

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 1st DAY OF AUGUST, 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 Service

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:03 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Hayden had the following report:

- Attended the Parks, Arts, and Library Services (PALS) Board where they discussed complete streets at Canyon Falls and the naming of the Wilson Carmel Park.
- Attended the Transportation Commission meeting where there was discussion about lowering the speed limit from 30 to 25 in a neighborhood, along with some discussion about doing so on a town-wide basis. He indicated they were informed there would be significant cost involved in doing such, and in addition, some of the neighborhoods are not in favor of doing so.

Councilmember Wise had the following report:

- Attended the Planning & Zoning meeting in which Wellington Manor and Caddis medical office building were approved.

2. Discuss Consent and Regular Items

Councilmember Stephenson requested item four be pulled from the consent agenda.

3. Discuss Future Agenda Items

Councilmember Hayden indicated he would like to have a discussion regarding park dedication fees in relation to trails and Twin Coves Park, concurrently with the budget and Capital Improvement Projects.

Mr. Jefferson indicated that based on direction staff received in June this matter is scheduled to be discussed at the August 18th budget work session as part of an amendment to the council's financial policies.

4. Discuss Council Communications

None.

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 6:10 p.m.

E. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Chaplain Liles led the pledges.

G. PRESENTATIONS

Trish Robinson, representing State Representative Tan Parker's office, presented Police Chief Brooker with a Resolution acknowledging the Town receiving accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). Police Chief Brooker summarized the process in attaining this accreditation.

Mayor Hern of New Providence, NJ presented Mayor Northern with a Proclamation acknowledging the gift of a 9-11 memorial structure and his appreciation for the relationship between the two towns in conjunction with the 10th anniversary.

H. PUBLIC PARTICIPATION

Russ Smith, 4301 Woodbine St, Flower Mound, TX 75028

Expressed concern for loss of trees adjacent his property.

Lori Lewis, 1900 Kirkpatrick Ln, Flower Mound, TX 75028

Expressed concern regarding issues experienced as a result of recent construction on Kirkpatrick.

Regina Fierke, 3025 Yale Dr, Flower Mound, TX 75028

Requested a review of policies regarding urban chickens.

Jody Smith, 3705 Sarah Springs Tr, Flower Mound, TX

Offered congratulations to Shirley Voirin and the Seniors in Motion for their new building.

Bryan Webb, 4112 High Rd, Flower Mound, TX 75028

Offered thanks to Councilmember Hayden for his comments on bringing development forward, particular for the Riverwalk.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

1.
 - Deputy Mayor Pro Tem Lyda pointed out that due to the excessive heat; the Electric Reliability Council of Texas (ERCOT) is recommending adjusted uses of electricity during peak hours.
 - Councilmember Hayden announced the ribbon cutting for the Shirley Voirin Social Senior center is scheduled for this Friday. He also commented on being in receipt of the Town's budget, and pleased to report tax revenues are up for the Town and the budget is balanced. He also reported getting an e-mail from the Flower Mound Tea Party on the topic of progressing forward with the Riverwalk. He commented that he would welcome the opportunity to speak to their members about it.
 - Mayor Northern had the following announcements:
 - Attended the ribbon cutting for Flower Mound Road
 - Attended a business retention meeting at Crestron in the Lakeside Business District
2. Mayor Pro Tem Al Filidoro to provide his views on the Town's accomplishments and plans to enhance the overall quality of life for those that reside and own businesses within the community.

Mayor Pro Tem Filidoro stated that since the Oil and Gas Ordinance has now passed, it was a good time to point out other community accomplishments and identify a vision as to what the Town wants to be based on feedback from residents.

He summarized accomplishments that are either completed or in progress that addresses issues identified within the resident survey.

Traffic (biggest issue) with the following projects either completed or in progress:

- FM 1171 (Section 1) ribbon cutting which opened multiple lanes

- FM 1171 (Phase II & III)
- Morriss Road coming along
- Garden Ridge Ph. III slated to open soon
- Spinks Road completed
- Dixon Road will be done June 2012
- Flower Mound Rd completed
- FM 407 under construction, with completion slated for August 2012
- Chinn Chapel slated for construction December 2012
- Wichita Trail
- West Windsor extension now in the design phase and scheduled for February 2013

He thanked County Commissioners Bobbie Mitchell and Andy Eads for their assistance with many of the road projects.

Better recycling program:

- Starting Oct. 1st the Town will have a new recycling program with Waste Management that will offer polycarts for recycling needs.
- Electronic waste at home pick up

Interest in a stand-alone senior center:

- The Shirley Voirin Social Senior Center opens August 5th

Parks master plan –with a priority on trails and trail connections beings at the top of the list:

- Council directed staff to create a financial policy that directs future park development fees to be devoted to trails, trailheads, connections, and signature parks
- Cross Timbers Trailhead opened a couple weeks ago
- Wilson Carmel Phase I will be done May 2012
- Post Oak Park
- Linear park (West Windsor)
- Twin Coves Park scheduled to open September 2011
- 48 playground improvements in 2010
- Bakersfield park entry completed

Other accomplishments:

- Two fire stations are complete
- Two new police beats
- Balanced budget with no tax increase
- Monthly water and ambient air testing being done
- Upcoming services to be provided by Waste Management:
 - Bulk waste will be completed every week
- Economic Development:
 - Lakeside Business District:
 - Over 5 million square feet with 92% occupancy, with more than 35 businesses operating within the district.
 - North Central Texas College now in Flower Mound and doing well
 - Presbyterian Hospital up and going
- In 2010 named safest city in Texas
- Completed CALEA

- Reduced crime rate for the fourth year
- Reduced priority 1 & 2 response times
- Reduced the total number of accidents by 3%
- On-person video for police officers
- Integrated emergency service operations with the new hospital
- Reviewed the animal services ordinance
- Continued communication enhancements with mobile computers (police & fire)
- Began the annual alarm permit
- Single purpose committees reviewing specific specialized items (i.e. sign ordinance, oil and gas exploration and drilling, solid waste)
- Boards and Commissions quarterly meetings with chairs and vice-chairs

He stated his vision of the community is to be Flower Mound. It is a unique and vibrant community and he's proud to be a part of it.

J. TOWN MANAGER'S REPORT

- Mr. Jefferson provided the following updates:
 - Announced that due to the hot temperatures, landscaping in various median right of ways will be postponed until September:
 - Plantings within the TxDOT right of ways will resume on September 15th. In addition, on FM 2499 where trees have died, they have been marked, removed, and will be replanted in September
 - Plantings for FM 1171 Phase I will also resume in September
 - Plantings will continue on Morriss Road North of FM 1171
 - Plantings are under design for the new section of Flower Mound Road
 - Plantings have also been designed for Dixon Road
- Road construction projects:
 - Dixon Road:
 - The two southern lanes have been completed and the contractor is scheduled to switch traffic over to those lanes this week, with the goal of completing prior to school opening.
 - FM 407:
 - The project is delayed due to a TxDOT engineering design problem with the storm sewer.
 - Garden Ridge Road
 - Close to being complete and a date is soon to be identified for a ribbon cutting in September.
 - Sagebrush (between Morriss & Yucca)
 - This roadway will go under reconstruction starting August 8th.
- The Town was awarded a grant in the amount of \$37,000 from the State of Texas Energy Conservation Office for alternative fuel initiatives that will allow the Town to improve air quality, reduce fuel, and the overall carbon footprint. The funds will allow the Town to construct a 2,000 gallon E85 fuel tank that will have a mix of 85% ethanol and 15% gas.

- Water use update:
 - Last month the Town approached historic highs. During July of 2010 the Town distributed over 5.4 million gallons of water, and in July of 2011 the Town distributed 8.0 million gallons. Average water use went from 17.6 million gallons a day to 27.4 million gallons a day and the peak to July max of 2010 was 23.2 million and July of 2011 was 29.9 million gallons. The previous high for one day use was set in July 2006 at 29.3 million gallons and the Town broke that record four times in the month of July.
 - He indicated the distribution system is experiencing some water line breaks, however, doing better than some previous years. He further added that with regard to water conservation he didn't anticipate the Town to be taking additional water conservation measures.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Lyda made a motion to approve by consent Items 1, 2, and 3. Mayor Pro Tem Filidoro 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 Professional Services Agreement with Fugro Consultants, Inc., to provide geotechnical and material testing services associated with the construction of 2011 Street Reconstruction – Sagebrush Drive, Gregory Drive, and a portion of College Parkway, in the amount of \$58,405.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Fugro Consultants, Inc., to provide geotechnical and material testing services associated with the construction of the 2011 Street Reconstruction – Sagebrush Drive, Gregory Drive, and a portion of College Parkway, in the amount of \$58,405.00; and authorize the Mayor to execute same on behalf of the Town.

2. Consider approval of the First Amendment to Interlocal Cooperative Agreement between Denton County, Texas, and the Town of Flower Mound, Texas, for improvements to Garden Ridge Boulevard Phase III; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve First Amendment to Interlocal Cooperative Agreement between Denton County, Texas, and the Town of Flower Mound, Texas, for improvements to Garden Ridge Boulevard Phase III; and authorize the Mayor to execute same on behalf of the Town.

3. Consider approval of an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2011, and ending September 30, 2012, subject to renewal for an additional one-year term; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the

period beginning October 1, 2011, and ending September 30, 2012, subject to renewal for an additional one-year term; and authorize the Mayor to execute same on behalf of the Town.

4. *This item pulled from consent.*

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

L. REGULAR ITEMS

4. *This item moved from consent to regular.*

Consider approval of an ordinance providing guidance for Town staff, oil and gas operators, and others in interpreting the provisions of Town Ordinance No. 29-11 and Town Ordinance No. 30-11 and further amending Section 34-422(d)(2) of the Code of Ordinances to clarify setback variance distances.

Staff Presentation

Mr. Welch indicated the ordinance being presented is because in a previous ordinance, and the one that was adopted in 2007, issues arose are about what documents the Town should look at in trying to interpret ordinance provisions. The ordinance puts together a list of documents reviewed by Council at some point during the process which includes comparison charts, Oil & Gas Advisory Board recommendations, minutes, and audio tapes from Town Council meetings. The reason for this is because in the event something should arise in the Oil & Gas or Pipeline Ordinance there would be something on the record for staff or others to use for interpretation of any provisions.

In Section 34-422(d) (2) there were about six words changed in that document to clarify set back variance distances to make sure there was no misunderstanding about what that section applied to.

Councilmember Stephenson inquired as to the uniqueness of the procedure and how it was narrowed down to these specific documents, given there are other types of documents that could have also been used.

Mr. Welch replied documents that were presented to Town Council at public meetings were utilized. He added there were not minutes from the Oil & Gas Advisory Board and the audio tapes from those meetings were not always audible and, at times, difficult to tell who is speaking.

Mayor Pro Tem Filidoro moved to approve the attached ordinance providing guidance for Town staff, oil and gas operators, and others in interpreting the provisions of Town Ordinance No. 29-11 and Town Ordinance No. 30-11; and further amending Section 34-422(d)(2) of the Code of Ordinances to clarify setback variance distances. Councilmember Hayden seconded the motion.

The caption reads as follows:

ORDINANCE 36-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, TO PROVIDE GUIDANCE FOR TOWN STAFF, OPERATORS AND OTHERS IN INTERPRETING THE PROVISIONS OF TOWN ORDINANCE NO. 29-11 AND TOWN ORDINANCE NO. 30-11 IN THE EVENT OF AMBIGUITY RELATIVE TO SAID ORDINANCES; AMENDING SECTION 34-422(d)(2) OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, TO CLARIFY SETBACK VARIANCE DISTANCES; MAKING FINDINGS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None.

Mayor Northern opened items 5, 6, and 7 together.

Staff Presentation:

Mr. Springer provided a presentation on all three of the above referenced items which included:

- A history of the creation of the dedicated sales tax
- Sales tax comparison information
- Identified promised results of the election in regards to fire and crime prevention, as well as for streets
- Reauthorization impacts
- Staffed two new fire stations with 27 positions
- Maintain an ISO 2 insurance rating

He identified where information relating to the dedicated sales tax, including projects and expenditures, can be found on the Town's website.

Deputy Mayor Pro Tem Lyda wanted it to be clear that the dedicated sales tax cannot be reallocated to other projects. Councilmember Hayden, Mayor Pro Tem Filidoro, and Mayor Northern were in agreement that it is a vital source of income for the community and provides for critical basic services within the community.

Councilmember Stephenson inquired if the members of the Tea Party had any comments, concerns, or feedback regarding what was presented.

Mr. Springer indicated he did not actually give the presentation, however, that the group was provided an electronic copy his presentation a few days ago.

Mayor Northern indicated she received an e-mail from one of the Tea Party members and responded to their inquiry, which addressed ballot set up and whether or not funds could be reallocated.

Councilmember Hayden pointed out that the Town cannot advocate for the dedicated sales election, however, only convey the facts.

Mayor Pro Tem Filidoro commented that while the Town does not take a position, the Town gives out information. Members of the Council that have offered support have done so in their capacity as council members and not as an official Town position.

5. Consider approval of an ordinance ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the Town of Flower Mound, Texas, a ballot proposition to reauthorize the Street Maintenance Sales and Use Tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

Mayor Pro Tem Filidoro moved to approve an ordinance ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the Town of Flower Mound, Texas, a ballot proposition to reauthorize the Street Maintenance Sales and Use Tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice. Councilmember Wise seconded the motion.

The caption reads as follows:

ORDINANCE NO. 37-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8th DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE TOWN OF FLOWER MOUND, TEXAS, A BALLOT PROPOSITION TO REAUTHORIZE THE MUNICIPAL STREET MAINTENANCE SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

6. Consider approval of an order ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the District a ballot proposition on whether to continue the Crime Control and Prevention District and sales tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

Mayor Pro Tem Filidoro moved to approve an order ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the District a ballot proposition on whether to continue the Crime Control and Prevention District and sales tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice. Councilmember Wise seconded the motion.

The caption reads as follows:

ORDER 01-11

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8th DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF FLOWER MOUND, TEXAS, A REFERENDUM ON THE CONTINUATION OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO CRIME CONTROL AND PREVENTION PROGRAMS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

7. Consider approval of an order ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the District a ballot proposition on whether to continue the Fire Control, Prevention, and Emergency Medical Services District and sales tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

The caption reads as follows:

Mayor Pro Tem Filidoro moved to approve an order ordering a special election to be held on the 8th day of November, 2011, for the purpose of submitting to the qualified voters of the District a ballot proposition on whether to continue the Fire Control, Prevention, and Emergency Medical Services District and sales tax at the rate of one-fourth of one percent; providing for election officers;

designating the places and manner of holding said election; and providing for the posting and publication of notice. Councilmember Wise seconded the motion.

ORDER 02-11

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8th DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF FLOWER MOUND, TEXAS, A REFERENDUM ON THE CONTINUATION OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, AND THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE SAFETY AND EMERGENCY MEDICAL SERVICES PROGRAMS; DESIGNATING THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern confirmed the next meeting is August 15th and inquired if anyone will be absent. No one indicated they would not be available on that day.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:12 p.m. on August 1st, 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 8:46 p.m. on August 1st, 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. Discuss and consider Rule 37 proceeding pending before the Texas Railroad Commission, Oil and Gas Division, Permit No. 702335, Rule 37 Case No. 0267515.

No action taken.

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

No action taken.

Mayor Northern announced the deadline for Board and Commission applications has been extended to August 15, 2011.


P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 8:48 p.m. on August 1st, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY