

**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 6TH DAY OF AUGUST 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:

Tom Hayden	Mayor (arrived at 7:20 p.m.)
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
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Pro Tem Stephenson called the briefing session to order at 6:03 p.m.

**B. BRIEFING SESSION**

**1. Town Council Boards and Commissions Subcommittee Reports**

Mayor Pro Tem Stephenson reported attending a Planning and Zoning Commission meeting.

Councilmember Dixon reported attending the Development Process Review Committee.

Councilmember Dixon noted that due to the Board of Adjustment being a Quasi-judicial board, it would be his recommendation to no longer have a council liaison represented at those types of meetings. Mr. Welch agreed with that recommendation and there was consensus by Council to not attend.

**2. Discuss Consent and Regular Items**

Councilmember Dixon indicated he had some feedback for the Town Secretary with regard to how the minutes are produced and asked Mr. Welch if it was

appropriate to discuss such at this time.

Mr. Welch recommended doing so later on.

**3. Request Future Agenda Items**

Mayor Pro Tem Stephenson asked Council to be cognizant of processes associated with developments and where opportunities exist to streamline them to allow things to get through sooner, alleviating back and forth paper shuffling that could ultimately save time and frustrations.

**4. Update and status report related to the Town's mosquito control program**

Mr. Springer provided a status update as to what the Town is doing with regard to mosquito abatement, and indicated residents are being informed along the way.

Councilmember Dixon asked staff to look at the area of Native Oak and Wisdom Creek within the Toll Brothers development. He noted of the three ponds in that area the center pond does not have a fountain and requested staff review that location.

**C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER**

Mayor Pro Tem Stephenson adjourned the briefing session and called the regular meeting to order at 6:09 p.m.

**E./F. INVOCATION**

Chaplain Mark Sherrill gave the invocation and led the pledges.

**G. PUBLIC PARTICIPATION**

John Todd, 5600 Wichita Trail, Flower Mound, TX

Mr. Todd expressed concerns in three areas:

1. Stop light at Shiloh and FM 1171 is a safety concern and believes there should be a warning of the approaching light.
2. On FM 2499 just after you cross over the bridge pass the hospital there is a left hand turn lane where there is landscaping in the center island that completely blocks the view of the inside lane for anyone coming southbound on FM 2499. He noted the shrubbery needs to be lowered or moved from that intersection.
3. The intersection of Morriss and FM1171 – if going westbound drivers are completely blinded (especially during sunrise and sunset) – and believes there are sideswipes occurring. He indicated the city should have bought that corner lot to move one lane over and straighten the intersection out.

Jane Foster, 5108 Peaceful Cove, Flower Mound, TX

Ms. Foster provided an update of upcoming Chamber events.

Si Simonson, 3104 Native Oak Dr, Flower Mound, TX

Mr. Simonson provided an update regarding the Development Process Review Committee meeting and noted future meeting dates.

Paul Stone, 709 Lake Bluff Dr, Flower Mound, TX

Mr. Stone expressed his contentment with the Town at this time. He also expressed appreciation for the Texas Roadhouse and their contribution of the luncheon today to raise funds for Fort Wildflower, as well as the many other merchants that participated.

Mayor Pro Tem Stephenson asked Mr. Springer to communicate Mr. Todd's concerns to Mr. Jefferson so he can contact him with answers.

#### **H. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

Deputy Mayor Pro Tem Wise offered thanks to the Fort Wildflower Steering Committee for their hard work and personal efforts, and more specifically: Norma Krueger, Amy Weidner, Mary Kay Walker, Mike McCall, Todd Schreiber, Angie Cox, Ray White, Andie Milton, and Claudio Forest.

Councilmember Dixon expressed appreciation for Texas Roadhouse hosting the lunch fundraiser for Fort Wildflower.

Councilmember Webb announced the Summit Club participated in the Special Olympics swim meet event and offered thanks to Bryan James who introduced the Summit Club to special Olympics.

Mayor Pro Tem Stephenson announced National Night Out is October 2<sup>nd</sup> from 6:30 to 9:30 p.m. and encouraged interested neighborhood representatives to contact Justin Buck with the Police Department.

2. Mayor to provide factual update about the Morriss Road/Gerault Road roadway improvement project and comment on issues surrounding the project, including construction of the FM 2499 flyover, project funding, right-of-way acquisition, road construction issues, and project budget.

*Mayor Pro Tem Stephenson suggested tabling this item until a time Mayor Hayden can be present.*

3. Mayor to discuss limiting the technical detail required for Planning and Zoning Commission and Town Council staff reports.

Mayor Pro Tem Stephenson stated Council is going to be reviewing how much

detail is necessary in conjunction with documents submitted in packets, due to a bulk of that information not being required by ordinance and done out of tradition. In addition, there is an associated cost for both the applicant and the Town for processing that information.

Councilmember Dixon commented there is a significant amount of paperwork being generated for both Council and P & Z meetings and mentioned the Development Review Committee is also reviewing this topic. As such, each member of that committee was given a sample packet for review. He commented in addition to the cost of the paper there is the cost of manpower given the time spent in preparing that information with a bulk of it being technical details. He pointed out it's not that Council will not be reviewing the data, just in a streamlined manner which will free staff up to do more important things.

## **I. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects.
  - a) Mr. Springer announced the flyover road grand opening for Morriss/Gerault Road is scheduled for August 17<sup>th</sup> at 9:00 a.m. and he noted the estimated impact of the flyover on the reduction of time getting through the stop light at FM 2499 and Gerault is estimated at a 63% in the morning and a 46% drop in the evening.
  - b) Mr. Springer announced the Green ribbon funding for FM 1171 from 2499 to Shiloh has begun with the start of the irrigation system in preparation for the planting season in the fall.

Mayor Pro Tem Stephenson noted questions have been raised with regard to circulation within the various areas within Fort Wildflower, and more specifically, by having only one exit.

Mr. Sims identified the various areas within the playground and noted the design was based on input received from the public as well as the consultant during the design process. The one way in and out design allows for better security where children wouldn't leave the playground with strangers. He also pointed out the various retaining walls within the playground and how there are various ways to circulate within the playground via ramps and steps from within the playground amenities.

Councilmember Dixon asked if there would be shade within the playground.

Mr. Sims indicated it's not visible in the rendering; however, there is natural shade from the trees surrounding the park, other than during the 12 - 2 o'clock time frames.

2. Feedback report from developers and consultants regarding development regulations and best practices.

Mr. Springer noted this topic is in response to direction given by Council at the last meeting to contact both TIP Strategies and Retail Coach in relation to the charge of the Development Process Review Committee and to seek feedback from them as to if anything else should be covered within their scope of work. Mr. Springer indicated the one recommendation they had was for the committee to consider adopting a fast-track permitting process as an economic development incentive, and the Retail Coach agreed. Staff also reached out to the development community for feedback in terms of the charge, and feedback was received from eight developers within the Town. He noted Mr. Powell will be sharing all of the comments with the committee.

3. Lakeside DFW Project Update.

Mr. Springer stated the water and waste water studies, as well as the traffic analysis studies have been completed and shared with the developer. The Traffic Impact Analysis (TIA) is expected to be completed by mid-August and will be distributed to Council as well as the developer once completed. Lastly, in *The Weekly Briefing* there was a presentation regarding park dedication fees and park land dedication, and asked if Council had any questions related to that information.

Mayor Pro Tem Stephenson indicated she is aware staff is waiting direction as to how to process park dedication fees in relation to mixed use projects.

She noted Council has not had the opportunity to discuss the actual details, however, she commented that there needs to be a discussion with the consultants about open space and flexibility to allow amenities to supplement park dedication fees and for consideration for all mixed use projects going forward. Furthermore, adjustments to the mixed use ordinance can occur prior to Lakeside coming forward.

Councilmember Webb noted the park dedication fees is based on dwelling units, however, there are differences within a mixed use area and that needs to be evaluated based on the population that will be there.

Mayor Pro Tem Stephenson noted there needs to be consideration to not allowing too much open space because it creates sprawl.

Councilmember Dixon sought clarification in that the intent being proposed is such that if staff determines there is a good matrix to use in the mixed use ordinance that they would bring that before Council to make a change to that ordinance while the Lakeside development is going through?

Mayor Pro Tem Stephenson stated this is the only issue that has come up with Lakeside so far in which the Town doesn't have a mechanism to process it.

Councilmember Dixon stated he will have to think about that because over the last 5-7 years there have been Town Ordinance changes initiated at the same

time applications were coming through and they were specifically tied to a project, and noted in many cases it gets convoluted because of being in the middle of an applicant asking for various things and you're in the middle of making an ordinance change on those things. For that reason he has some reservations based on past experience. He noted equally Council has the opportunity to grant exceptions.

Mayor Pro Tem Stephenson summarized there is consensus by Council to explore how the town mechanically processes parkland dedication & fees and get with Gateway Planning for their feedback on appropriate open space for a mixed-use development. Furthermore:

- Consider using park fees toward parks or town trails/amenities that connect to the mixed-use development
- Limit these considerations and options to mixed-use developments only
- Allow flexibility to allow common sense give and take (staff work with Scott - consultant)
- Explore using calculations based on per 1000 residents instead of residential units since mixed-use developments are more suited for younger singles/couples with no kids and empty nesters

Councilmember Dixon asked if there was a water/wastewater or TIA study done in relation to the application at the Hines Hotel site in Lakeside.

Mr. Collins responded there was not, however, with the original application for Lakeside DFW in 1999/2000 a TIA was done for that area. The hotel was examined for traffic plans and was treated as an individual site plan with a focus on that site exclusively, and the same response applies for the water and wastewater.

Councilmember Dixon asked for a copy of the original water and wastewater, as well as the TIA studies from that time.

4. Discussion of Matrix developed from the May 22, 2012 Town Council meeting.

Mayor Pro Tem Stephenson pointed out there were a few items from that meeting in which the Town Manager wanted to obtain direction.

Mr. Springer identified each as follows:

**Limit of political signs at polling places**

Mr. Springer noted the Town can limit the number of political signs at a polling place, and to do so would require amendment to the Town Ordinance.

There was consensus by Council for the need to limit the number of

political signs at polling locations, in addition to establishing guidelines with regard to size (i.e. 3' x 5').

Mr. Welch pointed out what the current ordinance allows and gave some examples as to what other cities do in relation to addressing political signs at polling locations. He indicated limiting the number of signs per candidate would be the easiest way to enforce the ordinance. He noted there are state guidelines with regard to sign sizes the Town can adopt.

After some discussion with regard to size and quantity, there was consensus regarding an allotted amount of signs per candidate per entrance, however, there was not consensus as to the quantity (whether or not it should be two or three signs per candidate per entrance). It was decided the discussion would continue when the ordinance is brought forward. Councilmember Dixon clarified his rationale for three signs is to accommodate the candidate in a situation where a facility might have a larger parking lot versus that of a smaller parking lot (i.e. police/courts has three entrances versus the Library with two), and by limiting the signs to two, if the facility has three entrances the public wouldn't see one of those signs.

**Temporary signs: Number of signs for real estate open houses**

There was consensus to increase the amount of open house signs from a quantity of three to five.

There was some discussion regarding timing as to how long the signs would be displayed.

**Highland Village Chamber comparison**

Mr. Springer noted this item is for the purpose of sharing with Council that staff met with Highland Village representatives. He provided an overview as to how their Chamber was structured and managed.

Mayor Pro Tem Stephenson and Councilmember Dixon requested a Council Communication on the topic. She noted while Highland Village was mentioned, it wasn't the only chamber discussed. Each expressed interest in obtaining additional input.

Mayor Hayden commented being in favor of doing more with the Flower Mound Chamber in the way of Mayor/Council 12 on 12 meetings, trade shows, etc. and Mayor Pro Tem Stephenson commented there is a need to have a discussion with the Chamber with regard to how prepared are they to help in the area of medical recruitment given it's a relatively new area.

**Creation of a Town image/tag line marketing campaign**

Mr. Springer noted there is a decision package in the budget for this item, however, it is currently not funded.

Mayor Pro Tem Stephenson commented that this could be done when TIP Strategies comes forward.

Mayor Hayden stated there is a need to understand where the Town wants to go before dollars can be committed to a campaign.

Mayor Hayden noted that with regard to the economic development department, he would like to have a better understanding of what is actually being done because he gets calls from developers all the time about what other cities are doing in the area of economic development.

Mayor Pro Tem Stephenson asked when TIP Strategies will be coming forward with their final proposal.

Mr. Springer responded it's a 4 – 6 month process.

Mayor Pro Tem Stephenson commented being in favor of doing a small business round table to establish a way for issues from the business community to bubble up to the Town so they can be addressed. This would allow businesses a mechanism to obtain a resolution. In addition, she suggested a Council member be present at those meetings. She noted it could also be accomplished through the Mayor's 12 at 12 meetings as well.

Mayor Hayden suggested the small business round tables should be done on a quarterly basis.

**Work sessions and planning meetings in a different format (changing of seating arrangements)**

Councilmember Dixon noted his reasoning for recommending all Town Council meetings occur at the same location has to do with the importance of consistency regarding location for the benefit of the public. He also expressed a desire to have a structure to where Council and those participating are seated on the floor of the Council chambers. He noted, however, there are some audio and video restrictions that don't allow for such at this time.

**Review Master Plan**

Mr. Springer noted staff has prepared a decision package for hiring a consultant to assist in that process.

**Town's fee structure**

Mr. Springer noted the alarm permit fee will be discussed during the budget process. He asked for direction as to if there are other specific fees Council would like to discuss beyond alarm permits.

Mayor Hayden indicated liquor license fees and requested to get a list of the various fees the Town charges (especially those that changed in the

last 10 years).

Mr. Springer noted that information is in the binder that was provided for the Strategic Planning Session and indicated staff will resend it with *The Weekly Briefing* next week.

Mayor Pro Tem Stephenson asked if the Development Review Process Committee will be looking at the permitting fee structure.

Councilmember Dixon responded yes, they will.

There was some discussion related to a question within the alarm permit application asking about the possession of weapons in the home. There was consensus by Council to have that question removed from the application as it adds no information that would drive a different behavior from first responders.

**TxDOT & funding also to be added for inclusion of reflective tape around median noses.**

Mr. Springer noted a request to the state has been submitted, however, funding has also been included in the upcoming budget.

**Single member districts.**

Mr. Springer commented this would require an amendment to the Charter, which would be 1+ years out, however, asked if there is anything additional Council would like to add.

Mayor Pro Tem Stephenson commented the topic was broader than single member districts and a structure review as well. She noted it would be her preference to review it again in January.

Councilmember Dixon commented that when he brought this up last year his thought was that it would be a mix of at-large and single member, with a goal of making sure there was representation from the dense east side of Town and the less dense west side of Town. This would allow Council to have input with regard to needs from all areas of Town. He noted that since 2000 twenty-two people have been elected to Town Council and of those twenty-two people, four have lived east of FM 2499.

Mayor Pro Tem Stephenson noted that during the Strategic Planning Session there was discussion with regard to code of conduct ethics ordinance changes and asked for clarification from Mr. Welch as to his understanding of the direction given.

Mr. Welch responded it's his understanding that this would be covered during orientation with boards and commissions, in which some of the issues raised during the Strategic Planning Session would be addressed at that time.

5. Discuss Council Communications (CC).

a. CC 27-12: Living Local program logo selection

There was consensus by Council for Option No. 1 as the logo of choice.

b. CC 28-12: Environmental Services Quarterly Reports

Mr. Springer noted this is an opportunity to provide feedback in the way of additional information needed for that report.

Councilmember Wise questioned if the report identifies proactive measures.

Mr. Collins responded he is of the belief it does denote proactive vs. reactive and would confirm that.

Councilmember Webb suggested an explanation with regard to abbreviations would be helpful.

Mayor Hayden commented about the low level of the pond by the LISD Administrative building on Timber Creek, and indicated having received questions from residents as to why the Town doesn't utilize the existing well for that pond.

Mr. Collins responded the well currently doesn't work; however, staff is looking into restoring it.

Mayor Hayden commented the bike lanes slated for FM 1171 will be 3' on each side and questioned the safety element and asked about the possibility of 6' on one side instead.

Mr. Collins noted it's a federal highway administrated edict from the Secretary of Transportation and something that is out of TxDot's control.

Mayor Hayden asked if landscaping is slated on FM 1171 across the north right of way near Sonic.

Mr. Collins responded that is part of the Green Ribbon Phase 3 which is expected for this fall.

**J. CONSENT ITEMS**

Councilmember Levenick moved to approve by consent Items 1 – 10. Mayor Pro Tem Stephenson 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 June 18, 2012.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on June 18, 2012.

2. Consider approval of an ordinance establishing the 2012 certified appraisal roll.

**RECOMMENDATION:** Move to approve an ordinance establishing the 2012 certified appraisal roll.

**ORDINANCE NO. 24-12**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2012 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2012, and ending September 30, 2013.

**RECOMMENDATION:** Move to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2012, and ending September 30, 2013.

4. Consider accepting the submission of the notice of an effective tax rate of \$0.453947 per \$100 assessed valuation and a rollback tax rate of \$0.468651 per \$100 assessed valuation for the fiscal year beginning October 1, 2012, and ending September 30, 2013.

**RECOMMENDATION:** Move to accept the submission of the notice of an effective tax rate of \$0.453947 per \$100 assessed valuation and a rollback tax rate of \$0.468651 per \$100 assessed valuation for the fiscal year beginning October 1, 2012, and ending September 30, 2013.

5. Consider proposing a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2012, and ending September 30, 2013; scheduling the August 20, 2012, public hearing on the budget; and scheduling the September 17, 2012, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

**RECOMMENDATION:** Move to propose a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2012, and ending September 30, 2013; schedule the August 20, 2012, public hearing on the budget; and schedule the September 17, 2012, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross

Timbers Road.

6. **Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 20, 2012, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 17, 2012, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for August 20, 2012, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 17, 2012, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

7. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 20, 2012, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 17, 2012, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District move to schedule a public hearing for August 20, 2012, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 17, 2012, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

8. **Consider approval of an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2012, and ending September 30, 2013, subject to renewal for an additional one-year term; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2012, and ending September 30, 2013, subject to renewal for an additional one-year term; and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of a resolution authorizing the adoption of an amendment to the Town of Flower Mound's Program Years 2010-2014 Strategic Plan for Housing and Community Development, an amendment to the Town's Residential Anti-Displacement and Relocation Assistance Plan, and approval of the Program Year 2012 Action Plan, which is required under Flower Mound's Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RECOMMENDATION:** Move to approve a resolution authorizing the adoption of an amendment to the Town of Flower Mound's Program Years 2010-2014 Strategic Plan for Housing and Community Development, an amendment to the Town's Residential Anti-Displacement and Relocation Assistance Plan, and approval of the Program Year 2012 Action Plan, which is required under Flower Mound's Community Development Block Grant; and authorize the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RESOLUTION NO. 08-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AN AMENDMENT TO THE TOWN OF FLOWER MOUND'S PROGRAM YEARS 2010-2014 STRATEGIC PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT, AN AMENDMENT TO THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN, AND THE PROGRAM YEAR 2012 ACTION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT.**

10. Consider approval of a Professional Services Agreement with Gateway Planning Group, Inc. to provide consultant services regarding mixed use developments; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Gateway Planning Group, Inc., to provide consultant services regarding mixed use developments; and authorize the Mayor to execute same on behalf of the Town.

Council Discussion:

Councilmember Dixon commented the Town has maintained its tax rate for about 20 years and pointed out there is a Consent item within the agenda that sets the tax rate. He thanked Town employees and current and past Council members for their efforts.

**VOTE ON MOTION**

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

**NAYS:** None.

**K. REGULAR ITEMS**

- 11. Consider approval of an ordinance amending the fee for inspections outside of normal working hours.**

**Staff Presentation**

Mr. Collins gave a presentation identifying distinctions between engineering and building inspections and noted the ordinance would deal with engineering inspections. His presentation also included reasoning for the fee structure, as well as other initiatives currently underway to improve customer service.

Questions and Answers from Governing Body:

Councilmember Webb asked what percentage of work the inspectors are doing today that is outside normal work hours.

Mr. Collins responded he didn't have the percentage; however, they are working 2 – 4 hours per day outside normal working hours.

Councilmember Webb suggested expanding the definition of normal working hours with staggered hours (i.e. instead of 7 am – 4 pm perhaps shift to 6:30 am – 5:30 pm).

Mr. Collins responded that situation could work in the event they had people that were idle, however, all the staff are busy covering work.

There was some discussion relating to inspection procedures and fees in general and there was Council consensus to discuss the topic in further detail at a future meeting.

Mayor Pro Tem Stephenson moved to approve an ordinance amending the fee for inspections outside of normal working hours. Councilmember Webb seconded the motion.

**ORDINANCE NO. 25-12**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING APPENDIX A "FEE SCHEDULE" THROUGH THE ADDITION OF A NEW CHAPTER 32, "ENGINEERING," BY ADDING A NEW SECTION 32-3 RELATIVE TO THE CHARGES FOR "FLAT RATE INSPECTION FEE TO WORK OUTSIDE OF NORMAL WORKING HOURS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS: None.**

- 12. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2012, in the amount of \$7,105,000 and resolving other matters incident and related thereto.**

**Staff Presentation**

Mr. Boyd London, Financial Advisor from First Southwest provided the following presentation:



Contact:

W. Boyd London, Jr.  
Managing Director  
P: 214.953.4013  
E: boyd.london@firstsw.com

Summary of Certificates of Obligation, Series 2012 Sale

August 6, 2012

Town of Flower Mound

---

Flower Mound Executive Summary

---

- Sold one series of debt
  - Certificates of Obligation - \$7,055,000
- Ratings were affirmed by S&P at “AA+” and Moody’s at “Aa1”
  - “Sustained property tax base and economic expansion”
  - “Extremely strong wealth and very strong income levels”
  - “Sound financial performance and position”
  - “Strong financial and management policies”

TOWN OF FLOWER MOUND

Flower Mound – Comparative Ratings

	<u>Standard &amp; Poor's</u>	<u>Moody's</u>
Allen	AAA	Aa1
Carrollton	AAA	Aa1
Colleyville	AAA	NR *
Coppell	AAA	Aa1
Irving	AAA	Aaa
Lewisville	AAA	NR *
Plano	AAA	Aaa
Richardson	AAA	Aaa
Southlake	AAA	NR *
<b>Flower Mound</b>	<b>AA+</b>	<b>Aa1</b>
McKinney	AA+	Aa1
North Richland Hills	AA+	Aa2
Frisco	AA	Aa1
Grapevine	AA	Aa2
Denton	AA	NR *
Rowlett	AA-	Aa2

TOWN OF FLOWER MOUND

Flower Mound Bid Summary

	<u>Bidder</u>	<u>True Interest Cost <sup>(1)</sup></u>
1	BOSC, Inc.	2.657%
2	Southwest Securities, Inc.	2.748%
3	Hutchinson, Shockey Erley & Co.	2.813%
4	Robert W. Baird & Co., Inc.	2.869%
5	UBS Financial Services Inc.	2.878%
6	Morgan Keegan & Co., Inc.	2.888%

*(1) Based on initial bids. Subsequent structuring resulted in the final TIC of 2.605%*

TOWN OF FLOWER MOUND

Flower Mound Summary of Certificates of Obligation

---

- Par: \$7,055,000
  - All for Water and Wastewater purposes
- Proceeds: \$7,105,000
- Maturities: 3/1/13 – 3/1/32
- True Interest Cost (TIC): 2.6047913%
- Call Date: 3/1/2022

TOWN OF FLOWER MOUND



There was some discussion regarding interest rates, upgrades, and overall rating status.

Councilmember Dixon moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2012, in the amount of \$7,055,000 and resolving other matters incident and related thereto. Councilmember Wise seconded the motion.

**ORDINANCE NO. 26-12**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2012"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS:** None.

13. Consider approval of the award of Bid No. 72-12-B, to John Burns Construction Company of Texas, Inc., for the construction of the Twin Coves Park Sewer System project, in the amount of \$180,820.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Collins gave a presentation which included background information and identified service lines in conjunction with Twin Coves Park facilities. He also outlined the bid process.

Mr. Collins responded to questions from Mayor Hayden related to selection of consultants.

Councilmember Webb moved to approve the award of Bid No. 72-12-B to John Burns Construction Company of Texas, Inc., for the construction of the Twin Coves Park Sewer System project, in the amount of \$180,820.00; and authorize the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Wise seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None.

14. Consider approval of a Professional Services Agreement with RJN Group, Inc., to provide professional services for the 2012 Phase I Sanitary Sewer Evaluation Survey project, in the amount of \$314,616.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Collins provided a presentation noting the plan outlines what the Town would do over the next 10 years to manage and operate the Town's sanitary system. He pointed out the Town benefits from having a level of insurance and it is designed to minimize overflow events. He pointed out scope of work, which would include in-depth field analysis provided by RJN Group.

Mr. Collins responded to Council questions related to budgeting for these types of items, and areas where attention is needed for sewer lines.

Deputy Mayor Pro Tem Wise moved to approve the Professional Services Agreement with RJN Group, Inc., to provide professional services for the 2012 Phase I Sanitary Sewer Evaluation Survey project, in the amount of

§314,616.00; and authorize the Mayor to execute same on behalf of the Town.  
Councilmember Levenick seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None.

**L. WORK SESSION**

- 15. Receive presentation from Sawko & Burroughs, P.C. regarding the Town's delinquent tax collections and discuss contract for delinquent tax collections.**

Mark Burroughs and Greg Sawko, Sawko & Burroughs, 1100 Dallas Dr, Ste 100, Denton, TX

Mr. Burroughs provided a presentation offering:

- historical background related to his firm and Flower Mound tax collections
- expertise needs associated with tax collections
- specialized documents they produce as part of their work product to the Town

Mr. Burroughs responded to inquiries from Councilmembers related to:

- overall process associated with tax collection
- how the firm gets paid
- whether debts are dischargeable in bankruptcy court
- how uncollected taxes are handled
- 2011 delinquency amount and trends
- reporting to credit agencies
- longevity of the practice

Councilmember Dixon pointed out one of the reasons for bringing them in is due to an inquiry Council made with staff to identify if there is a Flower Mound business that offers this type of service in the interest of utilizing Flower Mound businesses.

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

Mayor Hayden indicated he would not be available at the next Town Council meeting.

**N./O. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 9:18 p.m. on August 6, 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 12:27 a.m. on August 7, 2012, 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.

No action taken.

- d. Consultation with the Town Attorney regarding legal issues associated with meet and confer negotiations pursuant to Chapter 142 of the Texas Local Government Code, including negotiation ground rules, and all matters incident and related thereto.

No action taken.

- e. Discuss personnel items.

No action taken.

**P. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 12:28 a.m. on Monday, August 7, 2012, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**



**THERESA SCOTT, TOWN SECRETARY**

THIS PAGE INTENTIONALLY LEFT BLANK