

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF JULY 2008 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:

Jody Smith	Mayor
Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem
Al Filidoro	Councilmember, Place 2
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Kent Collins	Town Engineer
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:11 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Mayor Pro Tem Trotter stated the Community Development Corporation would be holding a public hearing on August 12 at 6 p.m.

2. Discuss Pending Issues

a. Council Communications - None

3. Comments on Consent and Regular Items - None

4. Discuss Future Agenda Items - None

C. ADJOURN BRIEFING SESSION

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:12 p.m.

E. INVOCATION

Chaplain Mike Liles gave the Invocation.

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

Mayor Smith led the pledges.

G. PUBLIC PARTICIAPTION

Yolanda Junkin, 2937 Queen Mary, Flower Mound

Ms. Junkin reviewed the Town organizational chart noting the Council reported to the citizens of Flower Mound and not to gas companies and special interest groups. She reminded them of the oaths they took regarding upholding the ordinances of the Town.

Peggie Kimberlin, 3400 Mesa Drive, Flower Mound

Ms. Kimberlin stated many changes were being requested for the River Walk project. She stated the developer was mis-using the proposed hospital to get what they wanted. She referred to the downtown project in Frisco and the public/private partnership commenting that the development stalled at one point. She stated Flower Mound needed development and contractual guarantees, not promises. She encouraged the Park staff to make sure the playgrounds in Flower Mound did not use the same type of materials as was used in Richardson , where a playground had burst into flames due to the intense heat.

Shannon Summerlin, 3908 Saturn Street, Flower Mound

Ms. Summerlin thanked the Planning & Zoning Commission for making right choices on July 14. She stated the developer (River Walk) wanted to drain and dredge the pond on Saturn Street. There was no escrow account to take care of costs if the project failed. She was concerned about the stench of dead fish if the project did not move forward. She noted staff had commented that overpasses would be required to deal with the traffic after the project was completed to bring the level of service up to the **Town's** standards. She was not in favor of overpasses. She wanted to see the design and development drawings before the project was approved. She wanted the Town to require contractual guarantees from the developer to be sure what is presented is what the residents will receive. She asked the Council to protect the residents and their quality of life.

Marsha Gavitt, 6501 Meadowcrest, Flower Mound, Director of Voters United to Preserve Flower Mound

Ms. Gavitt thanked the Council for agreeing to defend the gas drilling ordinance. She stated citizens continued to sense a drift away from the **Town's** Master Plan and SMARTGrowth Plan and ordinances. She gave her examples: appointing **stakeholders'** groups consisting almost entirely of speculators; consideration of a repeal of the supermajority vote requirement; consideration of sewer in the Cross Timbers Conservation Development District; delayed approval of a new tree ordinance; fast-tracking the River Walk project; elimination of organized opposition for public comments during public hearings; elimination of verbatim citizen speeches from the minutes; less informational minutes than prior years; scheduling important meetings near holidays or during summer; choosing different locations and times for meetings; ongoing audio and video problems; and inappropriate interaction with the Oil and Gas Board of Appeal members prior to meetings should not be allowed.

Laurie Long, 2708 Lake Flower Drive, Flower Mound

Ms. Long stated the Town Secretary had been directed to discontinue putting verbatim comments from citizens in the minutes. She asked if this had been unanimous direction from the Council. While on Council she had encouraged public participation. She did not feel that the few requests received were burdensome to staff. She felt the removal of the privilege was a

disservice to the citizens and asked the Council to re-consider their direction.

Rebecca Belcher, 2900 Aberdeen, Flower Mound

Ms. Belcher stated she represented Flower Mound Citizens Against Urban Drilling, and she thanked the Council for listening to the residents. Many people had voiced their concerns about the Town's response to the Red Oak lawsuit. She stated it would be a mistake to characterize all the comments, petitions, letters and emails as anti-urban gas drilling. She stated it was not the responsibility of the community to ensure profits for developers who make poor business decisions. She felt drilling in highly dense residential areas was a threat to the Town. She encouraged the Council to not waiver in their resolve to stand up to Red Oak or any other developer.

Jan Thompson, 904 Hillside Lane, Flower Mound

Ms. Thompson referred to a Flower Mound youth group's project that was looking at environmental issues in Flower Mound. She noted that the Town of Dish was referred to in a recent newspaper article, warning of the ill effects of gas drilling. She thanked the Board of Adjustment for their ruling. Ms. Thompson stated she resigned from the Environmental Conservation Commission because she felt there were no real impacts the Commission wasmaking for the Town. She felt Flower Mound was not listening to the residents and watching gas drilling developments.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie encouraged the Council to pass Item 5 on the Consent Agenda. She stated Flower Mound was known as a highly educated and affluent community. She felt some people were putting fear before logic. She stated she voted for all the members of the Council and had faith they would represent all citizens, not just a vocal minority.

Richard Wilhoit, 2157 Breezy Wood Drive, Flower Mound

Mr. Wilhoit referred to the North Lake Highlands/Twin Cove Sewer Project and presented an additional 73 signatures to the petitions he had originally submitted to the Town. He asked that citizens be given all details about the options as well as an appropriate amount of time to make a decision. He added that he submitted questions to the Town's Engineering Division.

Marilyn Jenkins, 6761 Raintree Place, Flower Mound

Ms. Jenkins commended the Council for fighting the Red Oak lawsuit. She expressed disappointment to the Parks, Arts and Library Services Board for recommending the removal of the trailhead at Post Oak Park, and to Town Attorney Alan Lathrom for allowing emails to be read from people who lived outside of Flower Mound at the Oil and Gas Board of Appeals meeting. She expressed disappointment about a newspaper article and to staff for not having as many details about the River Walk project. She expressed that the Council seemed to be out of touch with the economic crisis. She asked what happened to the old green building standard.

H. PRESENTATIONS

Proclamation - Recreation and Parks Month

Mayor Smith presented a proclamation for Recreation and Parks Month to Town staff and members of Seniors In Motion.

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Mayor Smith noted in D Magazine Flower Mound had been chosen as the 10th best city to live in, adding the Town was one of the largest cities in that Top 10. She referred to the Town's upgraded bond rating with Standard & Poor's from AA- to AA+.

Councilmember Filidoro stated he attended the Unity in Community Luncheon at the Chamber of Commerce, where many deserving non-profit organizations were represented. PediPlace won the award for 2007.

Mayor Pro Tem Trotter thanked the citizens for speaking earlier. He stated the Council and staff were well aware of the challenges and opportunities coming before the Town and were spending countless hours on these items. He referred to an article in a local newspaper about the utility poles along FM 1171 and stated the Town had tried hard to get the message out regarding the utility relocations and the construction on FM 1171. He noted many of the improvements were only temporary while power lines were being moved.

Deputy Mayor Pro Tem Lindsey commented lately at every Council meeting he felt the public comments were spiraling and it was frustrating. He stated he was disappointed that a few people talked about troubled times and misled the public about so many items. He stated that to imply that the Council did not value public comments, was allegedly holding inappropriate meetings, and was not focused on solving oil and gas problems, was wrong. The Town Council and staff had spent more time on the oil and gas drilling issue than anything else. He stated the Council passed a very tough ordinance and reminded everyone that Flower Mound did not invite oil and gas to the Town. The Town Council was pro-active in creating a tough ordinance. He stated the comments made about the Town Secretary were unfair, and the Council was not prohibiting public comments, and the misleading information back and forth did more damage to the community. He welcomed debate and ran for office to make the community stronger. He referred to a very rude, threatening letter that the Mayor and Council had received. He stated the Council was just trying to take care of the citizens.

J. TOWN MANAGER REPORT

Town Manager Harlan Jefferson stated the double row of power lines on FM 1171 were temporary and may be gone in 5-7 weeks once the conflict of where the poles need to go in the ground is resolved. He noted a co-location agreement had been reached, and staff would continue to work on this. Mr. Jefferson stated staff was working with TxDOT on the northbound lanes of FM 2499 Section 2/FM 1171 and explained how the lanes funneled down. Staff was also working with TxDOT on the construction phasing plan and the left turn lanes on FM 2499. The lane at Dixon still needed to be addressed. He noted that there was still some low water pressure even though the Town had gone into Stage 2 of the water conservation plan. He noted the significant increase of Standard & Poor's bond rating from AA- to AA+.

K. CONSENT ITEMS

Mayor Pro Tem Trotter made a motion to approve by consent. Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. Councilmember Filidoro seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

- 1. Consider approval of minutes from a regular meeting of the Town Council held on June 16, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on June 16, 2008.

2. **Consider approval of minutes from a joint work session with the Lakeside Mixed Use Committee, work session and special meeting of the Town Council held on June 19, 2008.**

RECOMMENDATION: Approve minutes from a joint work session with the Lakeside Mixed Use Committee, work session and special meeting of the Town Council held on June 19, 2008.

3. **Consider approval of a resolution authorizing the adoption of the Program Year 2008 Action Plan for Housing and Community Development, 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: Approve Resolution No. 15-08 authorizing the adoption of the Program Year 2008 Action Plan for Housing and Community Development, 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. The caption of the resolution reads as follows:

RESOLUTION NO. 15-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2008 ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT.

4. **Consider approval to accept an award agreement from CoServ Charitable Foundation to help purchase a Fire Command and Control Vehicle, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve to accept an award agreement from CoServ Charitable Foundation to help purchase a Fire Command and Control Vehicle, and authorize the Mayor to execute same on behalf of the Town.

5. **Consider approval of a resolution recognizing the Flower Mound Professional Firefighters Association and the Flower Mound Police Association as the sole and exclusive bargaining agents for covered firefighters and police officers, pursuant to Chapter 142 of the Texas Local Government Code.**

RECOMMENDATION: Approve Resolution No. 16-08 recognizing the Flower Mound Professional Firefighters Association and the Flower Mound Police Association as the sole and exclusive bargaining agents for covered firefighters and police officers, pursuant to Chapter 142 of the Texas Local Government Code.

RESOLUTION NO. 16-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, RECOGNIZING THE FLOWER MOUND PROFESSIONAL FIREFIGHTERS ASSOCIATION AND THE FLOWER MOUND POLICE ASSOCIATION AS THE SOLE BARGAINING

AGENTS FOR THE FLOWER MOUND FIRE DEPARTMENT AND FLOWER MOUND POLICE DEPARTMENT, RESPECTIVELY, FOR THE PURPOSES OF "MEET AND CONFER," PURSUANT TO CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Consider approval of the award of Bid No. 1708 for WWTP Bio-Solids Disposal and Reuse to Terra Renewal, at the unit prices bid, in the estimated annual amount of \$220,805, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve the award of Bid No. 1708 for WWTP Bio-Solids Disposal and Reuse to Terra Renewal, at the unit prices bid, in the estimated annual amount of \$220,805, and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of an interlocal agreement between the Town of Flower Mound and the City of Plano for Risk Consulting Services, in an amount not to exceed \$3,000, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve an interlocal agreement between the Town of Flower Mound and the City of Plano for Risk Consulting Services, in an amount not to exceed \$3,000, and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of the award of Bid No. 3308-A Custodial Services to the best value bidder, Oriental Building Services, Inc., at the unit prices bid, for an estimated annual expenditure of \$165,000, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve the award of Bid No. 3308-A Custodial Services to the best value bidder, Oriental Building Services, Inc., at the unit prices bid, for an estimated annual expenditure of \$165,000, and authorize the Mayor to execute same on behalf of the Town.

9. **Consider approval of the award of SOQ No. 3008-A for Medical Services - Fire Department Annual Employee Occupational Medical Evaluation Examinations to Huguley Memorial Medical Center Assessment Center, at the unit prices agreed upon, in the estimated annual amount of \$24,500, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve the award of SOQ No. 3008-A for Medical Services - Fire Department Annual Employee Occupational Medical Evaluation Examinations to Huguley Memorial Medical Center Assessment Center, at the unit prices agreed upon, in the estimated annual amount of \$24,500, and authorize the Mayor to execute same on behalf of the Town.

10. **Consider approval of an ordinance amending Appendix A, 46-1, of the Code of Ordinances, by repealing Item G and replacing it in its entirety with a new item G and adding a new item H regarding replacement charges for lost library materials. (The PALS Board recommended approval by a vote of 10 to 0 at its June 12, 2008 meeting.)**

RECOMMENDATION: Approve Ordinance No. 39-08 amending Appendix A, 46-1, of the Code of Ordinances, by repealing Item G and replacing it in its entirety with a new item G and adding a new item H regarding replacement charges for lost library materials. The caption of the ordinance reads as follows:

ORDINANCE NO. 39-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, amending Appendix A, 46-1, BY REPEALING ITEM G AND REPLACING IT IN ITS ENTIRETY WITH A NEW ITEM G REGARDING REPLACEMENT FEES FOR MASS MARKET PAPERBACK BOOKS AND ADDING A NEW ITEM H REGARDING REPLACEMENT FEES FOR LOST LIBRARY MATERIALS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. Consider approval of a resolution by the Town of Flower Mound, Texas, suspending the August 8, 2008, effective date of Oncor Electric Delivery Company's requested rate change.

RECOMMENDATION: Approve Resolution No. 17-08 by the Town of Flower Mound, Texas, suspending the August 8, 2008, effective date of Oncor Electric Delivery Company's requested rate change. The caption of the resolution reads as follows:

RESOLUTION NO. 17-08

A RESOLUTION BY THE TOWN OF FLOWER MOUND, TEXAS, SUSPENDING THE AUGUST 8, 2008, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY REQUESTED RATE CHANGE TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

12. Consider approval of an ordinance vacating and abandoning 7.5 feet of the existing 15-foot utility easement located along the south property line of Lot 5, Block 4, Pecan Acres Residential Addition. The Pecan Acres Residential Addition is generally located west of FM 2499, north of Windsor Drive.

RECOMMENDATION: Approve Ordinance No. 40-08 vacating and abandoning 7.5 feet of the existing 15-foot utility easement located along the south property line of Lot 5, Block 4, Pecan Acres Residential Addition. The Pecan Acres Residential Addition is generally located west of FM 2499, north of Windsor Drive. The caption of the ordinance reads as follows:

ORDINANCE NO. 40-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING 7.5 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 5, BLOCK 4, PECAN ACRES RESIDENTIAL ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

13. Consider approval of an ordinance vacating and abandoning 6 feet of the existing 15-foot utility easement located along the south property line of Lot 24, Block 11, Carriage Glen at Bridlewood Residential Addition. The Carriage Glen at Bridlewood Residential Addition is generally located north of FM 1171, east of Bruton Orand Boulevard.

RECOMMENDATION: Approve Ordinance No. 41-08 vacating and abandoning 6 feet of the existing 15-foot utility easement located along the south property line of Lot 24, Block 11, Carriage Glen at Bridlewood Residential Addition. The Carriage Glen at Bridlewood Residential Addition is generally located north of FM 1171, east of Bruton Orand Boulevard. The caption of the ordinance reads as follows:

ORDINANCE NO. 41-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING 6 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 24, BLOCK 11, CARRIAGE GLEN AT BRIDLEWOOD RESIDENTIAL ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

14. Consider approval of a Sound Wall Upgrade Agreement with the Villages of Northshore Homeowners Association Inc., to accept \$83,660 for aesthetic upgrades to the FM 2499 Section II Sound Wall, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Sound Wall Upgrade Agreement with the Villages of Northshore Homeowners Association Inc., to accept \$83,660 for aesthetic upgrades to the FM 2499 Section II Sound Wall, and authorize the Mayor to execute same on behalf of the Town.

15. Consider approval of the award of a construction contract for the Rustic Timbers Park Bridge and Parker Square Connection / FM 1171 Below Grade Crossing project to Jim Bowman Construction Co., L.P., in the amount of \$453,712.50, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of a construction contract for the Rustic Timbers Park Bridge and Parker Square Connection / FM 1171 Below Grade Crossing project to Jim Bowman Construction Co., L.P., in the amount of \$453,712.50, and authorize the Mayor to execute same on behalf of the Town.

16. Consider approval of a Professional Services Agreement with Kleinfelder to provide professional geotechnical and material testing services associated with the Rustic Timbers Park Bridge and Parker Square Connection / FM 1171 Below Grade Crossing project for a not-to-exceed amount of \$18,900.00 and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a Professional Services Agreement with Kleinfelder to provide professional geotechnical and material testing services associated with the Rustic Timbers Park Bridge and Parker Square Connection / FM 1171 Below Grade Crossing project for a not-to-

exceed amount of \$18,900.00 and authorize the Mayor to execute same on behalf of the Town.

17. **Consider approval of Amendment No. 5 to the FY 2007-2008 Capital Improvement Program.**

RECOMMENDATION: Approve Amendment No. 5 to the FY 2007-2008 Capital Improvement Program.

18. **Consider the award of Bid #3208-B FM 2499 Section 2 Sound Wall Phase 2 - Lakeview Estates and Villages of Northshore, to the lowest responsible bidder, Aber Fence and Supply Company, Inc., in the amount of \$586,500.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve the award of Bid #3208-B FM 2499 Section 2 Sound Wall Phase 2 - Lakeview Estates and Villages of Northshore, to the lowest responsible bidder, Aber Fence and Supply Company, Inc., in the amount of \$586,500.00, and authorize the Mayor to execute same on behalf of the Town.

19. **Consider approval of Change Order No. 15 for construction of the Flower Mound Community Activity Center, amending the contract with Ratcliff Constructors, L.P., for an increase in the amount of \$30,459.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve Change Order No. 15 for construction of the Flower Mound Community Activity Center, amending the contract with Ratcliff Constructors, L.P., for an increase in the amount of \$30,459.00, and authorize the Mayor to execute same on behalf of the Town.

20. **Consider approval of a Challenge Partnership Agreement between the Department of the Army and Governmental Entities adjacent to Grapevine Lake, and authorization for the Mayor to execute same on behalf of the Town. (The Parks, Arts & Library Services Board recommended approval of the Agreement by a vote of 10-0 at its June 12, 2008, meeting.)**

RECOMMENDATION: Approve a Challenge Partnership Agreement between the Department of the Army and Governmental Entities adjacent to Grapevine Lake, and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Trotter, Lindsey, Levenick,
NAYS: None

L. REGULAR ITEMS

21. **Discussion and consideration of an ordinance authorizing the issuance of the Town of Flower Mound, Texas Certificates of Obligation, Series 2008 in an approximate amount of \$9,185,000 and resolving other matters incident and related thereto.**

Staff Presentation

Boyd London, First Southwest Company

Mr. London reported that the Certificates of Obligation sold at \$9,185,000 and this was a negotiated sale. He commended staff for an excellent rating presentation. He added that Flower Mound had one of the lowest tax rates in comparison to neighboring cities. The Certificates of Obligation sold at a true interest cost of 4.47%, and he recommended approval of the ordinance.

Council Deliberation

Councilmember Levenick moved to approve Ordinance No. 42-08 authorizing the issuance of the Town of Flower Mound, Texas Certificates of Obligation, Series 2008 in an approximate amount of \$9,185,000 and resolving other matters incident and related thereto. Mayor Pro Tem Trotter seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 42-08

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2008"; 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, 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: Lindsey, Trotter, Tasker, Levenick, Filidoro
NAYS: None

Reopened Public Participation

Melissa Northern, Flower Mound

Ms. Northern thanked the Council for taking time to participate in Town government. She understood that many citizens had some assumptions about the community and the Council's role. She explained that citizens moved to Flower Mound for the quality of life. She had been reviewing many of the Town projects and was thankful for them. She added there were many who had concerns about the River Walk project and felt the citizens were being held hostage in order to get a hospital. She requested to see contractual documents and due diligence, including a cost benefit analysis as to what it will cost to bring in the infrastructure and services.

- 22. CSP-08-0001 Lakeside Trade Center Phase II
Public Hearing to consider a request for a Comprehensive Sign Package (CSP-08-0001) for Lakeside Trade Center Phase II. The property is located at 100 Enterprise Road. (The Planning and Zoning Commission recommended approval by a vote of 6**

to 0 at its June 9, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the land use and zoning were not affected by this application. The applicant was requesting to recreate an existing sign.

Public Comments **None**

Close Public Hearing

Council Deliberation

Councilmember Filidoro moved to approve the Comprehensive Sign Package (CSP-08-0001) for Lakeside Trade Center Phase II. Councilmember Tasker seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Levenick, Tasker, Trotter, Lindsey

NAYS: None

23. **SP 52-07 Justin Road Express Car Wash**

Public Hearing to consider a request for a Site Plan (SP 52-07 - Justin Road Express Carwash) to develop an automatic car wash. The property is located at 3005 Justin Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 9, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the applicant was requesting approval for a car wash on Justin Road. The subject property was located in Specific Plan Area 6.

Applicants Presentation

Bobby Dollack, G&A Consultants, Lewisville

Mr. Dollack referred to the site plan for a car wash. There was an existing access easement to get to the house on the back of the property, and the plan called for future access from east to west. The car wash was a self-service wash and a worker would always be on-site. The challenge for the site had been the off-site issues. As there were no utilities in this area, other than a 6-inch line from Chinn Chapel that was served by the Bartonville Water Supply Corporation, Mr. Dollack stated they had to work with the existing area residents for easements for water and sewer. He stated they were requesting a reduction in the building line and removal of a 25' landscape buffer. He stated they would like for the 6' masonry wall to stay and they would put in an electronic gate for the existing resident behind the car wash. Some utility poles have to be relocated due to the improvements on FM 1171. He stated they had worked closely with CoServ about putting lines underground, however there was such a small frontage of property and the visual effect would be counter-productive to lowering the lines. Additionally it would be a very expensive endeavor.

Questions from the Governing Body and Answers

Councilmember Levenick asked if anything in writing had been received from the person who lives behind the car wash.

Mr. Dollack stated there had been multiple meetings with the resident, but he had received nothing in writing from them.

Councilmember Levenick asked if all the lines would be buried when FM 407 is done.

Mr. Dollack understood that TxDOT had no plans to lower the lines as they were in the existing right-of-way. Some poles and lines might be adjusted farther west.

Public Comments **None**

Close Public Hearing

Council Deliberation

Mayor Pro Tem Trotter thanked everyone for working on this matter, and added the applicant had gone above and beyond. He supported the **applicant's** requested exceptions.

Councilmember Tasker moved to approve a request for a Site Plan SP 52-07 - Justin Road Express Carwash - to develop an automatic car wash, and grant exceptions to the underground utilities provisions contained in Chapter 90 of the Code of Ordinances and access management provisions contained in Chapter 32 of the Code of Ordinances, as well as grant an exception to the compatibility buffers for landscaping pursuant to Section 82-302 and for building setback pursuant to Section 82-303, such that said compatibility buffers are reduced to 15 feet along the southern boundary of the property. Deputy Mayor Pro Tem Tem Lindsey seconded the motion.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Tasker, Levenick, Filidoro

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- August 14 - Councilmember Tasker expected to be absent and staff would survey the Council for another date

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:42 pm on July 21, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, 551.744 and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, personnel, real property, and economic development negotiations and reconvened into an open meeting at 11:49 p.m. on July 21, 2008 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.**

Deputy Mayor Pro Tem Lindsey moved to authorize the Town Manager to execute an Estoppel Certificate and related documentation for Silveron Center. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Levenick, Tasker, Trotter, Lindsey
NAYS: None

Deputy Mayor Pro Tem Lindsey moved to authorize the Town Manager to execute deeds and other related documentation relative to right-of-way acquisition for the Case De Rembrandt subdivision. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Tasker, Levenick, Filidoro
NAYS: None

- c. Discuss Red Oak Sabine LP, Red Oak Gas LP, Red Oak Gas Operating Company LP, Red Oak Gas II LP vs. the Town of Flower Mound, and the Flower Mound Oil and Gas Board of Appeals, Cause No. 2008-10189-16, pending in the 16th Judicial District Court of Denton County, Texas.**

No action taken.

- d. Discuss Wess A. Jones vs. the Town of Flower Mound, Cause No. 2008-30191-211, pending in the 211th Judicial District Court of Denton County, Texas.**

No action taken.

- e. Discuss and consider appointments to the Animal Services Board, Board of Adjustment/Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, LISD Liaison, Parks, Arts, and Library Services (PALS) Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone (TIRZ) Board, and the Transportation Commission.**

Councilmember Levenick moved to make the following appointments to the Animal Services Board: re-appoint Christina Howard to Place 2, term expiring September 30, 2010; appoint John Harvey to Place 3, term expiring September 30, 2009; and re-appoint Cathy McKaige to Place 4, term expiring September 30, 2010. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Levenick, Tasker, Trotter, Lindsey

NAYS: None

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 11:52 p.m. on July 21, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY

THIS PAGE LEFT BLANK INTENTIONALLY