

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF APRIL, 2012, 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
Doug Powell	Director of Development 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/Liaison Reports**

Councilmember Wise reported attending the Planning and Zoning meeting, and highlighted some of the items discussed.

Deputy Mayor Pro Tem Lyda reported attending the Community Development Corporation meeting, and highlighted some of the items discussed. In addition, he announced the Transportation Commission will meet next Tuesday.

Mayor Northern reported attending the following meetings or events:

- Community Development Corporation meeting
- Quarterly HOA meeting and highlighted some of the items discussed

**2. Discuss Consent and Regular Items**

No discussion.

**3. Request Future Agenda Items**

No request for future agenda items.

**4. Discuss Council Communications**

Mr. Jefferson reported there are no outstanding council communications.

**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 6:06 p.m.

**E. INVOCATION**

Chaplain Richard Plunk gave the invocation.

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

Mayor Northern led the pledges.

**G. PRESENTATIONS**

1. CoServ Charitable Foundation, Executive Director, Dennis Engelke presented the "Police Department Patrol Grant" in the amount of \$25,278.85 to Mayor Northern and Police Chief Kenneth Brooker.
2. Mayor Northern presented Marilyn Lawson, President, Keep Flower Mound Beautiful, with a Certificate of Appreciation to Keep Flower Mound Beautiful.
3. Paul Stone, representing a DFW Veteran group, presented a Certificate of Appreciation to the Town for the use of the Town's service flags for the past five years during their annual Veteran Summit.
4. Mayor Northern presented Certificates of Achievement to the Flower Mound High School Wrestling Team for UIL State Championship competition, as well as to Scott Akers for the State Championship in his weight group.

**H. PUBLIC PARTICIPATION**

Patsy Mizeur, 1821 Castle Ct, Flower Mound, TX

Ms. Mizeur identified e-mails that were written to the mayor regarding the request for documents related to the Lakeside DFW property get released. Furthermore, she commented that these types of e-mails should be distributed to all council members.

David Madigan, 1540 Superior Pl, Flower Mound, TX

Mr. Madigan asked for an update regarding any activity in relation to the Prairie Creek erosion situation.

Kim Cloud/Susan Dawson, 1651 FM 407, Flower Mound, TX

Ms. Cloud and Ms. Dawson offered thanks for the Town's continuation of funds for the Children's Advocacy Center. They provided statistics related to the work of that organization and upcoming events.

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

Ms. Smith expressed condolences on the passing of Anne Brown and what she meant to the community.

## I. ANNOUNCEMENTS

Councilmember Stephenson announced the Town of Flower Mound Summer Track Program, and she provided dates and registration information.

Mayor Pro Tem Filidoro announced the Flower Mound High School soccer team placed in their districts and they will be recognized at a future Town Council meeting.

Mayor Northern had the following announcements:

- Flower Mound Chamber Golf Outing
- Regional wellness summit
- Participation opportunity for the design of the skate park
- Independence Fest
- Casino Night fundraiser for the Seniors In Motion (SIM) program
- Flower Mound Fit Walk
- Master gardening class by the Denton County Master's Gardener Association
- Keep Flower Mound Beautiful Spring Trash-off
- American Diabetes Association event
- Flower Mound Performing Arts Theatre production of Seussical the Musical

She provided dates, times, and locations for the above referenced events.

Deputy Mayor Pro Tem Lyda announced the Flower Mound Lady Jaguars Girls Soccer Team won their first ever district title in soccer.

Councilmember Wise offered congratulations to Captain Wess Griffin for graduating from the FBI National Academy in Quantico. He noted Mr. Griffin was selected one of 257 people from law enforcement leaders across the country.

Councilmember Hayden had the following announcements:

- Groundbreaking for the Christian Community Action center in Flower Mound
- Flower Mound Symphony Orchestra ensemble presentation
- Bridlewood golf tournament
- Sunrise services at The Flower Mound
- SIMS auxiliary fund raiser (Casino Night)

He provided dates, times, and locations for the above referenced events.

Several Council members expressed condolences to the Brown family for the passing of Anne Brown, and offered gratitude for the positive impact that she has had in the community, and especially with the Seniors in Motion program.

**J. TOWN MANAGER'S REPORT**

Mr. Jefferson reported attending the Precinct 3 meeting, at which time there was an update on some projects, including:

FM 1171 (Sections II & III – extension of 6 lanes from Shiloh to 35W):

- Right-of-ways are anticipated to be acquired by 4/15/12
- Letting of the bidding of the project is expected in November of 2012

FM 407:

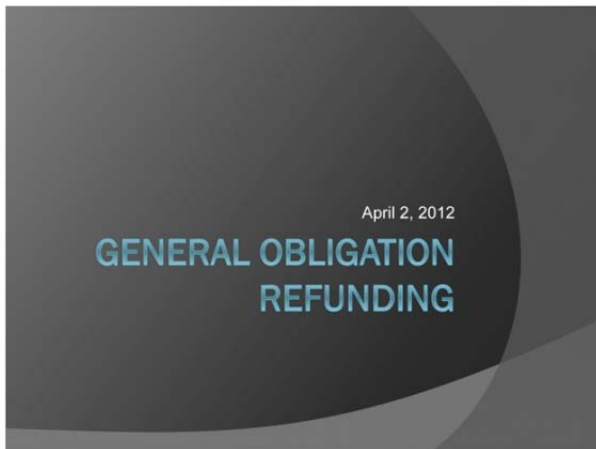
- Project has been stalled due to utility conflicts, with Verizon lines being the most recent problem delaying the project.
- TxDOT's contractor has renegotiated quantities so once they resolve the utility locations they need work to resolve the quantities change.
- He noted the project was originally awarded in Feb 2010 and there has been minimal progress to date.

General Obligation Bonds:

Mr. Jefferson reported on February 20<sup>th</sup> Town Staff was given the authority to refinance General Obligation Bonds.

He noted the maturity of the bond was not extended because of the additional amount of interest that would be paid over time.

His presentation is included below:



## Parameters vs. Actual

	Parameters	Actual
Maximum Principal Amount	\$20,000,000	\$8,160,000
Minimum Present Value Savings	4.00%	9.45%
Maximum True Interest Cost	3.50%	2.2402861%
Final Maturity Date	March 1, 2025	March 1, 2024

## Past Refundings and Savings

Year	Refunded Issues	PV Savings	PV Savings %
2009	\$4,820,000	\$329,865	6.844%
2010	7,455,000	940,551	12.616%
2011	-	-	-
2012	8,160,000	771,426	9.454%
Totals	\$20,435,000	\$2,041,842	

## Net Tax Supported Debt

FY Ending	Net Tax Supported Debt	Net Reduction
2007	\$86,541,881	-
2008	\$84,474,796	\$2,067,085
2009	\$83,903,929	\$570,867
2010	\$82,995,253	\$908,676
2011	\$77,909,060	\$5,086,193

Source: 2011 Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2011.

Mr. Jefferson responded to questions from Council members related to debt savings, and the breakdown from the utility district and general fund.

Councilmember Stephenson asked if Town Staff would be at the upcoming Property Standards Committee meeting.

Mr. Jefferson noted this item is not a Capital Improvement Project and the Property Standards Committee does fall under that category. In addition, he reported he is not aware of that committee’s activities.

Councilmember Stephenson asked that Ms. Mizeur’s comments related to e-mails not being distributed to all council be addressed. She expressed interest in having an understanding as to how decisions get made regarding who on Council receives correspondence.

Mr. Jefferson suggested she bring this item up during the future agenda items section of the agenda.

Councilmember Stephenson indicated she would.

Councilmember Hayden asked for an update regarding the Prairie Creek erosion issue.

Mr. Jefferson noted two council meetings ago, Council directed staff to bring the capital improvement amendment forward on April 16<sup>th</sup>. He stated that will be the next opportunity to take action as there is not additional funding to do that work until that time. With regard to hydrological studies, he indicated the Town has all the studies and data needed in hand to move forward.

Councilmember Hayden clarified that work cannot begin until funding is obtained.

Mr. Jefferson responded, yes, as funding is needed to make the expenditure. He further clarified that currently this project was on the capital improvement plan for next fiscal year, and direction given by Council thus far is to move it forward to this year.

He noted the plan is to do an erosion control project and \$25,000 is in the budget for that. Furthermore, there is an amendment to move that forward to this year and it is estimated that the project would be underway by this summer. He added that when the project is brought forward on the 16<sup>th</sup>, there will be more details with regard to what is planned, what the Town's abilities are, and what can be expected. In addition, the Town has received notification from the Corp which referenced the need for approval, information and limitations in the way of what can be done in the stream prior to moving forward with a program. He noted they do allow stream maintenance for erosion control projects and the Town will have the option to work under a national permit for this type of project.

**K. CONSENT ITEMS**

Councilmember Hayden moved to approve, by consent, Items 1 – 5. 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 minutes from a regular meeting of the Town Council held on February 20, 2012.**

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on February 20, 2012.

2. **Consider approval of the minutes from a regular meeting of the Town Council held on March 5, 2012.**

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on March 5, 2012.

3. **Consider approval of final acceptance of Bid No. 27-10-B, for the construction of the Flower Mound Road project; final payment to Mario Sinacola & Sons Excavating, Inc., in the amount of \$74,775.53; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve final acceptance of Bid No. 27-10-B, for the construction of the Flower Mound Road project; final payment to Mario Sinacola & Sons Excavating, Inc., in the amount of \$74,775.53; and authorize the Mayor to execute same on behalf of the Town.

4. Consider acceptance of grant funds and execution of an agreement with CoServ Charitable Foundation, to purchase two jet skis; and authorization for the Mayor to execute said agreement on behalf of the Town.

**RECOMMENDATION:** Move to authorize the acceptance of grant funds, and execution of an agreement with CoServ Charitable Foundation, to purchase two jet skis; and authorize the Mayor to execute said agreement on behalf of the Town.

5. Consider approval of a resolution authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Solid Waste Program Local Implementation Project; authorizing the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; acceptance of funds if awarded; and pledging that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality, and the State of Texas.

**RECOMMENDATION:** Move to approve a resolution authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Solid Waste Program Local Implementation Project; authorize the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; accept the funds if awarded; and pledge that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality, and the State of Texas.

**RESOLUTION NO. 03-12**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND AUTHORIZING THE FILING OF A PROJECT APPLICATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE PROGRAM LOCAL IMPLEMENTATION PROJECT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE TOWN OF FLOWER MOUND IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF FUNDING FOR THIS PROJECT IS RECEIVED THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROJECT REQUIREMENTS OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

**VOTE ON MOTION**

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

**NAYS:** None.

**L. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**



Councilmember Stephenson asked for a future agenda item in the way of a Council Communication for the purpose of addressing when and how information that comes to Mr. Jefferson gets distributed to the entire Council, instead of just the Mayor and Mayor Pro Tem, particularly in relation to e-mails that are subject to Public Information Request

Mr. Jefferson indicated it could be an item for discussion on the April 16<sup>th</sup> agenda.

There was consensus by Council to have a Council Communication come forward to address the request.

Councilmember Hayden indicated he will not be at the May 7<sup>th</sup> Town Council meeting due to a work commitment.

Mayor Northern announced future Council meetings dates are April 16<sup>th</sup> and 19<sup>th</sup>. Councilmember Wise indicated he will not be at the April 19<sup>th</sup> meeting.

**M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:18 p.m. on Monday, April 2, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 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 April 2, 2012, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

Deputy Mayor Pro Tem Lyda moved to authorize the Mayor to execute a Chapter 380 Incentive Agreement with Direct Development on behalf of the Town and relative to Cross Timbers Village. Councilmember Hayden seconded the motion.

**VOTE ON MOTION**

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

**NAYS:** None.

- 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 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, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

- d. *Titan Operating, LLC v. Town of Flower Mound, et al.*, Cause No. 2010-60411-393, pending in the 393<sup>rd</sup> Judicial District Court of Denton County, Texas.

No action taken.

- e. Consultation with the Town Attorney regarding legal issues associated with Attorney General Opinion RQ-1034-GA, and all matters incident and related thereto.

No action taken.

- f. Consultation with the Town Attorney regarding legal issues regarding Section 3.03.1 of the Town Charter, and all matters incident and related thereto.

No action taken.

**O. ADJOURN REGULAR MEETING**

Mayor Northern adjourned the meeting at 8:49 p.m. on Monday, April 2, 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

  
MELISSA D. NORTHERN, MAYOR

ATTEST:

  
THERESA SCOTT, TOWN SECRETARY