

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20TH DAY OF MAY, 2013, 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:

Tom Hayden	Mayor (arrived at 6:19)
Kendra Stephenson	Mayor Pro Tem
Mark Wise	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Steve Dixon	Councilmember Place 4
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager (left at 8:05 p.m.)
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Stephenson called the regular meeting to order at 6:03 p.m.

B. INVOCATION

Denton County Commissioner Bobbie Mitchell gave the invocation.

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

Flower Mound's Troop 280 led the pledges.

D. APPROVAL OF MEETING MINUTES

1. Consider approval of the minutes from a work session of the Town Council held on April 18, 2013.
2. Consider approval of the minutes from a regular meeting of the Town Council held on May 6, 2013.

Councilmember Dixon moved to approve the minutes from a work session of the Town Council held on April 18, 2013, and to approve the minutes from the regular meeting of the Town Council held on May 6, 2013. Councilmember Levenick seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Levenick, Webb

NAYS: None.

E. CANVASS OF MAY 11, 2013, GENERAL ELECTION AND OATHS OF OFFICE

3. Consider approval of an ordinance canvassing returns and declaring results of a General Election held May 11, 2013, for the purpose of electing council member Places 1, 3, and 5.

Ms. Scott gave a presentation identifying or noting:

- Unofficial results of the May 11, 2013 Election
- Voter turnout

Mayor Pro Tem Stephenson moved to approve an Ordinance canvassing returns and declaring results of a General Election held May 11, 2013 for the purpose of electing Councilmembers Place 1, 3, and 5. Councilmember Dixon seconded the motion.

ORDINANCE NO. 19-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF A GENERAL ELECTION HELD MAY 11, 2013, FOR THE PURPOSE OF ELECTING COUNCIL MEMBER PLACES 1, 3, AND 5, OF THE TOWN OF FLOWER MOUND, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Levenick, Webb

NAYS: None.

- a. Administer Oaths of Office and issue Certificates of Election.

Denton County Commissioner Bobbie Mitchell administered the Oaths of Office to:

- Michael Walker
- Mark Wise
- Jean Levenick

Ms. Scott announced that each newly elected official has signed a Statement of Elected Office.

Mayor Pro Tem Stephenson presented each newly elected official with a Certificate of Election.

F. RECOGNITION OF, AND ANNOUNCEMENT FROM, OUTGOING MAYOR PRO TEM KENDRA STEPHENSON

Mayor Pro Tem Stephenson offered her comments, which including reflecting on past accomplishments and experiences as a member of Council, appreciation of staff, ways the Town can control oil and gas drilling in the community, and expressed appreciation of her family.

Mayor Hayden and other Council members expressed appreciation and recognition for her service.

Mayor Hayden announced he visited with Denton County Sheriff Will Travis over the weekend and requested he share with the public what they are doing this upcoming weekend.

Denton County Sheriff Will Travis announced they, along with twelve other agencies, will be doing lake patrols on Lake Lewisville in order to make the lake safer for families.

The Town Council recessed at 6:45 p.m.

The Town Council reconvened at 6:47 p.m. with the following members present:

Tom Hayden	Mayor
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

G. ANNOUNCEMENTS FROM NEWLY ELECTED COUNCIL MEMBERS MICHAEL WALKER, MARK WISE, AND JEAN LEVENICK

Newly elected Councilmembers Wise, Walker, and Levenick offered their comments, which included thanking the voters for their support as well as a shared excitement for the work ahead and interest in working with everyone.

H./I. CLOSED/OPEN MEETING

The Town Council to convene into a closed meeting at 6:50 p.m. on May 20, 2013, pursuant to Texas Government Code Chapter 551.074 and 551.072 to discuss matters relating to personnel, and real property and reconvened into an open meeting at 7:19 p.m. on May 20, 2013, to take action on the items as follows:

- a. Discuss and consider election of Mayor Pro Tem.

Councilmember Wise moved to elect Steve Dixon as Mayor Pro Tem.
Councilmember Levenick seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None.

- b. Discuss and consider election of Deputy Mayor Pro Tem.

Councilmember Wise moved to elect Bryan Webb as Deputy Mayor Pro Tem. Mayor Pro Tem Dixon seconded the motion.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None.

- c. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes (Senior Center) and all matters incident and related thereto.

No action taken. Mayor Hayden encouraged those interested in the possibility of a senior center to attend the May 23rd joint Council and PALS Board meeting at 6:00 p.m.

J. PUBLIC PARTICIPATION

The names below do not necessarily reflect the order in which each person spoke.

Jody Smith, 3705 Sarah Springs, Flower Mound, TX

Ms. Smith provided background information related to the establishment of the senior center.

Ms. Smith pointed out that assisting communities in need after a disaster needs to be planned out so that efforts don't get wasted.

Gregory Sawko, 1172 Bent Oaks Dr, Flower Mound, TX

Mr. Sawko announced their firm has served as the Town's outstanding tax attorney for 17 years. He provided background information related to their work for the Town during that time. He expressed concern that the Town might not get the same service by switching attorneys.

Lorraine Gonya, 2217 Shumard Ln, Flower Mound, TX

Ms. Gonya expressed concern related to overcrowding at the current senior center and interest in having a larger senior center.

Arline Borcharding, 6428 Eagle Creek, Flower Mound, TX

Ms. Borcharding expressed concern related to overcrowding at the current senior center and interest in having a larger senior center.

Don Shields, 3815 Cortadera Ct, Flower Mound, TX

Mr. Shields offered appreciation for the work of Town Council.

K. ANNOUNCEMENTS

No announcements by the Mayor or Town Council.

L. TOWN MANAGER'S REPORT

1. Update and status report related to Capital Improvement Projects.

Mr. Stathatos reported that the Post Oak Park ribbon cutting was this afternoon and it's the Town's 52nd park. The Town was able to add 135 trees above what the tree inventory was before the project started.

Mr. Stathatos also announced that on Thursday night, in addition to the senior center, there will be discussions related to other park and recreation improvements that have been discussed by the Council, PALS Board, and within the Parks Master Plan.

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported he will be attending the International Council of Shopping Centers to visit with targeted retailers.

3. Introduction of Identifying and Notifying "I.N. the know" drug intervention program.

Sergeant Colin Sullivan, Flower Mound Police Department

Mr. Sullivan introduced Ms. Kathy O'Keefe, founder of a non-profit organization in Flower Mound, and noted she has been instrumental in bringing awareness to the drug issues facing our community.

Sullivan: The Police Department, LISD (the Choices Program), organizations like Winning the Fight, and the Mayor and Council, have done an excellent job at bringing awareness to this issue and trying to educate our parents. But there is still more to do. The drug problem facing our community and schools continues to be a threat to our young people. For this reason there is a new drug intervention program the police department has come up with called "I.N. the know", and the "I" stands for identify and the "N" for notify. The goal of the program is to reach out to at risk school age children who may be experimenting or using hard drugs, specifically heroin. Once identified they would reach out to these young people and their families, and 1) make sure that their families are aware that their son or daughter is involved in these hard drugs, and 2) give them the resources and support they need to get that young person back on the right track. The goal is not to put kids in handcuffs and sending them to jail. It's not about getting them

kicked out of school and suspended from the football team. It's not about embarrassing anyone. It's about working with the families and saving lives. That is the priority. He provided an example of a recent overdose situation that happened in Flower Mound, noting the importance of catching the addiction early on in order to give the families the resources they need. When we look at overdoses like this we see a pattern. Parents sometimes find out about their kids friends using drugs, but don't call the mom or dad because they don't want to get involved or they don't think it's their place. The school sometimes identifies young people that they think are using hard drugs, but because it's not happening on campus or they can't prove it, those parents aren't contacted. The Police Department also identifies young people through the course of their narcotic investigations, but because we don't have the evidence to file a criminal case, we don't contact the parents. That silence must stop. We as a community must speak up and we must reach out to those young people and their families. I have already started working with the schools, the parents, and the students. I have already reached out to a dozen families and I have a dozen more on the list. Let me stress that the Police Department, and all of its resources, will continue to target those individuals that are dealing drugs to our children. But when it comes to the end user, the family is the answer, not the police department, and not the school, but the family – with the resources and support. "I.N. the Know" – identify and notify does that.

Mayor Hayden encouraged the police staff to reach out to our neighboring cities such as Highland Village and Lewisville, school districts, and the sheriff, to make this a community based program. He gave the example of being aware of two kids that go to Marcus that were recently arrested for selling drugs, and they are Highland Village residents, but Marcus students, noting it's not just a Flower Mound issue.

Councilmember Webb announced there will be a community wide drug summit/forum all day on August 10, 2013 at Trietsch and encouraged the community to participate by attending, listening, asking questions, and to be a part of finding a solution. It will be a conversation on the issue.

Mayor Hayden pointed out having conversed with the Fire Department on the topic and it was communicated to him they have been out on calls related to overdose of prescription drugs by adults.

4. Master Plan update.

Stathatos: The Master Plan update is in the current budget. It was already approved. Through that normal course of implementation of the budget, we're going to begin working with a consultant, which will include bringing a proposal back to the Town Council.

Hayden: What is your timing as to when this would happen?

Stathatos: I would like to get a proposal to the Council in June and the update could be accomplished in approximately four months.

M. CONSENT ITEMS

Councilmember Levenick moved to approve by consent Items 4, 5, and 6. Deputy Mayor Pro Tem Webb 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.

4. **Consider a Resolution of the Town Council of the Town of Flower Mound, Texas, declaring the extent of its corporate limits and areas of extraterritorial jurisdiction ("ETJ"), in accordance with the provisions of the 2004 boundary agreement between the Town of Flower Mound and the Town of Bartonville, as amended; providing that the Town's ETJ has not been extended as a consequence of certain actions of the Town Council of the Town of Bartonville, Texas; making findings; and providing an effective date.**

RECOMMENDATION: Move to approve a Resolution of the Town Council of the Town of Flower Mound, Texas, declaring the extent of its corporate limits and areas of extraterritorial jurisdiction ("ETJ"), in accordance with the provisions of the 2004 boundary agreement between the Town of Flower Mound and the Town of Bartonville, as amended; providing that the Town's ETJ has not been extended as a consequence of certain actions of the Town Council of the Town of Bartonville, Texas; making findings; and providing an effective date.

RESOLUTION NO. 13-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING THE EXTENT OF ITS CORPORATE LIMITS AND AREAS OF EXTRATERRITORIAL JURISDICTION ("ETJ"), IN ACCORDANCE WITH THE PROVISIONS OF THE 2004 BOUNDARY AGREEMENT BETWEEN THE TOWN OF FLOWER MOUND AND THE TOWN OF BARTONVILLE, AS AMENDED; PROVIDING THAT THE TOWN'S ETJ HAS NOT BEEN EXTENDED AS A CONSEQUENCE OF CERTAIN ACTIONS OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of an agreement with Solutions for Local Control, LLC, for legislative consulting services from June 1, 2013, through June 1, 2015.

RECOMMENDATION: Move to approve an agreement with Solutions for Local Control, LLC, for legislative consulting services from June 1, 2013, through June 1, 2015.

6. Consider approval of Change Order No. 2 for the Wichita Trail, Phase II project, amending the contract with Felix Associates of Florida, Inc., DBA Lone Star Civil Construction, Inc., for an increase of \$23,926.27, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 2 for the Wichita Trail, Phase II project, amending the contract with Felix Associates of Florida, Inc., DBA Lone Star Civil Construction, Inc., for an increase of \$23,926.27, and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None.

N. REGULAR ITEMS

7. The first of two Public Hearings to review Chapter 50, Article III, "Offenses regarding Minors," Division 2, "Curfew."

Staff Presentation

Captain Wess Griffin provided background information related to the statute associated with the Ordinance, reasoning for the review, statistics associated with citations and types of violations after curfew hours.

Walker: Asked if the decline in curfew violation incidents is due to enforcement or education.

Griffin: A combination of both.

Mayor Hayden opened the Public Hearing at 7:54 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 7:54 p.m.

Mayor Hayden announced that action will be considered following the second public hearing scheduled June 3, 2013.

8. Consider a Professional Services Agreement with Elsey & Elsey for the collection of all outstanding taxes receivable and terminate the existing professional services agreement with Sawko & Burroughs.

Staff Presentation

Stathatos: This item was previously postponed by Council and outlined the due diligence that has taken place since this item was last on the agenda, including contacting the Flower Mound Bar Association to invite anyone interested in submitting a proposal for consideration with respect to initially the delivery of services of delinquent tax collection and related fees (i.e. court, utility billing, etc.). Since that time seven interested parties responded to the initial request for proposals. Once we sent out the questionnaire, before then we thought it might be easier if we separated the two aspects into a delinquent tax collection agreement, which those fees for that service are actually passed through – paid for by the delinquent taxpayer. The next call would be for all the other related fees and that will be in the very near future. So we focused on delinquent tax collection to begin with, and only five of the firms responded to the questionnaire that basically asked for the amount of experience – whether they had actual experience with collecting delinquent taxes, and where they were located. Once we got the responses staff reviewed it, and there were two firms that had actual experience with delinquent tax collections. One of those was a Flower Mound firm. The two firms that have collection experience were Sawko & Burroughs (the current service provider) and then Elsey & Elsey. Due to them meeting the requirement or the preference in terms of location, and having prior experience, the Town staff is recommending Elsey & Elsey just for the delinquent tax collection services, and because we would only want, in my opinion, one sole provider of this service, we simultaneously recommend that the existing agreement with Sawko & Burroughs be considered for termination.

Hayden: Could you explain in more detail how we are splitting the two items and why we're only considering one and not both tonight.

Stathatos: As mentioned, delinquent tax collection fees are paid by the delinquent taxpayers so the Town of Flower Mound doesn't actually pay for those services being provided. The other agreement would be for things like municipal court fees, utility fees, and all of the other fees. That is a separate set of services that is actually paid for by the Town of Flower Mound. So we thought that it would be productive and helpful to separate the two services. First of all, for transparency so you can see who is paying for the different sets of services, such as the people that are actually causing the service to be incurred and then the other side being the Town of Flower Mound, since we would actually be contracting to have those services provided for Town accounts. That is why we decided to separate them out. And also one of the reasons we did that was because they are somewhat diverse experience sets. If the Council approves this endeavor, then within the next week we will submit a questionnaire again to the initial seven parties to see if anyone is interested in responding, and we would then come back with another recommendation. So within the next month or so we should have both service providers under agreement.

Webb: If we change the provided for the delinquent tax collections, how does that work? In the back up material it notes that Sawko & Burroughs collects money, not just from last year's taxes, but perhaps from taxes that were due 5 – 7 years ago. Will they continue to work that portfolio of delinquent taxes and then going forward it would transition, or would that portfolio get packaged up over the next 6 – 9 months and bundled up and brought over to the new firm?

Stathatos: It's up to the discretion of Council. I would recommend that all of the existing collection efforts that are underway stay with Sawko & Burroughs. In this way it would be less confusing and make for an easier transition. That way, Eley & Eley, assuming that the Council supports their selection, would be able to begin anew with cases starting July 1st.

Webb: Agreed with that idea in concept because work has already begun on those items, and the provider is only getting paid when they are successful and they have already expended time and resources to do so. For that reason, I would prefer to allow them to have the opportunity to continue to work that through to reclaim their investment that they have already have on those accounts within that portfolio.

Webb: Indicated he wanted to make sure that the motion is clear in that any action taken for work underway now by Sawko & Burroughs allows them to have the opportunity to conclude that.

Welch: The contract provides that it's effective for the 2012 tax year so that should take care of that.

Deputy Mayor Pro Tem Webb moved to approve a Professional Services agreement with Eley & Eley for the collection of all outstanding taxes receivable and terminate the existing professional services agreement with Sawko & Burroughs, P.C., authorizing the Mayor to execute same on behalf of the Town. Councilmember Levenick seconded the motion.

Council Discussion:

Levenick: When this item was originally put on the agenda it got completely blown out of proportion. One of the things this Council has been trying to do is focus on our local businesses in Town and keeping jobs here in Flower Mound. A few residents have inquired why we didn't do an RFP or RFQ for these legal services and how it was disappointing and shameful that we didn't do that and to make decisions like that without any consideration. In 2011, at that time the Council decided to hire an attorney specifically to deal with the Upper Trinity Case. That attorney gets paid by taxpayer funds. There wasn't an RFP or an RFQ done for that and it's hardly close to the \$25,000 a year that is being paid that will generate out of this contract. I appreciate people having questions and wanting to know what is going on, but when you explain to somebody that an RFP or an RFQ is not necessary and this is a decision that the Town decided to go with as it fits the direction we wanted to take, it would be really helpful if sometimes people accept the answer that is given. You might not agree with it but accept it and let's move on and stop making it into something that it is not.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Wise

ABSTAIN: Dixon

NAYS: None.

O. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Councilmember Levenick indicated she may not be at the June 17th meeting.

P./Q. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:05 p.m. on May 20, 2013, 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 8:24 p.m. on May 20, 2013, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

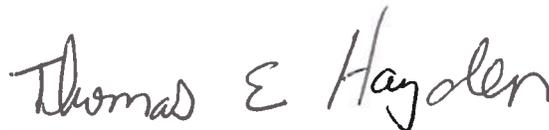
- b. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes (Senior Center) and all matters incident and related thereto.

No action taken.

R. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 8:25p.m. on May 20, 2013.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

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