

**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 16TH DAY OF SEPTEMBER, 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
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

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

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Chuck Russell	Planning Manager
James Hoefert	Environmental Review Analyst
Tammy Wilson	Director of Financial Services
Eric Metzger	Fire Chief

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:04 p.m.

**B. INVOCATION**

Chaplain Jonathan Bell gave the invocation.

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

Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. Proclamation for Blood Cancer Awareness Month, accepted by the North Texas Chapter of The Leukemia & Lymphoma Society (LLS)

Mr. Bob Barker accepted the proclamation for Blood Cancer Awareness Month.

2. Flower Mound Youth Sports Association (FMYSA) plaque presentation to the Town

Charles Berneche, President, Youth Sports Association provided background information about the Youth Softball Association and the types of activities that take place during the tournament event. He presented the Town Council, as well as Town employee Chase Houston, with a plaque in appreciation of the Town serving as host for this past year's World Series baseball tournament.

3. Proclamation for Timber Creek Elementary School for Healthy Zone School Recognition Program

Ms. Amy Acosta and Ms. Laura Dutt, accepted the Proclamation.

**E. PUBLIC PARTICIPATION**

Ted Gonza, 2217 Shumard Ln, Flower Mound, TX 75028

Mr. Gonza offered the following comments:

- Expressed appreciation for Town employee Jaime and her work in organizing a recent senior dance.
- Indicated there is a need for a speed limit reduction in his neighborhood based on a lower speed limit in a neighboring subdivision. He requested the speed limit change from 30 to 25 mph.
- On Firewheel (on Firewheel from Primrose) he questioned why there isn't a stop sign on Firewheel because getting across Primrose is not easy. He noted there are seven streets that come out on to Firewheel and they all have their own stop signs.

Mayor Hayden briefly explained the petition process associated with requesting a speed limit or stop sign change.

Councilmember Levenick provided a statement of fact related to the reasoning for the stop sign being put in place, particularly due to the number of accidents that occurred at the location referenced.

Stathatos: Confirmed that the location is at Firewheel and Primrose and indicated staff will look into it.

Stephanie McQueen, 3313 Harris Rd, Flower Mound, TX 75022

Ms. McQueen expressed appreciation of Town Council for their efforts with a recent situation they encountered in working with LISD on an issue related to the placement of the Flower Mound High School athletic fields.

**F. ANNOUNCEMENTS**

Mayor Pro tem Dixon pointed out that the television quality is poor (cutting in and out) and hoped it would be fixed by the next Council meeting.

Councilmember Levenick announced the Flower Mound Colorful History event is scheduled for September 21<sup>st</sup> from 2 – 3:00 p.m.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects
  - No updates.
2. Update and discussion on Economic Development projects.
  - Academy is currently moving in merchandise with a plan to open Oct. 11<sup>th</sup>
  - BNSF Logistics moved their global headquarters to Flower Mound and will be occupying space in November
  - LaMadeleine has applied for their tenant finish out
  - The restaurant and retail survey was finalized this past week and within the next two weeks we will have comprehensive analysis of the feedback and we will present that to the Town
  - The Town is a finalist for two major corporations and that announcement will come hopefully by the end of the week.
  - FM 407 is finally opened and the area retailers are pleased
3. Update on the Master Plan Review Process.

Mr. Dalton provided an update on the Master Plan Review Process identifying or noting:

- Upcoming meeting dates
- Timeline related to steps taken since August 5<sup>th</sup>
- Project goals and four focus areas
- Promotional efforts in getting the word out to the public
- Information that can be found on the Town website
- Engagement opportunities
- Feedback received to date
- Availability of live polling during the meeting as a way to get additional feedback
- Next steps

**H. CONSENT ITEMS**

Mayor Pro Tem Dixon moved to approve, by consent, Items 1 – 9; 11 - 12. 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.

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 August 5, 2013.

**RECOMMENDATION:** Move to approve 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 August 5, 2013.

2. Consider approval of the minutes from a Town Council work session held on August 15, 2013.

**RECOMMENDATION:** Move to the minutes from a Town Council work session held on August 15, 2013.

3. Consider approval of an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Ordinance No. 34-13, which ordinance ordered a special election to be held on Tuesday, November 5, 2013, for the purpose of voting "for" or "against" a proposition whether River Walk Public Improvement District No. 1 should be created in the town, by amending the early voting dates and times in both Denton county and Tarrant county; making findings; and providing for an immediate effective date.

**RECOMMENDATION:** Move to approve an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Ordinance No. 34-13, which ordinance ordered a special election to be held on Tuesday, November 5, 2013, for the purpose of voting "for" or "against" a proposition whether River Walk Public Improvement District No. 1 should be created in the town, by amending the early voting dates and times in both Denton county and Tarrant county; making findings; and providing for an immediate effective date.

#### **ORDINANCE NO. 34A-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 34-13, WHICH ORDINANCE ORDERED A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, FOR THE PURPOSE OF VOTING "FOR" OR "AGAINST" A PROPOSITION WHETHER RIVER WALK PUBLIC IMPROVEMENT DISTRICT NO. 1 SHOULD BE CREATED IN THE TOWN, BY AMENDING THE EARLY VOTING DATES AND TIMES IN BOTH DENTON COUNTY AND TARRANT COUNTY; MAKING FINDINGS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

4. Consider approval of thirteen engineering firms to provide professional engineering services and three firms to provide professional material testing services to the Town, for a one-year term ending September 16, 2014.

**RECOMMENDATION:** Move to approve thirteen engineering firms to provide professional engineering services and three firms to provide professional material testing services to the Town, for a one-year term ending September 16, 2014.

5. Consider approval of the purchase of one 3/4 ton extended cab pickup with bed-mounted valve exerciser for the Public Works Department from Sam Pack's Five Star Ford, in the amount of \$57,910.66, through the Houston-Galveston Area Council of Governments (HGAC) cooperative.

**RECOMMENDATION:** Move to approve the purchase of one 3/4 ton extended cab pickup with bed-mounted valve exerciser for the Public Works Department from Sam Pack's Five Star Ford, in the amount of \$57,910.66, through the Houston-Galveston Area Council of Governments (HGAC) cooperative.

6. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of Ordinances by amending Section 70-777 relative to the charges for the Stormwater Utility System fee.

**RECOMMENDATION:** Move to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of Ordinances by amending Section 70-777 relative to the charges for the Stormwater Utility System fee.

#### **ORDINANCE NO. 40-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND THROUGH THE AMENDMENT OF APPENDIX A "FEE SCHEDULE" BY AMENDING SECTION 70-777 RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

7. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of Ordinances by amending Section 30-92 relative to the establishment of new Emergency Medical Services fees for single-usage disposable items.

**RECOMMENDATION:** Move to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of Ordinances by amending Section 30-92 relative to the establishment of new Emergency Medical Services fees for single-usage disposable items.

**ORDINANCE NO. 41-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND THROUGH THE AMENDMENT OF APPENDIX A "FEE SCHEDULE" BY AMENDING SECTION 30-92, EMERGENCY AMBULANCE SERVICE FEES, RELATIVE TO THE ESTABLISHMENT OF NEW EMERGENCY MEDICAL SERVICES FEES FOR SINGLE-USAGE DISPOSABLE ITEMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

8. Consider approval of a Memorandum of Agreement with Dr. Sean Fleming, MD, as Medical Director, in the amount of \$32,070.21 for EMS Medical Direction and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Memorandum of Agreement with Dr. Sean Fleming, MD, as Medical Director, in the amount of \$32,070.21 for EMS Medical Direction and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2012 and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, Ordinance No. 01-13 and Ordinance No. 24-13, for adjustments to the Neighborhood Improvement Fund.

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2012 and ending on September 30, 2013, as adopted by Ordinance No. 40-12 and amended by Ordinance No. 56-12, Ordinance No. 01-13 and Ordinance No. 24-13, for adjustments to the Neighborhood Improvement Fund.

**ORDINANCE NO. 42-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2012, AND ENDING ON SEPTEMBER 30, 2013, AS ADOPTED BY ORDINANCE NO. 40-12 AND AMENDED BY ORDINANCE NO. 56-12 AND ORDINANCE NO. 01-13 AND ORDINANCE NO. 24-13, BY PROVIDING FOR ADJUSTMENTS TO THE NEIGHBORHOOD IMPROVEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

*Item 10 pulled from Consent and moved to Regular Items.*

11. Consider approval of an ordinance vacating and abandoning the western 2.5 feet of the existing 7.5-foot-wide utility easement located across the backyard of Lot 40, Block V, of the Wellington Estates Phase 3 Addition, which lot is more commonly known as 3512 Jennifer Drive. The Wellington Estates Phase 3 Addition is generally located east of Flower Mound Road and south of Quail Run Road.

**RECOMMENDATION:** Move to approve an ordinance vacating and abandoning the western 2.5 feet of the existing 7.5-foot-wide utility easement located across the backyard of Lot 40, Block V, of the Wellington Estates Phase 3 Addition, which lot is more commonly known as 3512 Jennifer Drive. The Wellington Estates Phase 3 Addition is generally located east of Flower Mound Road and south of Quail Run Road.

**ORDINANCE NO. 43-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE WESTERN 2.5 FEET OF THE EXISTING 7.5-FOOT-WIDE UTILITY EASEMENT LOCATED ACROSS THE BACKYARD OF LOT 40, BLOCK V, OF THE WELLINGTON ESTATES PHASE 3 ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 3512 JENNIFER DRIVE; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THE SAID EASEMENT AS DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

12. Consider approval of a Developer Participation Agreement with Greystar Development, LLC, for the construction of a 12-inch diameter sanitary sewer line, west of Long Prairie Road (FM2499) near its intersection with Lakeside Parkway, and related infrastructure improvements; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Developer Participation Agreement with Greystar Development, LLC, for the construction of a 12-inch diameter sanitary sewer line, west of Long Prairie Road (FM2499) near its intersection with Lakeside Parkway, and related infrastructure improvements; and authorization for the Mayor to execute same on behalf of the Town.

13. Consider approval of a Professional Services Agreement with Gateway Planning to prepare a small business development plan, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Gateway Planning to prepare a small business development plan, and authorization for the Mayor to execute same on behalf of the Town.

*Removed from Consent at the request of the Town Manager to allow for additional due diligence. No action taken by Town Council.*

**VOTE ON MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

**I. REGULAR ITEMS**

10. Consider the subdivider's request for a ten-month extension of the Town Council's approval of the Development Plan (DP 07-11) for Orchard Flower, pursuant to Section 90-57(b) of the Town's Code of Ordinances, thereby extending the time period within which the record plat for Orchard Flower must be filed from 18 months to a time period of no more than 28 months from the original date of approval of said Development Plan. The property is generally located at the northwest corner of the intersection of Old Orchard and Flower Mound Road.

**Applicant Presentation**

Curtis Shore, 3317 Northwood Dr, Highland Village, TX

Mr. Shore indicated that Orchard Flower is a 27-acre subdivision at the northwest corner of FM 3040/Flower Mound Road and Old Orchard Road. He provided background information related to current and past project partners. He noted that in accordance with the current development plan at this time they have three legitimate offers on the table. All of the buyers are capable builders and the owner would like to sell and have a decision made by the end of September of this year. The Development Plan that is in place expires in October and the request is for a ten month extension in order to sell the property and have it developed in accordance with the original negotiated plan.

Deputy Mayor Pro Tem Webb moved to approve the subdivider's request for a ten-month extension of the Town Council's approval of the Development Plan (DP 07-11) for Orchard Flower, pursuant to Section 90-57(b) of the Town's Code of Ordinances, thereby extending the time period within which the record plat for Orchard Flower must be filed from 18 months to a time period of no more than 28 months from the original date of approval of said Development Plan. The property is generally located at the northwest corner of the intersection of Old Orchard and Flower Mound Road. Councilmember Wise seconded the motion.

**VOTE ON MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**



14. **Public Hearing to consider an application for a tree removal permit for the removal of two (2) specimen trees on property proposed for development as Whisper Creek. The property is generally located east of Long Prairie Road and north of Spinks Road. *(The Environmental Conservation Commission recommended approval by a vote of 4 to 0 at its September 4, 2013, meeting).***

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Location of the property
- Lot that is being impacted by the tree removal
- While the project was approved in 2010, there is a new developer who has new plans that aren't compatible to the previous plans that would allow the preservation of the two specimen trees on the lot
- Tree survey

Walker: Can you clarify the definition of specimen tree.

Hoefert: For this particular species its 19 inch measured at breast height. We have three classifications for specimen: 13, 19, and 25.

Walker: And can you explain the Town's requirement related to our mitigation plan.

Hoefert: For example, if you have a 26 inch tree, you take that figure and multiply it times two, and then you have to either plant 2½ to 3 inch trees (twice the deviation).

Walker: So in this case there will be less two specimen trees, but 31 new trees, correct?

Hoefert: That is correct.

Ron Stewart, Environs Group, G & A Consulting, 111 Hillside, Lewisville, TX

Mr. Stewart indicated he was representing the homebuilder for this particular home. When we originally got approved the developer came in and there were no specimen trees to be removed. These two were questionable at the time, but the developer chose to leave them on, hoping as the property is developed by a homebuilder later on that he would be able to work with it. A few things have changed. The footprint for this particular homebuilder is larger than what was anticipated by the original developer so the pads are really being maxed out.

Mayor Hayden opened the Public Hearing at 7:12 p.m.

**Public Participation**

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 7:13 p.m.

Walker: Is the applicant meeting the standard of the Town's Tree Ordinance.

Stewart: Yes, with the inches we are removing we are doubling those because they are specimen trees, and then we divide that by three (because we're putting in 3 inch caliper trees) and that brought us to 31 trees. Ironically, there are 31 lots in this subdivision and the homebuilder has agreed to put in one additional lot, and that's beyond the Town's Ordinance for three trees per lot. He will now be adding one additional tree to each lot to make up the mitigation for losing the two specimen trees. We are exceeding it by two inches.

Levenick: How big are the lots?

Stewart: SF15 so the lots would be 15,000 square feet. He showed a photograph of the pad site and where the trees would be located. He noted that for blackjacks if you start to remove too much of their existing branching structure, it stresses the tree.

Levenick: When we originally approved Whisper Creek, what was the square footage of the houses at that time and how much has it increased?

Stewart: Referenced the diagram of where the retaining wall is going in and noted it would have a small amount of room for a housing footprint. He couldn't recollect the original intent for the home pads, but they would fit within the building pad and it was "x" number of feet. The new footprints are exceeding what the pads would typically fit. Most of the other pads are not odd like this one, nor do they have the two specimens on it. Whether it's a cul-de-sac or straight frontage lot, the homes that the builder is planning all fit within the typical building pads.

Dixon: It's unfortunately the two trees look like they're about 40 feet apart.

Webb: Which one of the trees is 1491?

Stewart: Pointed out the location on the map.

Webb: Is there a way to develop the lot where one tree is retained?

Stewart: We talked about that at ECC and we reviewed it. It perhaps could be done, and we can shift one of them over, but we're still not getting quite as much depth with that particular footprint. He pointed out the ground level for the dirt around it and the trunk is 4 feet below that, so right up to the canopy right now there is about four feet of fill already. We could put up a retaining wall, but we want to keep the ground at the level it is right now. It is not impossible but at the same time we want to infringe on it as little as we can. Also, the branches are hanging over into the site where we would have to trim that particular side of the tree in order to get the scaffolding up to put up the brick.

Webb: If the homebuilder goes through something close to extraordinary measures to try and protect that tree, it's still at significant risk with the pruning that would have to take place, as well as the ground work that will be occurring around it, correct?

Stewart: We could do several best management practices around that retaining wall and other things to try to preserve it, but we're still going to have to do some major pruning and due to their sensitivity I'm not sure what the viability of that tree is going to be down the road.

Deputy Mayor Pro Tem Webb moved to approve the requested permit for the removal of two (2) specimen trees on property proposed for development as Whisper Creek. The property is generally located east of Long Prairie Road and north of Spinks Road. Councilmember Walker seconded the motion.

#### **VOTE ON MOTION**

**AYES:** Wise, Dixon, Webb, Walker

**NAYS:** Levenick

15. **Public Hearing to consider a request for rezoning (Z13-0010 – Wellington North) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located east of Auburn Drive and north of Peters Colony Road. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 9, 2013, meeting.*)**

#### **Staff Presentation**

Mr. Russell gave the following presentation identifying or noting:

- Property location
- Existing single family home
- Current land use and zoning
- Photographs of the site
- Tree survey
- Request is for a zoning change
- Agreements being arranged related to the stub road
- Coming in the next couple weeks is a development plan for 16 residential lots and a few x lots
- The reason for the development plan is because when it shifted the road to the east it does impact one specimen tree and that's coming to ECC in October, and later to Council

#### **Applicant Presentation**

Mark Howe, Howe/Wood & Company, 6617 Precinct Line Rd, Ste 200, North Richland Hills, TX

Mr. Howe gave a presentation identifying or noting:

- They have assembled two pieces of property for about 8.5 acres and went through the process of developing 16 lots, and during that process and discussion with the neighbor, they desired for them to move the street from between lot two and three on the south side, to between lot four and five on the south side of the tract. They have a detention system set up for this to be able to drain the water into that system and not impact the neighbor to the south, and we needed to have the road between lot two and three rather than four and five. So in our discussions the neighbor has agreed to take some of our sheet flow off the back of the lots on to his property and therefore allow us to move the street over to help him with is proposed project on the property to the south.
- As far as zoning is concerned, we are asking for 15,000 foot lots, in compliance with the Master Plan

Mayor Hayden opened the Public Hearing at 7:33 p.m.

### **Public Participation**

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 7:33 p.m.

Walker: With respect to increased traffic flow at that intersection (Quail Run, Peters Colony, and Auburn), historically I've never really liked that configuration and I don't know if there is any discussions about form of realignment or increased safety. He further noted having received a letter from a resident that brought this issue to the attention of Council – the perception of increased speeding. I recall when reviewing this in the past, the Town had pledged to improve overall safety. He asked if there was any new thinking relative to that configuration.

Russell: As it relates to this specific project there is not anything specific that is generated by what is being proposed that has triggered the need for any improvements on Auburn or Quail Run, however, I know the discussion did take place at P & Z in that there were concerns about traffic in the area, pedestrian safety, and some type of improvements that could be done for additional pedestrian safety. I know the applicant, as part of their development plan (for a future discussion) will have to provide pedestrian access with a sidewalk coming across from their property.

Hayden: I suspect half the people will go north toward 1171.

Walker: For this proposal, and if we're talking about new additional development at some point, if anything, we'll see more traffic flow. I am concerned where people drift when they're making that turn as I've experienced that personally. It's more about safety at this point with things like warning signs, crosswalks, and other "be careful notices" in all three of those directions that we see at that intersection.

Russell: Auburn has been improved with a concrete wide road where there is some curve, but not a lot. He pointed out the pedestrian crossing areas. He indicated he wasn't aware of anything proposed in the way of improvements for the intersection of Auburn and Quail Run at this point.

Webb: Tonight we're only talking about zoning. We have more work to do going forward. I'm seeing some concerns with the early layouts and alignments. In terms of the zoning request I don't have an issue there. When this first came up I was concerned about the property to the south and how that could integrate later. I'm glad to see that the applicant is working with the property owner to the south to shift the access point a little bit. I'm looking at the internal lineup. It's always nice to have the streets line up within it. This one doesn't. I'm not sure if there is a way to rectify that with the lot width requirements because it looks like you're half way home on it. We're starting to fill in a donut hole in this area and when it comes forward, again, I would like to see some idea as to how that will all come together versus being just a bunch of separate isolated pads and tracts.

Dixon: What is before us tonight is zoning. We have had several discussions at the Council level about this intersection of Auburn and Peters Colony over the years, so I think you've heard from two, and now three Council members - there is a concern. We want this to be a well thought out solution for the long term. From the diagram of the proposed future plan, for a future discussion, it is getting close to that curve and the land that goes north known as Auburn. I will expect a lot of good information for Council to consider. This has to be looked at from an engineering perspective. You have Peters Colony, you have Auburn, and then you have a driveway within 25 - 30 feet of that intersection.

Russell: P & Z did make a recommendation on the Development Plan and the developer's next stop, after it goes to ECC for the tree removal, would be Council.

Mayor Pro Tem Dixon moved to approve a request for rezoning (Z13-0010 - Wellington North) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

#### **ORDINANCE NO. 44-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 8.469 ACRES OF LAND SITUATED IN THE P. MALONE SURVEY, ABSTRACT NUMBER 836, AND SAID LAND BEING ALL OF LOT 2, PAT LESTER ADDITION, FROM AGRICULTURAL DISTRICT (A) USES TO SINGLEFAMILY DISTRICT-15 (SF-15) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

*Mayor Hayden opened items 16, 17, 18, and 19 at the same time.*

- 16. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014, and making appropriations for each fund and department.**

**Staff Presentation**

**Ms. Wilson gave a presentation for items 16, 17, 18, and 19 identifying or noting:**

- Budget adoption process
- Tax rate will remain at .44970 and it hasn't change since fiscal year 2001/2002
- The effective rate is at .440855, which is a calculated rate so that the Town would receive approximately the same amount of revenue on properties that were taxed in both years
- Chart of survey cities and where the Town falls regarding the tax rate
- Required language for the tax rate
- Three year general fund projection and we are maintaining a fund reserve level of 23.74% with our proposed budget. It will stay that way for the following two years and these numbers are conservative. Currently they are showing an available balance for decision packages or non-discretionary packages of \$373,000 in fiscal year 2014/15 and \$670,000 in 2015/16
- 48% of the decision packages were for one time cost
- Utility fund update
- Storm water utility fund update
- Financial policy
- Special revenue funds list (restricted use)
- Crime Control and Prevention District update
- Fire Control District update
- Changes since the proposed budget

Walker: For the general fund, conservative was mentioned on some of those assumptions. Could you elaborate a little more?

Wilson: For our revenue projections we were conservative with respect to sales and property tax. Then on the expenditure side, it includes 2% for expenditure increasing and .5% for salaries for market adjustments.

Hayden: Can you go over some of the larger one time decision packages.

Wilson: On the facility improvement projects for \$341,050, that is for several projects throughout the Town such as replacing bay doors at Fire Station Two and Three, to do a kitchen rehab at the Central Fire Station, to replace the building

management system for controlling the air at Town Hall, the Police Department, Fleet, the CAC, and other buildings. The largest one is to replace the bay doors.

Dixon: Station Two and Three? Didn't we replace a bay door at Station Three a day after I drove by there and said, "wow, they are going to replace that door".

Metzger: Yes, we did. Essentially, this is to change the overhead doors to the four-fold doors like you find at Station Four and Five. We're having continual failures with the overhead doors pulling that dead lift straight up. We have had the doors actually crash down and break some of those panels. It's for safety reasons, plus, if we get a strong wind come through; they'll keep our apparatus safe.

Dixon: Also, they are quicker.

Metzger: Very much so.

Wilson: Another one of the larger items is for the Fire Department with the personal protective gear. It's for 60 self-contained breathing apparatus to protect them when they go into a fire.

The compensation plan is for \$1.5 million.

Hayden: Of that \$1.5 million it's my understanding there is a 3% across the board increase and there is approximately \$500,000 - \$600,000 for market adjustments to go from the 50<sup>th</sup> percentiles to the 66<sup>th</sup> percentile, correct?

Wallace: Correct.

Wilson: And an additional irrigation crew.

Hayden: Pointed out that we had discussions last year about severance benefits and there were concerns about what that would cost. I believe I made the comment that our fund balance would exceed what it was at that time. How much did it go up from year over year from this time a year ago in absolute dollars.

Wallace: It was \$10.8 million last year.

Hayden: So our unassigned fund balance went up by around \$2 million.

Stathatos: That fund balance is actually the highest fund balance in Flower Mound in absolute dollars.

Hayden: For the revenues, when you look at total revenues from 2013 to 2014, we're basically showing flat revenues from one year to the next. I know one of the things that helped this year is that we had a disproportionate amount of utility franchise fee that went in. This year our sales tax collections were to be \$8.5 million and the projections for next year are \$8.7 million. That just seems low with Academy and others coming on line.

Stathatos: It is conservative. For example, with Academy, we are projecting \$20 million in sales so about \$400,000 in sales tax. Even though they are moving in merchandise and everything is going well, there is the possibility of it getting delayed or maybe they don't open until December. For the projections, we could push that up comfortably when you look at LaMadeleine and they will generate about \$40,000 a year in sales tax, and then you look at some of the other projects coming on line, but we really want to be conservative because we want to make sure they are going to open as planned. And since we monitor the budget frequently throughout the year, we can always come back and do a budget amendment to update our forecasted revenues. I will say that I would be surprised if everything that's already approved comes to fruition if our sales tax isn't at least \$9.1 or \$9.2 million.

Hayden: I want to make sure we put a priority on being able to comfortably give compensation increases. For example, there is high turnover in the Police Department and I think that's tied to compensation. I'm just looking at next year and being able to provide salary increases.

Stathatos: We're very conservative. If it was March, April, or June it would be a different projection, but because the anticipated openings hover around the beginning of the fiscal year, it's too risky to bank on it.

Hayden: As you're looking at the next five plus years, make sure to look at what the Town can do to provide competitive compensation on an ongoing basis.

Webb: Recited a section within the budget where it talks about principal issues and priorities. At the next retreat he indicated he would like to discuss modifying the language of maintaining the current tax rate. Let's have a discussion about what needs to happen to reduce the burden of our homeowner residents. If our future is looking good on the revenue side, we need to have that discussion about how we can share that increased revenue back to the homeowner residents. One of the priorities of this Council is to balance the tax base and to grow the commercial and sales tax revenue. That takes the burden off the homeowner.

Walker: I'm interested in the tracking going forward as we see these areas coming on we can look at how the ad valorem taxes are starting to register.

Stathatos: Summarized the level of non-residential development activity coming on line and the domino effect as a result.

Walker: And now with the revised incentive policy we're casting out a bigger net in the water. This will give us a greater selection as to who we want to do business with here in Town.

Hayden: For fines and forfeitures he noticed it's down a bit. He noted that six months ago there was some bad publicity about being the number one speed trap in the country. He asked the Town Manager to address that because when you look at the fines and forfeitures it doesn't bare out, so can you tell us what is happening in terms of citations.



Stathatos: The amount of citations being written continues to drop. This year they will have dropped by 38% (August to August). To put it in perspective, Roanoke is significantly smaller than Flower Mound and a lot less officers. Roanoke only writes about 300 tickets a year (give or take) fewer than Flower Mound, even though Flower Mound is significantly larger.

Hayden: Inquired about water sales and peak days.

Stathatos: The average day in water use is 12 million gallons per day in August. The highest ever was in in 2010/2011 FY and that was 31 million, and through August of this year it's at 28.29 mgd's and that's compared to our subscription amount of 41 million gallons per day.

Hayden: So the Town subscribes for 30 million from the Upper Trinity and 11 million from Dallas. At some point I would like to talk about what you think the rates might be going forward.

Hayden: In going through the budget, for the general fund, the principal amount that we are reducing in terms of our debt is approximately \$6 million a year. Over the next five years it's \$32 million, however, if you go through our CIP and you add up the new debt that we're going to take on over the next five years, it's only \$6 million. If we're reducing our debt by \$32 million, and we're only going to add \$6 million more in principal, and also our revenues are expanding, so our buildings to serve as debt is drastically improving. I mention that because there are a lot of capital improvement projects I think we should consider: Twin Coves Park, money for our trail system, etc. If you look at our Park Dedication fees, there is almost no expenditure for Park Dedication fees because in 2010, 11, 12 there weren't a lot of permits pulled and the housing starts were low so there is no park dedication fees that came in and that is the money that is going to be used for our trail system. So we heard about trails, tennis centers, road improvements, sports fields, and I think ultimately we're going to need a Fire Station out at Canyon Falls (perhaps sooner than what is budgeted for 2018 - 2023), and a police station in the center of Town. There are a lot of things that need to be considered in terms of capital improvements and it seems we will have the ability to do so over the next several years if we're reducing our debts by over \$30 million and only taking on another \$6 million in principal. Another thing for long term planning is infrastructure. I want to continue to emphasize the infrastructure we can't see (under the ground). Ultimately that could be an expensive replacement. The TIRZ District runs out in 2025 and at that time there will be about \$5 - \$6 million that will go toward the general fund that is not being considered. Maybe that can be used for infrastructure as there will be a need to update our sewers probably sooner than later.

Hayden: Summarized the 4B balance is at \$1.6 million.

1. Councilmember Levenick moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014, and making appropriations for each fund and department. Councilmember Walker seconded the motion.

**ORDINANCE NO. 45-13**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; ESTABLISHING A SINKING FUND FOR EXISTING TOWN FINANCIAL OBLIGATIONS; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SUCH SINKING FUND OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

2. Councilmember Levenick moved to ratify the property tax revenue increase reflected in the FY 2013-2014 budget. Councilmember Walker seconded the motion.

**VOTE ON THE MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

17. **Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014.**

Deputy Mayor Pro Tem Webb, as a member of the Town Council, acting as the Board of Directors for the Crime Control and Prevention District, moved to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014. Mayor Pro Tem Dixon seconded the motion.

**RESOLUTION NO. 23-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

18. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014.

Deputy Mayor Pro Tem Webb, a member of The Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, moved to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014. Mayor Pro Tem Dixon seconded the motion.

**RESOLUTION NO. 22-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

19. Consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2013, and ending on September 30, 2014, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4497 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2013.

**ORDINANCE NO. 46-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013, AND ENDING ON SEPTEMBER 30, 2014, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4497 PER ONE HUNDRED DOLLARS (\$100) ASSESSED**

**VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2013; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Mayor Pro Tem Dixon moved to adopt a tax rate of \$0.4497 per \$100, which is effectively a 2.01 percent increase in the tax rate. Councilmember Levenick seconded the motion.

Dixon: Asked for clarification on that from the Town Attorney.

Welch: This is a process as is required by state law in that every city in the state does this, particularly in a year like this when we have an increase in assessed valuations. It is an effective increase. It's not an increase in the tax rate and it's required by the Texas Property Code.

Dixon: So the tax rate is the same at .4497. It has been, and continues to be, our tax rate in Flower Mound.

**VOTE ON THE MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

**20. Consider approval of a resolution amending the financial policies of the Town of Flower Mound.**

**Staff Presentation**

Ms. Wallace gave a presentation identifying or noting:

- Purpose of the item
- Identified five items that changed and the associated reasons for each
- None of the goals changed

Mayor Pro Tem Dixon moved to approve a resolution amending the financial policies of the Town of Flower Mound. Councilmember Wise seconded the motion.

**RESOLUTION NO. 24-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF AMENDED FINANCIAL POLICIES; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

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

Hayden: For the next meeting Council should form the Charter Review Commission and asked Council to provide input to the Town Manager related to a charge for the Commission prior to that meeting.

**K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:28 p.m. on September 16, 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 9:31 p.m. on September 16, 2013, 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 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.

*Administrative Note: The following motions were repeated from September 14, 2013, due to audio technical difficulties and for the public record.*

For the Animal Services Board, Councilmember Wise moved to appoint or reappoint the following members:

**Reappointments:**

Mary O'Meara, Place 1

John Harvey, Place 3

Bobbi Lambrecht, Place 7, Alternate

Henry Meeks, Place 9, Alternate

**New Appointments:**

Michael Walker, Place 5

all with terms beginning October 1, 2013, and ending on September 30, 2015.  
Mayor Pro Tem Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

For the Board of Adjustment/Oil and Gas Board of Appeals, Mayor Pro Tem Dixon moved to appoint or reappoint the following members:

**Reappointments:**

Scott Baker, Place 5

**New Appointments:**

Alax Ryan, Place 1

Greg Martin, Place 3

Doug Fulmer, Place 7, Alternate

all with terms beginning October 1, 2013, and ending on September 30, 2015.  
Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

For the Environmental Conservation Commission, Councilmember Walker moved to appoint or reappoint the following members:

**Reappointments:**

Craig Bromley, Place 1

Russell McNamer, Place 3

Alton Bowman, Place 5

Joe Haver, Place 7

**New Appointments:**

James Gerber, Place 9, Alternate

all with terms beginning October 1, 2013, and ending on September 30, 2015.  
Deputy Mayor Pro Tem Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

For the Parks, Arts, and Library Services Board Councilmember Walker moved to appoint or reappoint the following members:

**Reappointments:**

Gloria Jones, from Place 9, Alternate to Place 1

Annette Weir, Place 5

**New Appointments:**

Brian Horran, Place 3

Denise Johnson, Place 7

Ray White, Place 9, Alternate

all with terms beginning October 1, 2013, and ending on September 30, 2015.

Deputy Mayor Pro Tem Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

For the Planning and Zoning Commission Councilmember Levenick moved to appoint or reappoint the following members:

**Reappointments:**

Eddie White, Place 1

Tom Goss, Place 3

Perfecto Solis, Place 7

Don McDaniel, Place 9, Alternate

**New Appointments:**

Dave Johnson, Place 5

with the understanding that each member also serves on the Capital Improvement Advisory Committee and SMART Growth Commission.

all with terms beginning October 1, 2013, and ending on September 30, 2015.

Deputy Mayor Pro Tem Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

For the Transportation Commission Deputy Mayor Pro Tem Webb moved to appoint or reappoint the following members:

**Transportation Commission:**

**Reappointments:**

Todd Schreiber, Place 1

Thomas Walker, Place 7

**New Appointments:**

Andrew Osantowski, Place 3

Don Gilmore, Place 5

Stan Nelson, Place 9, Alternate

Councilmember Levenick seconded the motion.

**VOTE ON THE MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

- d. Consultation with the Town Attorney regarding interpretation of various provisions of Town development and related land use regulations, and all matters incident and related thereto.

No action taken.

**M. ADJOURN REGULAR MEETING**

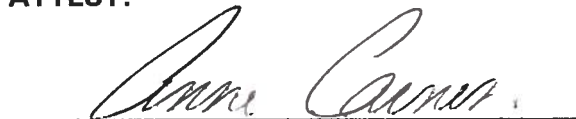
Mayor Hayden adjourned the meeting at 9:37 p.m. on Monday, September 16, 2013, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



THOMAS E. HAYDEN, MAYOR

**ATTEST:**



TERESA SCOTT, TOWN SECRETARY

ANNE CARNES, ADMIN. ASSIST.