

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF JULY, 2011 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
Steve Lyda	Deputy Mayor Pro Tem
Kendra Stephenson	Councilmember Place 1
Mark Wise	Councilmember Place 3
Tom Hayden	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Director of Development Services
Matthew Woods	Director of Environmental Health Services

A./B. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:06 p.m.

Deputy Mayor Pro Tem Filidoro requested the order of the meeting be changed to move the public hearing items under "L" (regular items) after "G" (presentations) to accommodate those in the audience who wish to speak on these items.

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 6:07 p.m.

E. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Chaplain Mike Liles led the pledges.

G. PRESENTATIONS

- **Eagle Scout Award for Andrew Shurtleff**
Mayor Northern presented Andrew Shurtleff with a Certificate of

Achievement for earning the rank of Eagle Scout.

- **Town of Flower Mound Seniors In Motion Program ‘Special Program Award’**

Mayor Northern presented Mary Kay Walker, President of the Seniors in Motion Auxiliary (SIMA), with a program award from the Texas Association for Aging Programs for their community-wide fund raising efforts, which included raising funds for furnishings to be used at the Shirley Voirin Social Senior Center.

Mayor Northern rearranged the order of the items to be presented by moving the three public hearings related to oil and gas (items 9, 10, 11) to the beginning of the Agenda in the interest of those in the audience.

L. REGULAR ITEMS

9. Public Hearing to consider approval of an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VII, “Oil and Natural Gas Well Drilling and Production Operations,” and adopting a new Article VII, “Oil and Natural Gas Well Drilling and Production Operations.”

Staff Presentation

Matthew Woods, Director of Development Services, provided a presentation summarizing the work of the Oil and Gas Advisory Board, studies conducted to date, emergency plans, insurance provisions, pad site and noise monitoring, setbacks and variances, traffic impact analysis, and ordinance provisions. His presentation is on file in the Town Secretary’s office.

Mayor Northern read a statement summarizing actions to date that lead to the decision being presented to Council, which included thanking each Oil and Gas Advisory Board member by name for their work.

Mayor Northern opened the public hearing for item 9 at 7:04 p.m.

Name and Address	Spoke in opposition or support of the Ordinance.
Mellany Lamb, 5109 Prince Edward Ct, Flower Mound, TX 75028 (speaking for herself and Dennis McKaige)	Support
Sharon Wilson, 1121 N Locust, Denton, TX	Support
David Johnson, 3617 San Paula, Flower Mound, TX 75022	Support
Alok Bhaskar, 4517 Delaina Dr, Flower Mound, TX 75022	Support
Richard Scott, 2805 Lakemont, Flower Mound, TX 75022	Support
Gary Hogan, 2117 Rolling Creek Rd, Fort Worth, TX 76108	Support
Virginia Simonson, 3104 Native Oak Dr, Flower Mound, TX	Support

Eric Jellison, 2705 Lake Ville Lane, Flower Mound, TX (also spoke on behalf of Tammy Vajda)	Support
Tom Marshall, 3200 Heatfield, Flower Mound, TX 75028	Support
Elaine Barry, 5357 Harbor View Dr, Flower Mound, TX 75022	Opposed
Jennifer Rogers, 2608 Carterton way, Flower Mound, TX	Opposed

Mayor Northern closed the public hearing for item 9 at 7:32 p.m.

Questions from the Governing Body and Answers

Councilmembers expressed various concerns and issues in relation to emissions and vapor recovery, and Town Attorney Terry Welch, offered answers to their questions.

Mayor Pro Tem Filidoro moved to approve an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VII, "Oil and Natural Gas Well Drilling and Production Operations," and adopting a new Article VII, "Oil and Natural Gas Well Drilling and Production Operations." Deputy Mayor Pro Tem Lyda seconded the motion.

Discussion on the Motion

Deputy Mayor Pro Tem Lyda thanked everyone for their work on the project and the collective work of the advisory board, staff, and citizens.

The ordinance caption reads as follows:

ORDINANCE NO. 29-11

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 REPEALING EXISTING ARTICLE VII, ENTITLED "OIL AND NATURAL GAS WELL DRILLING AND OPERATIONS," OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, AND ADOPTING A NEW ARTICLE VII, ENTITLED "OIL AND NATURAL GAS WELL DRILLING AND OPERATIONS," RELATIVE TO REGULATING AND PERMITTING THE EXPLORATION, DEVELOPMENT, AND PRODUCTION OF MINERAL, OIL, AND GAS RESOURCES; MAKING DETAILED FINDINGS RELATED THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Lyda, Wise, Hayden

ABSTAIN: Stephenson

NAYS: None

Mayor Northern opened items 10 and 11 at the same time.

- 10. Public Hearing to consider approval of an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article IX, "Vested rights/preemption determination."

Staff Presentation

Matthew Woods, Director of Environmental Services, provided a summary regarding pipeline regulations. His presentation is on file in the Town Secretary's office.

There was an in depth discussion between Councilmembers and the Town Attorney regarding centralized collection facilities, which included past processes along with a comparison as to what is being presented in the new ordinance.

Mayor Northern opened the public hearing for items 10 and 11 at 8:04 p.m.

Name and Address

Spoke in opposition or support of the Ordinance.

Jennifer Rogers, 2608 Carterton way, Flower Mound, TX

Opposed

David Johnson, 3617 San Paula, Flower Mound, TX 75022

Had a question only

Virginia Simonson, 3104 Native Oak Dr, Flower Mound, TX

Had a question only

Mayor Northern closed the public hearing on items 10 and 11 at 8:09 p.m.

Mr. Welch responded to Ms. Simonson and Mr. Johnson's questions.

Councilmember Hayden moved to approve an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article IX, "Vested rights/preemption determination." Mayor Pro Tem Filidoro seconded the motion.

The caption reads as follows:

ORDINANCE NO. 30-11

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 CHAPTER 34, "ENVIRONMENT," BY REPLACING ARTICLE VIII, ENTITLED "OIL AND GAS PIPELINE STANDARDS" IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VIII, "OIL AND GAS PIPELINE STANDARDS"; ADOPTING A NEW ARTICLE IX, "VESTED RIGHTS/PREEMPTION DETERMINATION"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OR A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro

NAYS: None

ABSTAIN: Stephenson

11. LDR 02-10 – Repeal of Centralized Natural Gas Production Facility

Public Hearing to consider an amendment to the Land Development Regulations (LDR 02-10) by amending Section 98-2 (Definitions), Section 98-273 (Agricultural District Specific Uses), and Section 98-952 (Use Classifications) to repeal the provisions contained in said sections related to Centralized Natural Gas Compression Facilities, Centralized Natural Gas Lift Facilities and Centralized Natural Gas Produced Water Storage Facilities, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its July 11, 2011, meeting.)*

Deputy Mayor Pro Tem Lyda moved to approve a request to amend the Land Development Regulations (LDR 02-10) by amending Section 98-2 (Definitions), Section 98-273 (Agricultural District Specific Uses), and Section 98-952 (Use Classifications) to repeal the provisions contained in said sections related to Centralized Natural Gas Compression Facilities, Centralized Natural Gas Lift Facilities, and Centralized Natural Gas Produced Water Storage Facilities; and to consider adopting an ordinance providing for said amendment. Councilmember Hayden seconded the motion.

The caption reads as follows:

ORDINANCE NO. 33-11

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 SECTION 98-2, ENTITLED "DEFINITIONS," BY DELETING DEFINITIONS FOR THE PHRASES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY"; BY AMENDING SECTION 98-273, TO DELETE THE USES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY" FROM THE LISTING OF SPECIFIC USES; BY AMENDING SECTION 98-952, ENTITLED "USE CLASSIFICATION" TO DELETE THE USES "CENTRALIZED NATURAL GAS COMPRESSION FACILITY," "CENTRALIZED NATURAL GAS LIFT FACILITY," AND "CENTRALIZED NATURAL GAS PRODUCED WATER STORAGE FACILITY" FROM THE SCHEDULE OF USE REGULATIONS; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS, SPECIFICALLY INCLUDING ORDINANCE NO. 05-10, ADOPTED ON JANUARY 21, 2010; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Lyda, Wise, Hayden

ABSTAIN: Stephenson

NAYS: None

Town Council recessed at 8:16 p.m. and reconvened at 8:26 p.m.

B. BRIEFING SESSION (CONTINUED)

1. Town Council Boards and Commissions Subcommittee Reports.

Councilmember Hayden reported attending the Seniors in Motion meeting.

Councilmember Wise reported attending the following meetings:

- Planning and Zoning (two meetings)
- SmartGrowth
- Board of Adjustment

Deputy Mayor Pro Tem Lyda reported that the Transportation Commission was postponed until next Thursday due to a lack of a quorum.

Mayor Pro Tem Filidoro indicated he will be attending the next Oil & Gas Board of Adjustment meeting on Wednesday.

Councilmember Stephenson reporting attending the Environmental Conservation Commission meeting.

Mayor Northern reporting attending the Regional Transportation Commission meeting.

2. Discuss Consent and Regular Items

No discussion.

3. Discuss Future Agenda Items

Councilmember Hayden requested two items be included on a future agenda:

1. overview regarding the dedicated sales tax;
2. hold a discussion on the Riverwalk project to include factors such as an economic study to perhaps include a public/private partnership for the various amenities.

The majority of Council was in favor of bringing in a representative from the owner of The Riverwalk project (The Baptist Foundation) to provide an update on the project.

4. Discuss Council Communications

None outstanding.

H. PUBLIC PARTICIPATION

Sam Anderson, 1421 Big Falls Dr, Flower Mound, TX 75028

Mr. Anderson stated there is a need for open space for the Suncrest Phase II project, and indicated he presented an idea to Planning and Zoning as to how this could be accomplished and would like to see it come forward.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

Mayor Northern reporting Flower Mound Performing Arts Theatre is having their summer youth program – *You're a Good Man Charlie Brown*.

Deputy Mayor Pro Tem Lyda expressed disappointment with a new parking fee being initiated by DART at some rail terminals. He also reported attending the Region 4 Track meet last weekend at Marcus High School.

Councilmember Wise congratulated the Town on the well-attended Independence Fest event. He also reported attending the Texas Municipal League Newly Elected Officials training in Austin.

Councilmember Hayden reported Jack's Clothing and Megan's in Parker Square are closing, and another business expressed concern regarding business being slow.

Mayor Northern reported the following:

- The Town has started work on the Wilson Carmel Tract.
- Attended the ribbon cutting for the Cross Timber Trailhead on Duncan Rd.
- Attended the grand re-opening for Baskin Robbins on Cross Timbers Road (under new management)

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported on the following items:

FM 407

- This project is delayed because of an incorrect design of the storm sewer. TxDOT and the contractor are working to resolve that issue.

Dixon Road

- The contractor started pouring pavement and it is anticipated the roadway will be paved prior to school starting.

Flower Mound Road

- The expansion from Skillern to FM 1171 is scheduled for a ribbon cutting Aug. 1st.

Water Distribution System

- There have been some challenges with water leaks due to the heat in that the ground shrinks, which causes it to move and subsequently impact infrastructure. As a result, the Town experienced a water leak in the Lake Bluff area recently. He indicated repairs have been made to that area.
- He reported the Town's water system is performing well overall and

usage continues to grow.

K. CONSENT ITEMS

Mayor Pro Tem Filidoro moved to approve by consent Items 1, 2, 3, 4, 5, 6, 7, 8. Councilmember Hayden seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. **Consider approval of the minutes from a regular meeting of the Town Council held on June 6, 2011.**

RECOMMENDATION: Move to approve the minutes from the Town Council held on June 6, 2011.

2. **Consider approval of the minutes from a regular meeting of the Town Council held on June 20, 2011.**

RECOMMENDATION: Move to approve the minutes from the Town Council held on June 20, 2011.

3. **Consider approval of a resolution authorizing the adoption of the Town of Flower Mound's Program Year 2011 Action Plan for Housing and Community Development, which is required under the Town's Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.**

The resolution caption reads as follows:

RESOLUTION NO. 17-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2011 ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT; PROVIDING AUTHORIZATION TO THE MAYOR TO EXECUTE SAID PLAN AND RELATED DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION: Move to approve a resolution authorizing the adoption of the Program Year 2011 Action Plan for Housing and Community Development, which is required under Flower Mound's Community Development Block Grant; and authorize the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

4. **Consider approval of the purchase of one transportation bus from National Bus Sales & Leasing, Inc., through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$62,363.**

RECOMMENDATION: Move to approve the purchase of one transportation bus from National Bus Sales & Leasing, Inc., through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$62,363.

5. Consider approval of Bid No. 73-11-B, for the construction of the 2011 Street Reconstruction Project – Sagebrush Drive, Gregory Drive, and a portion of College Parkway, to Jet Underground Utilities, Inc., in the amount of \$1,242,120.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 73-11-B, for the construction of the 2011 Street Reconstruction Project – Sagebrush Drive, Gregory Drive, and a portion of College Parkway, to Jet Underground Utilities, Inc., in the amount of \$1,242,120.00; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of Bid No. 72-11-B, for the construction of the Waketon Road 16-inch Water Line project, to Saber Development Corporation, in the amount of \$85,010.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 72-11-B, for the construction of the Waketon Road 16-inch Water Line project, to Saber Development Corporation, in the amount of \$85,010.00; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of an ordinance vacating and abandoning the western 5.5 feet of the existing 7.5-foot-wide utility easement located along the eastern property line of Lot 2, Block 10, Hilltop Estates, Phase III, which lot is more commonly known as 2504 Caprock Cove, thereby reducing the width of said easement upon and across this lot to a 2-foot-wide utility easement.

The ordinance caption reads as follows:

ORDINANCE NO. 32-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE WESTERN MOST 5.5 FEET OF THE EXISTING 7.5-FOOT-WIDE UTILITY EASEMENT LOCATED ALONG THE EASTERN PROPERTY LINE AND WITHIN THE BACK YARD OF LOT 2, BLOCK 10, HILLTOP ESTATES, PHASE III, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 2504 CAPROCK COVE, THEREBY REDUCING THE WIDTH OF THAT EASEMENT UPON AND ACROSS SAID LOT TO A 2-FOOT-WIDE UTILITY EASEMENT; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THAT PORTION OF SAID EASEMENT TO BE VACATED AND ABANDONED, AS DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the western 5.5 feet of the existing 7.5-foot-wide utility easement located along the eastern property line of Lot 2, Block 10, Hilltop Estates, Phase III, which lot is more commonly known as 2504 Caprock Cove, thereby reducing the width of said easement upon and across this lot to a 2-foot-wide utility easement.

8. Consider approval of Change Order No. 2 for a contract reduction of \$11,384.00; final acceptance of the Tour 18 to Roanoke Hills segment of the FM 1171 to

HWY 377 Water Line Phase I project; authorization for final payment to Quality Excavation, Ltd., in the amount of \$35,301.54; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 2 for a contract reduction of \$11,384.00; final acceptance of the Tour 18 to Roanoke Hills segment of the FM 1171 to HWY 377 Water Line Phase I project; authorize the final payment to Quality Excavation, Ltd., in the amount of \$35,301.54; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

REGULAR ITEMS (CONTINUED). ITEMS 9, 10, AND 11 WERE MOVED TO THE BEGINNING OF THE MEETING.

12. Consider approval of an ordinance repealing Ordinance No. 28-11 and providing for an expiration date of Friday, July 29, 2011, at 11:59 p.m. for the oil and gas ordinance related suspensions.

Staff Presentation

Mr. Welch indicated the ordinance is for the purpose of repealing the suspensions.

Councilmember Hayden moved to approve an ordinance repealing Ordinance No. 28-11 and providing for an expiration date of Friday, July 29, 2011, at 11:59 p.m. for the oil and gas ordinance-related suspensions. Deputy Mayor Pro Tem Lyda seconded the motion.

The caption of the ordinance reads as follows:

ORDINANCE NO. 31-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE REPEAL OF THE SUSPENSIONS REFERENCED IN FLOWER MOUND ORDINANCE NO. 28-11, SAID REPEAL TO BE EFFECTIVE AT 11:59 P.M. ON FRIDAY, JULY 29, 2011; REPEALING ORDINANCE NO. 28-11; MAKING CERTAIN FINDINGS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

Mayor Northern opened items 13 and 14 at the same time.

13. ZPD 05-11 – Rosewood Assisted Living & Memory Care

Public Hearing to consider a request for rezoning (ZPD 05-11 - Rosewood Assisted Living & Memory Care) from Agricultural District (A) uses to Planned Development District-119 (PD-119) with Office (O) uses and a Specific Use Permit (SUP 398-11) for a nursing or congregate care facility with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, an exception to Section 82-302, Compatibility buffer, and an exception to Section 82-303, Compatibility setback of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The properties are located at 4141 and 4161 Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 27, 2011, meeting.)*

Staff Presentation

Mr. Powell provided a presentation identifying the location of the project, land use, zoning, and the plan area map. He noted access points, identified the location for the tree removal request, and stated only one letter was received from the public on the project.

Steve Homeyer, Homeyer Engineering, developer for the project, P.O. Box 294527, Lewisville, TX 75029, highlighted some of the key points of the project. He stated it will be a 54,000 sf assisted living and memory care facility, with 74 units (51 designated for assisted living and 23 for memory care) and 79 beds. He reported there were a few individuals that wanted to speak in favor of the project; however, they had to leave due to the late hour.

In response to Councilmember Hayden’s question regarding timing, Mr. Homeyer indicated they are ready to build and they have already turned in a first round of drawings with a site plan improvement.

In response to Councilmember Hayden’s question regarding availability of financing, Steven Vick, owner of Signature Senior Living, 106 Decker Court, Ste 200, Irving, TX 75062, indicated financing is in place. He stated pending legal documents and permits, they should close on the property in August or September and building should begin in October.

Marc Tolson, Architect on the project, with Galier, Tolson, French, 2344 Hwy 121, Ste 100, Bedford, TX 76021, provided an overview of the project design.

Sheri Cummings, Signature Senior Living, 106 Decker Court, Ste 200, Irving, TX 75062, provided an overview of the operations structure of the facility.

Mayor Northern opened the public hearing for Item 13 at 9:49 p.m.

Name and Address

Spoke in opposition or support of the Ordinance.

Jerry Simmons, 4141 Long Prairie Rd, Flower Mound, TX

Support

Mayor Northern closed the public hearing for Item 13 at 9:50 p.m.

Deputy Mayor Pro Tem Lyda moved to approve the request for rezoning ZPD 05-11- Rosewood Assisted Living & Memory Care from Agricultural District (A) uses to Planned Development District-119 (PD-119) with Office (O) uses and a Specific Use Permit (SUP 398-11) for a nursing or congregate care facility with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, an exception to Section 82-302, Compatibility buffer, and an exception to Section 82-303, Compatibility setback, of the Code of Ordinances, subject to the following conditions:

- a. The attached concept plans, labeled Exhibits "C through E," exhibits to the Specific Use Permit, shall be developed as approved, except that minor changes outlined in Section 82-37 of the Land Development Regulations may be approved as set forth in that section once a site plan application has been submitted.
- b. If a building permit application has not been submitted to the Town's Building Inspection Division for consideration of a building permit within one year of approval of the ordinance, the zoning for this property, including the Specific Use Permit described herein, will be a matter that will be automatically placed upon a subsequent Planning and Zoning Commission agenda for consideration as a Town-initiated zoning change under normal zoning amendment procedures. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

14.	Public Hearing to consider an application for a tree removal permit for the removal of one specimen tree on property proposed for development as Rosewood Assisted Living and Memory Care. The property is generally located south of Windsor Drive and west of Long Prairie Road. <i>(The Environmental Conservation Commission recommended approval by a vote of 4 to 0 at its June 7, 2011, meeting.)</i>
	Staff Presentation
	Mr. Powell provided a presentation for items 13 and 14 at the same time.

Mayor Northern opened the public hearing for Item 14 at 9:53 p.m.

None spoke for or against.

Mayor Northern closed the public hearing for Item 14 at 9:53 p.m.

Councilmember Wise moved to approve a tree removal permit for the removal of one specimen tree on property proposed for development as Rosewood Assisted Living and Memory Care. The property is generally located south of Windsor Drive

and west of Long Prairie Road. Councilmember Hayden seconded the motion.

Council Deliberation.

None.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None.

15. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2011, in the amount of \$3,550,000 and resolving other matters incident and related thereto.

Staff Presentation

Chuck Springer announced that Jason Hughes will be providing a presentation, and Robert Dransfield, Fulbright & Jaworski L.L.P., Dallas, TX 75201, is available to respond to questions.

Jason Hughes, First Southwest, 325 North St. Paul Street, Suite 800 Dallas, TX 75201, provided a summary of the process taken regarding certificates of obligations. He also reviewed the strong ratings of the Town and discussed market trends.

His presentation is as follows:

Flower Mound Executive Summary

- Sold one series of debt
 - Certificates of Obligation - \$3,550,000
- Review of outstanding debt did not provide any candidates for refinancing
- Ratings were affirmed by S&P at “AA+” and Moody’s at “Aa1”
 - “Sustained property tax base and economic expansion”
 - “Extremely strong wealth and very strong income levels”
 - “Sound financial performance and position”
 - “Strong financial and management policies”

TOWN OF FLOWER MOUND

Flower Mound – Comparative Ratings

	<u>Moody's</u>	<u>Standard & Poor's</u>
Irving	Aaa	AAA
Plano	Aaa	AAA
Richardson	Aaa	AAA
Allen	Aa1	AAA
Carrollton	Aa1	AAA
Coppell	Aa1	AAA
Southlake	Aa1	AAA
Lewisville	Aa2	AAA
Colleyville	Aa2	AAA
Flower Mound	Aa1	AA+
McKinney	Aa1	AA+
North Richland Hills	Aa2	AA+
Frisco	Aa1	AA
Denton	Aa2	AA
Grapevine	Aa2	AA
Rowlett	Aa2	AA-

TOWN OF FLOWER MOUND

Flower Mound Bid Summary

	<u>Bidder</u>	<u>True Interest Cost</u>
1	Morgan Keegan & Co.	3.288482%
2	Raymond James & Associates	3.322342%
3	The Baker Group	3.340034%
4	Piper Jaffray	3.366258%
5	RBC Capital Markets	3.390670%
6	BOSC, Inc.	3.394642%
7	SAMCO Capital Markets	3.418382%
8	Robert W. Baird & Co.	3.451637%
9	FTN Financial Capital Markets	3.479392%
10	Sterne, Agee & Leach	3.499959%
11	Southwest Securities	3.541178%
12	Duncan-Williams	3.662820%
13	Bernardi Securities	3.930251%

TOWN OF FLOWER MOUND

Flower Mound Summary of Certificates of Obligation

- Par: \$3,550,000
 - All for Water and Sewer Fund purposes
- Proceeds: \$3,550,000
- Maturities: 9/1/12 – 9/1/31
- True Interest Cost (TIC): 3.288482%
- Call Date: 9/1/2021

TOWN OF FLOWER MOUND



Flower Mound Summary of Series 2011 Debt Service

FYE	Principal	Interest	Total P+I
2012	\$ 125,000	\$ 119,305	\$ 244,305
2013	140,000	103,288	243,288
2014	140,000	100,488	240,488
2015	145,000	97,688	242,688
2016	150,000	94,788	244,788
2017	150,000	91,788	241,788
2018	155,000	88,788	243,788
2019	160,000	85,688	245,688
2020	165,000	81,688	246,688
2021	170,000	77,150	247,150
2022	175,000	72,475	247,475
2023	180,000	67,225	247,225
2024	185,000	61,825	246,825
2025	195,000	55,813	250,813
2026	200,000	49,475	249,475
2027	205,000	42,475	247,475
2028	215,000	35,300	250,300
2029	225,000	27,238	252,238
2030	230,000	18,800	248,800
2031	240,000	9,600	249,600
	<u>\$ 3,550,000</u>	<u>\$ 1,380,880</u>	<u>\$ 4,930,880</u>

TOWN OF FLOWER MOUND



Councilmember Hayden moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2011, in the amount of \$3,550,000 and resolving other matters incident and related thereto. Mayor Pro Tem Filidoro seconded the motion.

The caption reads as follows:

ORDINANCE NO. 35-11

AN ORDINANCE authorizing the issuance of "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2011"; 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.

Council Deliberation

None.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

16. **Discuss and consider the process for a regular review of the Town's Home Rule Charter.**

Staff Presentation

Theresa Scott indicated the item is for the purpose of deciding whether to proceed with a Charter Review Commission or to make recommendations themselves.

All Councilmembers were in favor of proceeding with a Charter Review Commission (CRC). There was some discussion regarding the process to select commission members.

The Town Council convened into a closed meeting at 10:23 p.m. on July 18, 2011, pursuant to Texas Government Code Sections 551.071, and reconvened into an open meeting at 10:30 p.m. on July 18, 2011.

The majority of councilmembers agreed to solicit applications in order to have a broad pool of choices, which would consist of individuals willing to serve in this capacity. Applicant interviews would follow and six members would be selected, with one serving as a non-voting chair.

The process by which Council would use to select those individuals remains undetermined.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern inquired as to the availability of Councilmembers in the weeks ahead.

Deputy Mayor Pro Tem Lyda indicated he will be out of town Monday through Thursday of next week.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 10:40 p.m. on July 18, 2011, 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 11:45 p.m. on July 18, 2011, 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. Contested Case Hearing before the Texas Commission on Environmental Quality, Proposed Water Use Permit for Lake Ralph Hall, Application No. 5821, and all matters incident and related thereto.

Deputy Mayor Pro Tem Lyda moved to authorize the Town Manager to execute an agreement for Russell and Rodriguez to represent the Town in TCEQ proposed water use permit for Lake Ralph Hall, Application No. 5821. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None.

- d. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Economic Development Advisory Committee, Environmental Services Commission, Oil and Gas Advisory Board and Oil and Gas Board of Appeals, Parks, Arts and Library Services Board, Planning & Zoning, SMART Growth

Commission Board, and Transportation Commission.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 11:47 p.m. on the 18th of July 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

MELISSA D. NORTHERN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY