39,760.64; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of Professional Services Agreement Amendment No. 1, for the FM 2499 12-Inch Water Line Phase I project, amending the agreement with Kimley-Horn and Associates, Inc., for an increase of \$35,800.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of a Development Agreement with M&M Sisk Farms, LLC for the construction of Town infrastructure associated with the Rocky Hill Farms residential development; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of a Professional Services Agreement with HVJ North Texas – Chelliah Consulting, Inc., to provide construction materials engineering and testing, for the High Road Water Line Replacement Phase I project, in the amount of \$57,340.00; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of a Professional Services Agreement with ReStl Engineers TX, LLC., to provide certification of the design for the Safe Room, required by the 2015 International Building Code, for the Fire Station No. 7 project, in the amount of \$19,800.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider and approve annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll

Mayor Pro Tem Webb moved to approve by consent Items 1 – 14, as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:**

*Motion passed*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS:**

**K. REGULAR ITEMS**

Mayor Dixon opened items 15 – 18 at the same time.

15. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019, and making appropriations for each fund and department.

**Staff Presentation**

Ms. Wallace and Ms. Wilkinson gave a presentation identifying or noting:

- Benchmark cities comparisons:
  - 2017 population
  - FY 2017 total tax rate

- FY 2017 debt tax rate
- % of the tax rate used to pay debt
- Percentage of governmental outstanding debt (% covered by the tax rate)
- Full time equivalent (FTE) per capita, including those who outsource
- 2017 unassigned fund balance and financial policy
- Flower Mound Tax Rate
- Town sales tax revenue as a percentage of governmental revenue
- Financial goals update
- 2018 debt service and tax rates
- Required budget and tax rate adoption language
- Required publishing language
- Strategic goals
- Changes since proposed budget
- Compensation benefits
- General fund
- Current property tax exemptions available
- Utility fund
- Water/Wastewater rates
- Current utility bills compared to benchmark cities
- Stormwater utility fund
- Special revenue funds
- CIP Summary
- Crime Control & Prevention District budget
- Fire Control, Prevention, and Emergency Medical Services District budget

And there was Council discussion regarding:

- Why Flower Mound rates are higher than area benchmark cities

Motion 1 of 2:

Councilmember Bryant moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019, and making appropriations for each fund and department. Deputy Mayor Pro Tem Forest seconded the motion.

#### **ORDINANCE NO. 30-18**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

*Motion passed*

Motion 2 of 2:

Councilmember Bryant moved to ratify the property tax revenue increase reflected in the FY 2018-2019 budget. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE.**

16. Consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2018 and ending on September 30, 2019, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.439 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2018.

Councilmember Bryant moved that the property tax rate be increased by the adoption of a tax rate of \$0.4390 per \$100 of assessed value, which is effectively a 2.79 percent increase in the tax rate; and move to approve an ordinance adopting the 2018 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2018. Deputy Mayor Pro Tem Forest seconded the motion.

**ORDINANCE NO. 31-18**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4390 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2018; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2018 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

17. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019.

Mayor Pro Tem Webb moved to approve as presented in the agenda caption. Councilmember Sharma seconded the motion.

#### RESOLUTION NO. 19-18

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

18. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019.

Deputy Mayor Pro Tem Forest moved to approve as presented in the agenda caption. Councilmember Sharma seconded the motion.

#### RESOLUTION NO. 20-18

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**



19. Consider approval of a resolution to adopt the Denton County Greenbelt Plan.

**Staff Presentation**

Mr. Woods introduced Blake Alldredge, Upper Trinity Water District, and provided background information on this item.

Mr. Alldredge gave a presentation identifying or noting:

- Background information about the county-wide approach with the Greenbelt Plan
- Waterways map
- Looking to the future (population and importance of protecting the natural assets)
- Goal of the Greenbelt Plan (guiding preservation)
- How cities can help (education/outreach – preservation tools)
- Upper Trinity Conservation Trust (history and purpose)
- Next steps (adopt plan, participate on coordinating committee, identify strategies to implement)
- Website set up for plan ([www.DentonCountyGreenbeltPlan.com](http://www.DentonCountyGreenbeltPlan.com))

and he responded to the following questions from Council:

- Who would take the lead on the greenbelt plan, including the educational components
- What the resolution aims to accomplish

and there was Council discussion or comments regarding:

- Appreciation for recognizing the work the Town is currently doing in the area of conservation

Councilmember Bryant moved to approve as presented in the agenda caption, and Deputy Mayor Pro Tem Forest seconded the motion.

**RESOLUTION NO.21-18**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, RECOGNIZING THE NECESSITY OF PROTECTING THE NATURAL AREAS (GREENBELTS) ADJACENT TO CREEKS AND OTHER WATERWAYS; ADOPTING THE DENTON COUNTY GREENBELT PLAN (“PLAN”) AS A TOOL FOR PRESERVING GREENBELTS; ENDORSING THE PLAN AS AN URGENT REGIONAL PROGRAM FOR THE COUNTY, CITIES, TOWNS AND UTILITIES TO HELP PROTECT WATER QUALITY IN LOCAL WATERSHEDS; AND EXPRESSING FLOWER MOUND’S INTENT TO PARTICIPATE IN IMPLEMENTING STRATEGIES THAT WILL PRESERVE AND PROTECT THE ENVIRONMENT AND SAFEGUARD THE PUBLIC WELFARE.**

**VOTE ON MOTION:**

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS:**

*Motion passed*

20. Consider approval of a Construction Agreement with ANA Site Construction LLC, for the Bakers Branch Collector Phase II project, in the amount of \$1,228,169.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Bruce provided background information, including the scope of work for the project.

Councilmember Engel moved to approve as presented in the agenda caption. Mayor Pro Tem Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

**L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:10 p.m. on September 17, 2018, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, and reconvened into an open meeting at 7:23 p.m. on September 17, 2018, to take action on the items as follows:

- a. Consultation with Attorney.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

No action taken for items a, b, or c.

**O. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 7:23 p.m. on Monday, September 17, 2018, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

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**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**