

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 7TH DAY OF NOVEMBER, 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
Robert Brown	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Matthew Woods	Director of Environmental Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:02 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Deputy Mayor Pro Tem Lyda reported the Transportation Commission has a meeting tomorrow night at Town Hall.

Mayor Pro Tem Filidoro and Mayor Northern reported attending the board and commission member orientation training, as well as the the Boards and Commissions banquet.

Councilmember Stephenson reported there was an Environmental Conservation Commission (ECC) meeting on November 2nd, in which they discussed the tree farm and sustainability efforts for Flower Mound.

2. Discuss Consent and Regular Items

Councilmember Hayden requested Item 16 be pulled from Consent.

3. Discuss Future Agenda Items

Councilmember Stephenson requested the council support budget be a future agenda item to discuss its use and potentially establish a process regarding the use of those funds. Councilmember Hayden agreed with having the item come forward.

4. Discuss Council Communications

Mr. Jefferson reported on the following outstanding Council Communications:

1. West Windsor extension (connection to Pecan Acres).

He stated the Town is in the process of having meetings with residents in the West Windsor extension area due to being at the 30% design level. Future meetings will be conducted at the 60% (later this month) and 90% (next month) design levels. Feedback from the 30% level meetings demonstrated support for the roadway, park amenities; however, there was concern about the connectivity to Pecan Acres at the two round-a-bouts. He noted the Council Communication is for the purpose of gaining feedback regarding if there is interest to maintain the two round-a-bouts, reduce the connection to one, or just have emergency access only to the neighborhood.

He reported receiving feedback from Council which included all of the above. For that reason a consensus of Council is being sought to offer final direction.

Councilmember Hayden stated he can't support connectivity between Pecan Acres and Windsor Rd. due to the residents not being favor of it; however, he is open to having the emergency access road which could be changed in the future.

Mayor Pro Tem Filidoro, Deputy Mayor Pro Tem Lyda, and Councilmember Wise expressed support for the project as designed. Mayor Pro Tem Filidoro further added Pecan Acres is a subdivision with one way in and one way out and that is a concern. This project allows the Town to correct this issue.

Councilmember Stephenson stated the issue is that it is an existing subdivision and residents have indicated they are content with the one way in and out. She expressed support for putting in the emergency access, however, not opening it up to through traffic.

Mayor Northern summarized that based on the comments made by Council, the overall support is for the project to continue as planned.

Mr. Jefferson commented that the plan is to wrap up the design in December and then have the project go out to bid soon thereafter.

2. Community playground at Heritage Park

Mr. Jefferson stated action is not needed on this communication as it is for informational purposes to notify council that staff is going forward with the project.

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 6:19 p.m.

E. INVOCATION

Chaplain Don Cone gave the invocation.

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

Mayor Northern led the pledges.

G. PRESENTATIONS

Mayor Northern presented representatives of the Glenwick neighborhood with the National Night Out 2011 winner street sign. Justin Buck and Kim Hale, representing the Citizens on Patrol assisted with the presentation.

Mayor Northern presented a Proclamation to Lara Fronczek of Christian Community Action, and Town employee Monica Vasquez for their efforts with the the Denton County Homeless Coalition food drive and Hunger and Homeless Awareness Week.

H. PUBLIC PARTICIPATION

Sweetie Bowman, 6524 Orchard Dr, Flower Mound, TX

Ms. Bowman expressed a desire for council support for budget considerations with regard to art in Flower Mound.

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

Ms. Smith inquired as to what prompted Agenda Item 16 to be on the Town Council Agenda. She also provided background information regarding the Town's relationship with the Chamber.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

Mayor Pro Tem Filidoro had the following announcements:

- He offered a reminder that November 8th is Election Day for the Dedicated Sales Tax Reauthorization Election for Fire, Police, and streets;

- Flower Mound Television (FMTV) received multiple awards in statewide competitions;
- Santa Cops and toy collections for children in need is underway
- Denton County Homeless Coalition Food Drive Campaign is underway; and
- The Town's resident survey has been randomly sent to 3,000 Flower Mound households and encouraged those who received the survey to participate.

Councilmember Stephenson had the following announcements:

- Dorothy's Dash Saturday, November 12th;
- Commented that while council members were provided an opportunity for input regarding the Town's citizen survey, consequently, they were not provided an opportunity to review the final citizen survey after council members offered their contributions. She voiced having some concerns regarding terminology and dollars referenced without an associated explanation. She believes in the future there should be consideration how those questions are put together;
- She voiced concern regarding the Executive Development Team (EDT) meetings. She indicated there is some concern that there is a problem with the EDT process as she stated some information doesn't get conveyed to Council members, and believes there is information not being conveyed from all Council members to applicants. She referenced Kroger as an example; and
- She voiced concern regarding a meeting for the former Mayor's and questioned the use of public funds for this purpose, especially because members of council were excluded.

Councilmember Hayden had the following announcements:

- Promoted Shop Flower Mound and indicated a desire for the Town and Chamber to work together to market and promote the Shop Flower Mound Program;
- Commented there is a need to promote the arts in Flower Mound;
- Flower Mound residents are being invited by the Lakeside DFW development group to meet at Fountain Park on December 1st to board a bus and see the lights of Legacy for the purpose of gaining feedback regarding what residents would like to see for the Lakeside DFW development; and
- Attended the Planning & Zoning meeting regarding Kroger and the proposed fuel station, along with the \$14 million renovation. He stated being in favor of the remodel and fuel station for the purpose of increasing foot traffic for the store and so they can stay competitive in the area.

Councilmember Wise had the following announcements:

- He expressed appreciation for the police and Lewisville Independent School District for sponsoring the medical disposal day in which

780 pounds of unwanted and expired drugs was collected.

Deputy Mayor Pro Tem Lyda had the following announcements:

- Attended the Town's Veteran's Day ceremony event. He offered special recognition for Marine Lance Corporal Justin Turner of Flower Mound for his service; and
- He commented receiving an e-mail regarding EDT and Kroger and indicated there are opportunities to communicate with developers at those meetings and the e-mail is an example about how the process works.

Mayor Northern had the following announcements:

- Met new Flower Mound Hospital President Spencer Turner;
- Visited Wellington Elementary 5th Grade;
- Visited with State Representative Tan Parker;
- Spoke at Driven Football League event;
- Announced various upcoming performing arts events;
- Dorothy's Dash event reminder; and
- She provided background information regarding the reason for organizing the former mayor dinner event and the intent behind making it exclusive to mayors only.

Attended:

- Precinct 4 Task Force meeting;
- Precinct 3 Task Force meeting;
- Boards and Commission Banquet;
- Kids Night Out event at Kroger;
- Boards and Commission member training;
- Senior craft fair;
- Mozart Requiem; and
- Veteran's Day ceremony.

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported or announced the following:

- 8th consecutive year for the Town being recognized as one of the most technologically advanced cities in the nation by the Center for Digital Government. He noted Flower Mound was recognized in the top ten in our population category between 30,000 and 74,999 and the only Texas city in this category.
- The FM 407 construction project is being monitored. There have been some delays due to utility conflicts.
- FM 2499 Upgrade: Mr. Jefferson noted last December Council approved a Resolution encouraging TxDOT to relocate the FM 2499 section of the DFW Connector to Section 13 along 121 so this project could be advanced. He presented a map of the location and proposed roadways. He noted this section of road is currently not funded, and it's not within the

Town's boundaries, however, it impacts Flower Mound residents. For this reason staff is working with the City of Grapevine to obtain a grant.

Deputy Mayor Pro Lyda stated he gets comments about the traffic signal at the Riverwalk Apartments, especially in relation to the flyover, and hoped that steps could be taken to also address that signal.

Mr. Jefferson stated that multiple engineering ideas have been presented regarding that signal and staff will continue to propose those ideas, including potentially extending the flyover ramp beyond the signal so it could be bypassed.

Councilmember Hayden expressed concern regarding the citizen survey and he pointed out specific questions he disliked that were incorporated within the survey without full council review. He expressed interest in talking about alternative economic development plans at January Strategic Planning Session.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Lyda made a motion to approve by consent Items 1 – 15. 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. Councilmember Wise seconded the motion.

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; and Crime Control and Prevention District Special Meeting held on September 19, 2011.**

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special Meeting; and Crime Control and Prevention District Special Meeting held on September 19, 2011.

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

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on September 20, 2011.

3. **Consider approval of the minutes from a special meeting of the Town Council held on September 27, 2011.**

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on September 27, 2011.

4. **Consider approval of cancelling the January 2, 2012, and January 16, 2012, regular meetings of the Town Council and calling a special meeting on January 19, 2012.**

RECOMMENDATION: Move to approve cancelling the January 2, 2012, and January 16, 2012, regular meetings of the Town Council and calling a special meeting on January 19, 2012.

5. **Consider approval of Bid No. 3-12-B, for the construction of the Timber Creek Road 20-Inch Water Line and Valley Ridge Boulevard 20-Inch Water Line projects, to John Burns Construction Company of Texas, Inc., in the amount of \$664,883.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve the award of Bid No. 3-12-B, for the construction of the Timber Creek Road 20-Inch Water Line and Valley Ridge Boulevard 20-inch Water Line projects, to John Burns Construction Company of Texas, Inc., in the amount of \$664,883.00; and authorize the Mayor to execute same on behalf of the Town.

6. **Consider approval of an agreement with Kimley-Horn & Associates, Inc., to provide professional engineering services associated with the Denton Creek District-Reuse Water Master Plan, in the amount of \$88,600.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve an agreement with Kimley-Horn & Associates, Inc., to provide professional engineering services associated with the Denton Creek District- Reuse Water Master Plan, in the amount of \$88,600.00; and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of an agreement with Kimley-Horn & Associates, Inc., to provide professional engineering design services associated with the Skillern Road 12-inch Water Line project, in the amount of \$21,500.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve an agreement with Kimley-Horn & Associates, Inc., to provide professional engineering design services associated with the Skillern Road 12-inch Water Line project, in the amount of \$21,500.00, and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of Second Amendment to Tower/Ground Lease Agreement at 3810 Bruton Orand Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Second Amendment to Tower/Ground Lease Agreement at 3810 Bruton Orand Road dated August 18, 2003, between New Cingular Wireless PCS, LLC (successor-in-interest to Metroplex Telephone Company d/b/a AT&T Wireless) and the Town of Flower Mound, Texas, and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of an ordinance of the Town of Flower Mound, Texas, amending the Code of Ordinances of the Town of Flower Mound through the amendment of Chapter 54, Article IV regarding United States Army Corps of Engineers property rules and regulations by providing authority to the Town Manager, or his designee, to perform or cause to be performed certain actions; adopting alcoholic beverage regulations; providing for the adoption of administrative policies for Twin Coves Park; revising regulations regarding vehicle parking; providing for special event regulations; establishing watercraft regulations; establishing general restrictions; establishing recreational use fees; revising the penalty provision; amending Appendix A "fee schedule" of the Code of Ordinances of the Town of Flower Mound relative to code section number 54-179 regarding recreational use fees. (The Parks, Arts & Library Services Board recommended approval of the proposed ordinance by a vote of 6 to 0 at its September 8, 2011, meeting.)

RECOMMENDATION: Move to approve an ordinance of the Town of Flower Mound, Texas, amending the Code of Ordinances of the Town of Flower Mound through the amendment of Chapter 54, Article IV regarding United States Army Corps of Engineers property rules and regulations by providing authority to the Town Manager, or his designee, to perform or cause to be performed certain actions; adopting alcoholic beverage regulations; providing for the adoption of administrative policies for Twin Coves Park; revising regulations regarding vehicle parking; providing for special event regulations; establishing watercraft regulations; establishing general restrictions; establishing recreational use fees; revising the penalty provision; amending Appendix A "fee schedule" of the Code of Ordinances of the Town of Flower Mound relative to code section number 54-179 regarding recreational use fees.

ORDINANCE NO. 56-11

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND THROUGH THE AMENDMENT OF CHAPTER 54, ARTICLE IV REGARDING UNITED STATES ARMY CORPS OF ENGINEERS PROPERTY RULES AND REGULATIONS BY PROVIDING AUTHORITY TO THE TOWN MANAGER, OR HIS DESIGNEE, TO PERFORM OR CAUSE TO BE PERFORMED CERTAIN ACTIONS; ADOPTING ALCOHOLIC BEVERAGE REGULATIONS; PROVIDING FOR THE ADOPTION OF ADMINISTRATIVE POLICIES FOR TWIN COVES PARK; REVISING REGULATIONS REGARDING VEHICLE PARKING; PROVIDING FOR SPECIAL EVENT REGULATIONS; ESTABLISHING WATERCRAFT REGULATIONS; ESTABLISHING GENERAL RESTRICTIONS; ESTABLISHING RECREATIONAL USE FEES; REVISING THE PENALTY PROVISION; AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO CODE SECTION NUMBER 54-179 REGARDING RECREATIONAL USE FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

10. Consider approval of a small exhibit of high school art work to be held in the library December 3-11, 2011. (The PALS Board recommended approval by a vote of 6 to 0 at its October 13, 2011, meeting.)

RECOMMENDATION: Move to approve a small exhibit of high school art work to be held in the library December 3-11, 2011.

11. Consider approval of the award of RFP No. 85-11-A for Administrative Services Only (ASO) for Medical, Dental, Vision, Preferred Provider Organization (PPO) Network Services, and Pharmacy Network Services to Blue Cross Blue Shield of Texas, in the estimated annual amount of \$251,956, totaling \$755,868 for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of RFP No. 85-11-A for Administrative Services Only (ASO) for Medical, Dental, Vision, Preferred Provider Organization (PPO) Network Services, and Pharmacy Network Services to Blue Cross Blue Shield of Texas, in the estimated annual amount of \$251,956, totaling \$755,868 for the initial three-year contract term; and authorize the Mayor to execute same on behalf on the Town.

12. Consider approval of the award of RFP No. 86-11-A for Employee Basic Life Insurance, Employee Accidental Death and Dismemberment Insurance, Employee Long-Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee & Dependent Optional Accidental Death and Dismemberment Insurance to Cigna Group Insurance, in the estimated annual amount of \$76,273, totaling \$228,819 for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of RFP No. 86-11-A for Employee Basic Life Insurance, Employee Accidental Death and Dismemberment Insurance, Employee Long-Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee and Dependent Optional Accidental Death and Dismemberment Insurance to Cigna Group Insurance, in the estimated annual amount of \$76,273, totaling \$228,819 for the initial three-year contract term; and authorize the Mayor to execute same on behalf on the Town.

13. Consider approval of the award of RFP No. 89-11-A for Flexible Spending Administrative Services to AmeriFlex in the estimated annual amount of \$9,504, totaling \$28,512 for the initial three-year agreement period; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of RFP No. 89-11-A for Flexible Spending Administrative Services to AmeriFlex, in the estimated annual amount of \$9,504, totaling \$28,512 for the initial three-year agreement period; and authorize the Mayor to execute same on behalf on the Town.

14. Consider approval of the purchase of the Tyler Content Manager Enterprise Edition, and the INCODE Version 10 upgrade with the INCODE Human Resource

Module, from Tyler Technologies, a sole source provider, in the total amount of \$116,635; and an estimated annual expenditure in the amount of \$58,000 for INCODE maintenance fees.

RECOMMENDATION: Move to approve the purchase of the Tyler Content Manager Enterprise Edition, and the INCODE Version 10 upgrade with the INCODE Human Resource Module, from Tyler Technologies, a sole source provider, in the total amount of \$116,635; and an estimated annual expenditure in the amount of \$58,000 for INCODE maintenance fees.

15. **Consider approval of the Competitive Sealed Proposal method to purchase a Development Services software solution.**

RECOMMENDATION: Move to approve the Competitive Sealed Proposal method to purchase a Development Services software solution.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson.

NAYS: None.

L. REGULAR ITEMS

Councilmember Hayden requested Item 16 be pulled from Consent items.

16. **Consider recommending Mayor Melissa D. Northern to serve on the Flower Mound Chamber of Commerce board of directors as an ex-officio member representing the Town of Flower Mound.**

Mr. Jefferson stated the Town received an e-mail from the Chairman of the Flower Mound Chamber, Harold Shepherd, in which he offered an ex-officio position on the Board. At that point staff tried to ascertain the appropriate person to appoint. In Mr. Shepherd's e-mail he recommended Mark Wood, the Town's new Economic Development Director for the position. Mr. Jefferson noted given the amount of activities that Mark could be involved in, it was his recommendation to not have Mark serve in this position and allow him the opportunity to get acclimated to his new duties, at least for a year. In the future Mark could participate in the Leadership Flower Program to meet that prerequisite and could be considered in the future.

Council Discussion

Councilmember Stephenson and Councilmember Hayden commented that the board member should not be an elected official for political reasons. Councilmember Stephenson stated it should be a staff person given the level of detail involved and if no staff person is available, the position should remain unfilled. Councilmember Hayden added that for continuity it should be a staff member. He also noted other communities have staff representatives on their board.

Deputy Mayor Pro Tem Lyda pointed out that Denton County Commissioner Bobbie Mitchell is on the Chamber Board, and past members have included Denton County Commissioner Andy Eads, and Town of Flower Mound Councilmember Steve Dixon. He also expressed reasons why he believed Melissa Northern was qualified to serve on the Board and pointed out the Chamber has the option to not accept her. He believed staff resources need to be spent on Town economic development efforts.

Councilmember Hayden commented that should Mayor Northern get appointed to the Board, he would like to be provided feedback regarding those meetings.

There was additional discussion regarding the Chamber board structure and the type of work being done by the organization, with specific reference to the Leadership Flower Mound course.

Mayor Pro Tem Filidoro moved to approve the recommendation of Mayor Melissa D. Northern to serve on the Flower Mound Chamber of Commerce board of directors as an ex-officio member representing the Town of Flower Mound. Deputy Mayor Pro Tem Lyda seconded the motion.

Discussion on the Motion.

None.

VOTE ON THE MOTION

AYES: Filidoro, Lyda, Wise.

NAYS: Stephenson, Hayden.

17. **Public Hearing to consider approval of an ordinance amending Chapter 70, "Utilities," of the Code of Ordinances of the Town of Flower Mound, Texas, by adopting a new Article XIV, entitled "Stormwater Quality Management and Discharge Control;" repealing all conflicting ordinances, orders, and resolutions; providing a severability clause; providing for a penalty; providing for publication; and providing an effective date.**

Staff Presentation

Mr. Matthew Woods stated the goal of this Ordinance is to define what constitutes stormwater pollution. An outline of his detailed presentation is as follows:

- background information
- a review of the Stormwater Ordinance
- general provisions
- illegal discharges
- discharge prohibition exemptions
- discharge prohibitions
- regulations and requirements

- enforcement
- judicial enforcement remedies

Deputy Mayor Pro Tem Lyda asked for clarification regarding one of the prohibited discharges being chlorinated pool water and if that would prohibit curbside discharge back washing of pools that flow into the street and then into the stormwater system.

Mr. Woods responded that is correct and most pools are now plumbed to drain into the sanitary system.

Councilmember Hayden commented he would like to review the section that references "final stabilization before operational control is transferred" as he knows of two developers that have expressed concern regarding the cost associated with doing that. For that reason, he expressed interest in having that component reviewed because it puts the town at a competitive disadvantage if the requirement is more stringent than other communities.

Mr. Jefferson indicated that in response to feedback from Council there have been meetings with the development community seeking their input, and in this item was scheduled as a Public Hearing for this same purpose. Furthermore, there have been multiple communications with the Texas Commission on Environmental Quality (TCEQ) to interpret and meet their standards.

Mayor Pro Tem Filidoro asked for clarification as to if the Ordinance presented meets or exceeds the state standard.

Mr. Jefferson indicated it meets the standard, and subsequently most of the information comes from their model. Mr. Woods confirmed.

Mayor Pro Tem Filidoro asks if the proposed Ordinance exceeded the standards and if so, in what ways.

Mr. Woods stated that the issue of standards and Councilmember Hayden's comments are somewhat separate, as his comments are related to erosion control and things that are in place for final acceptance of a subdivision. The guidelines in place in the proposed ordinance are related to Environmental Protection Agency (EPA) guidance documents for standards to address illicit discharges.

Mayor Northern inquired how many individuals attended the meeting.

Mr. Woods indicated approximately ten.

Mayor Northern opened the Public Hearing at 8:31 p.m.

Public Participation:

Ken Hodge, 1013 Long Prairie, 1213 Noble Way, Flower Mound, TX 75022

Spoke in opposition of the Ordinance.

Rob Paul, 1916 Reserve Ct, Flower Mound, TX 75028

Mr. Paul noted he was the division president for Toll Brothers. He requested the item be tabled so he can have their national compliance officer review it, as well as other representatives from Toll Brothers. He also offered alternatives regarding permanent stabilization.

Dale Ridinger, Civil Engineer, Allen & Ridinger Consulting, 109 W. Main St, Lewisville, TX 75057

Mr. Ridinger commented he is in agreement with what both Mr. Hodge and Mr. Paul stated.

Jeremy Voucher, (address inaudible), Stormwater consultant

Spoke against the level of stabilization and cost associated with it.

Mayor Pro Tem Filidoro commented that in the future he would like to see notification to the development community be done via certified mail, along with providing each recipient a list of those invited to the meeting.

Mr. Collins stated approximately 140 individuals were invited to the developer meeting and provided a list of names and companies. He also summarized comments received via e-mail from two separate individuals with TCEQ with regard to permanent stabilization.

There was some discussion regarding who was or was not invited to a recent developer group meeting designed to gain feedback from the development community regarding the proposed stormwater ordinance. Mr. Collins provided Council with a list of individuals that were invited.

Mr. Jefferson indicated that staff would be acceptable to tabling the item in order to fully vet the Ordinance to any individuals that were not included on the previous invitation to attend the developer meeting.

Mayor Northern stated that, if possible, she would like someone from TCEQ at a future meeting so that everyone is hearing the same message.

Councilmember Stephenson noted there is a disconnect when we have people saying we're doing something different than in other communities and it could be related to how the question is asked.

Deputy Mayor Pro Tem Lyda stated he has some concerns in a situation where if a home site doesn't go on to a developer in ten years or more whether the temporary stabilization would be sufficient.

Mayor Northern closed the Public Hearing at 9:19 p.m.

Mayor Pro Tem Filidoro moved to table the item to December 19, 2011, the ordinance amending Chapter 70, "Utilities," of the Code of Ordinances of the Town of Flower Mound, Texas, to be taken up on that date. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson.

NAYS: None.

18. **Public Hearing to consider a request to amend the Land Development Regulations by amending Section 90-311, entitled "Street Design Standards," and Volume I and II of the Town of Flower Mound Engineering Design Criteria and Construction Standards, through Section 32-3, entitled "Engineering Design Criteria and Construction Standards-Amendments," to delete and remove all provisions regarding, references to and drawings related to existing standards and requirements for "Gated (Private) Small Scale Green Residential" streets. (The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its September 26, 2011, meeting)**

Staff Presentation

Mr. Collins noted the item is to amend the standards to delete the gated private small scale residential street. He identified the seven conditions that were approved for a specific development. He added, given the very narrow standard, it couldn't apply to another piece of property.

Council Discussion

Councilmember Stephenson commented that she recently attended Vision North Texas and the subject of green streets came up. She wondered if it would be worth asking ECC to look at sustainability aspect to make sure it's a good Ordinance.

Mayor Pro Tem Filidoro offered background information regarding the formation of the original Ordinance and stated he did not have a problem with repealing the Ordinance, however, would like to see developers continue the LEED gold standard.

Deputy Mayor Pro Tem Lyda commented that they may want to make a recommendation to the ECC to take a look at LEED certification on buildings and perhaps a work session by the Transportation Commission to look at new ideas in this area. Mayor Pro Tem Filidoro and Councilmember Stephenson agreed with letting these groups do the research.

Mayor Northern commented that as the International Green Building Codes evolve, Town Council will continue to look at those and make sure the Town's Ordinances stay up to date, along with maintaining those minimal standards.

Mayor Northern summarized that generally it's Council's desire to repeal the item, however, going forward not eliminate the concept from being introduced in the future.

Mayor Northern opened the Public Hearing at 9:39 p.m.

No participation.

Mayor Northern closed the Public Hearing at 9:39 p.m.

Mayor Pro Tem Filidoro moved to approve an amendment to the Land Development Regulations by amending Section 90-311, entitled "Street Design Standards," and Volume I and II of the Town of Flower Mound Engineering Design Criteria and Construction Standards, through Section 32-3, entitled "Engineering Design Criteria and Construction Standards-Amendments," to delete and remove all provisions regarding, references to and drawings related to existing standards and requirements for "Gated (Private) Small Scale Green Residential" streets. Councilmember Wise seconded the motion.

Council Discussion

None.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden.

NAYS: None.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern announced the next meeting is November 17, 2011. Mayor Northern indicated she will not be in attendance at the November 21st meeting.

Mayor Pro Tem Filidoro indicated he will not be at the December 5th meeting.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:43 p.m. on November 7, 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 11:43 p.m. on November 7, 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 Jim Matthews to represent the Town in the TCEQ proposed Water Use Permit for Lake Ralph Hall, Application No. 5821. Mayor Pro Tem Filidoro 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, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMART Growth Commission Board, Tax Increment Reinvestment Zone Board, and Transportation Commission.

For the Board of Adjustment/Oil and Gas Board of Appeals, Councilmember Wise moved to reappoint Andre' Zwilling, Place 3, effective November 7, 2011, with a term expiration of September 30, 2013. Mayor Pro Tem Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden.

NAYS: None.

- e. Discuss and review annual review of Town Manager.

Mayor Pro Tem Filidoro moved to approve the compensation package for the Town Manager for 2011 - 2012 as discussed in Executive Session. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson.

NAYS: None.

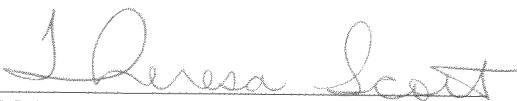
P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 11:46 p.m. on November 7, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY

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