

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT; AND THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 15<sup>TH</sup> DAY OF SEPTEMBER 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 (arrived 5:29 p.m.)

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	Assistant Town Manager
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

**A. CALL MEETING TO ORDER**

**B./C CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 5:27 p.m. on September 15, 2008 pursuant to Texas Government Code Sections 551.074 to discuss matters relating to personnel and reconvened into an open meeting at 6:42 p.m. on September 15 2008 to take action on the items as follows:

- a. Conduct interviews, discuss and consider appointments to the Board of Adjustment/Oil and Gas Board, 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.

No action taken.

**D. CALL BRIEFING SESSION TO ORDER**

Mayor Smith called the briefing session to order at 6:42 p.m.

**E. BRIEFING SESSION**

**1. Mayor and Town Council Liaison Reports**

Councilmember Filidoro attended the Environmental Conservation Commission meeting and thanked Chair Gerald Robinson for his service on this commission. He noted the commission received a presentation on a potential Green Residential Development. They also discussed Dutch Elm disease, and were compiling a list of ideas for new programs in the community.

Councilmember Tasker also thanked Gerald Robinson for his service to the Town.

Mayor Smith attended the PALS Board meeting. The Board planned to look at an opportunity to make a video of several notable people in Flower Mound who could recall and share Flower Mound's history.

**2. Discuss Pending Issues**

**a. Council Communications**

Councilmember Tasker stated he would like to see a cost analysis on the hybrid option for median beautification.

**3. Comments on Consent and Regular Items**

**4. Discuss Future Agenda Items**

**F. ADJOURN BRIEFING SESSION**

**G. CALL REGULAR MEETING TO ORDER**

Mayor Smith called the regular meeting to order at 6:47 p.m.

**H. INVOCATION**

Mayor Pro Tem Trotter gave the Invocation.

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

Eagle Scout Frank Seddio, Jr. led the pledges.

**J. PUBLIC PARTICIPATION**

Justin Thomason, 1900 Winding Creek Blvd., Flower Mound

Mr. Thomason referred to the gas drilling company, Cherokee Horn, and stated he was not against drilling, only the tactics that the company was using.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated two weeks ago she asked the Town Council to look into an issue that she brought forward at the meeting regarding her Public Information Request. She stated she needed a copy of the police report so that she could help settle a dispute in her neighborhood. She asked the Council to overturn the Town Attorney's decision to request an opinion from the Attorney General.

Dr. James Mahoney, 6505 Red Bud Drive, Flower Mound

Dr. Mahoney stated his child had attended Coram Deo, and he was committed to helping Coram Deo with their expansion project.

Lauren Wells, 3516 Pecan Park Drive, Flower Mound

Ms. Wells stated she was a junior at Coram Deo. She stated the teachers cared about her well-being and her success, and she spoke in favor of agenda Item 21.

Lauren Westbrook, 5112 Alexander Drive, Flower Mound

Ms. Westbrook stated as a student at Coram Deo, she had gained confidence in herself, and Coram Deo offered the finest education. She knew that the faculty and students would always support her. She asked the Council to approve the request.

Susan Laukoter, 3301 Parkwood, Flower Mound

Ms. Laukoter stated she moved here five years ago in order for her children to attend Coram Deo. She stated the school would continue to be a viable presence in the Town.

Kennard Wells, 3516 Pecan Park Drive, Flower Mound

Mr. Wells stated Coram Deo offered a Christian education in school. Students learned to love people, and it was a good institution for the future of the country.

Jeremy Scroggs, 1404 Bogard, Lewisville

Mr. Scroggs stated the teachers and education at Coram Deo were exceptional. He had the pleasure of competing at state, local and district levels in debate.

Peter McKee, 2929 Miracle Lane, Flower Mound

Mr. McKee stated his children had been going to Coram Deo for eight years, and he requested approval of Item 21.

Charles Neal, 4400 Crown Knoll Circle, Flower Mound

Mr. Neal stated one of the major reasons he relocated to Flower Mound was to keep his children at Coram Deo. He noted his oldest son graduated and would attend TCU on a full ride scholarship.

Donnie Brake, 2108 Cheshire, Flower Mound

Mr. Brake stated he was a coach at Coram Deo and wanted to see permanent facilities built for the students and teachers. He requested approval of Item 21.

Marc Dingler, 1821 Woodland Blvd., Flower Mound

Mr. Dingler stated he chose Flower Mound initially because of Coram Deo. The students were provided with so many opportunities.

Bill Rector, 2937 Purple Sage, Flower Mound

Mr. Rector stated he was a math teacher at Coram Deo, and his three small children attended the school. He was proud that the community was pro-education, and asked the Council to approve the expansion plans.

Greg Rumsey, 2708 Blue Wood Trail, Flower Mound

Mr. Rumsey state there was no question about what was good about the school. He questioned the size of the scope of the project. He stated he had spent a great deal on improvements in his backyard, and he had met with the Coram Deo representatives so they could get a perspective from his side of the creek. He felt the proposed site plan maximized the impact to the neighbors. He suggested pulling back the gymnasium from the property line. Mr. Rumsey stated Coram Deo had a right to develop their property, and the residents in River Oaks had the right to enjoy their property.

Al Sanchez, 4805 Dominion Court, Flower Mound

Mr. Sanchez had concerns with the height of the building, the proximity of the buildings to the neighbors, and traffic. He stated the traffic study was conducted when school was out of session. He understood that improvements to Wichita Trail would be delayed, and the level of service would become poor and unacceptable. He stated if the property was subject to SMARTGrowth, it would not pass the criteria for traffic service levels. He asked the Council to not delay the improvements to Wichita Trail. He asked the Council to tell the PALS Board to take the development of Post Oak Park off the back burner.

Lynn Sanchez, 4805 Dominion Court, Flower Mound

Ms. Sanchez was impressed by the students from Coram Deo and stated the school was a worthwhile endeavor. She reiterated that the traffic study was done in August and school was not in session. She stated there was much cut-through traffic. She expressed concern about the trees that had died, and that the grass had not been timely mowed. She asked if a wall or landscaping was required around the recycling dumpster.

John Todd, 5600 Wichita Trail, Flower Mound

Mr. Todd stated he had lived on Wichita Trail for over 20 years and he had never seen traffic issues on Skillern. He did ask if the Town would put a streetlight at Skillern and Wichita Trail.

Georgette Wells, 3516 Pecan Park Drive, Flower Mound

Ms. Wells stated her daughter had attended Coram Deo for three years. She had developed healthy and appropriate relationships with her peers and the staff at Coram Deo. She asked the Council to approve the request.

## **K. PRESENTATIONS**

### **Eagle Scout Presentation**

Mayor Smith presented a Certificate of Achievement to Frank Seddio, Jr. for attaining the rank of Eagle Scout.

**Presentation by the Friends of the Flower Mound Public Library**

Angie Cox, president, and other members of the Friends of the Flower Mound Public Library presented a check to the Town for the library in the amount of \$10,000.

**L. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS**

Councilmember Tasker stated the Council had received concerns about the medians in the Town, and the Council would be approving a contract that would address many of the issues raised.

Councilmember Filidoro asked that everyone be concerned for the citizens hit by Hurricane Ike.

Mayor Smith stated Town staff participated in an Emergency Operations Center on Saturday in response to Hurricane Ike. She stated it was a well-planned exercise. She added that the Town had deployed nine personnel to help in southern Texas and western Louisiana.

**M. TOWN MANAGER REPORT**

Town Manager Harlan Jefferson stated staff had discussed the proposed tree ordinance earlier this year. Staff met with the development community and they were supportive of the staff recommendation. A Council Communication would be sent out and the ordinance was scheduled for the October 6 agenda. Mr. Jefferson stated the VMC contract for median beautification was on the Consent Agenda. The bid contained weeding of the new beddings on FM 3040 and FM 1171, and also a provision for weed control. He noted staff wanted to hire a landscape architect to design median plantings.

**N. CONSENT ITEMS**

Deputy Mayor Pro Tem Lindsey made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. 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 special meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District; and the Town of Flower Mound Crime Control and Prevention District held on August 28, 2008.**

**RECOMMENDATION:** Approve minutes from a special meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District; and

the Town of Flower Mound Crime Control and Prevention District held on August 28, 2008.

2. **Consider approval of minutes from special meeting of the Town Council held on September 2, 2008.**

**RECOMMENDATION:** Approve minutes from special meeting of the Town Council held on September 2, 2008.

3. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District approve Resolution No. 21-08 adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009. The caption of the resolution reads as follows:

**RESOLUTION NO. 21-08**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND COUNCIL 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, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

4. **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, 2008, and ending on September 30, 2009.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District approve Resolution No. 22-08 adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009. The caption of the resolution reads as follows:

**RESOLUTION NO. 22-08**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND COUNCIL 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, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

5. Consider approval of a lease agreement with Dallas MTA, L.P. d/b/a Verizon Wireless to lease antenna space on the Town's elevated water storage tower located at 3810 Bruton Orand Boulevard and ground space for an equipment building for the purpose of installing, operating, and maintaining facilities to provide commercial mobile radio services, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a lease agreement with Dallas MTA, L.P. d/b/a Verizon Wireless to lease antenna space on the Town's elevated water storage tower located at 3810 Bruton Orand Boulevard and ground space for an equipment building for the purpose of installing, operating, and maintaining facilities to provide commercial mobile radio services, and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of Best Value Bid No. 4108-A Landscape Maintenance Program to VMC Landscape Services, at the unit prices bid, in the estimated annual amount of \$310,264, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve Best Value Bid No. 4108-A Landscape Maintenance Program to VMC Landscape Services, at the unit prices bid, in the estimated annual amount of \$310,264, and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of Best Value Bid No. 3808-B Paintless Dent Repair for Hail Damaged Vehicles to Dent-a-Nator Inc., in the amount of \$54,200.

**RECOMMENDATION:** Approve Best Value Bid No. 3808-B Paintless Dent Repair for Hail Damaged Vehicles to Dent-a-Nator Inc., in the amount of \$54,200.

8. Consider approval of the purchase of twenty in-car cameras for the Police Services Department from Big Country Supply, in the amount of \$116,600, through an existing interlocal agreement with Tarrant County.

**RECOMMENDATION:** Approve the purchase of twenty in-car cameras for the Police Services Department from Big Country Supply, in the amount of \$116,600, through an existing interlocal agreement with Tarrant County.

9. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RECOMMENDATION:** Approve Resolution No. 23-08 adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act. The caption of the resolution reads as follows:

**RESOLUTION NO. 23-08**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

10. Consider approval of an ordinance adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

**RECOMMENDATION:** Approve Ordinance No. 54-08 adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process. The caption of the ordinance reads as follows:

**ORDINANCE NO. 54-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.**

11. Consider approval of an ordinance amending Appendix A of the Code of Ordinances relative to Sections 70-361, 70-362 and 70-381 by revising the dates on which charges for residential and non-residential water and wastewater service rate changes become effective and conforming such dates to the Town's fiscal year; providing a severability clause; and providing an effective date.

**RECOMMENDATION:** Approve Ordinance No. 55-08 amending Appendix A of the Code of Ordinances relative to Sections 70-361, 70-362 and 70-381 by revising the dates on which charges for residential and non-residential water and wastewater service rate changes become effective and conforming such dates to the Town's fiscal year; providing a severability clause; and providing an effective date. The caption of the ordinance reads as follows:

**ORDINANCE NO. 55-08**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO SECTIONS 70-361, 70-362 AND 70-381 BY REVISING THE DATES ON WHICH CHARGES**



**FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER SERVICE RATE CHANGES BECOME EFFECTIVE AND CONFORMING SUCH DATES TO THE TOWN'S FISCAL YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

12. Consider approval of an ordinance amending Chapter 34 of the Flower Mound Code of Ordinances entitled "Environment" through the amendment of Article VII entitled "Oil and Natural Gas Well Drilling and Operations" by amending paragraphs (b), (c), and (d) (30) of section 34-421 entitled "Oil and Gas Well Permit Application and Filing Fees," by amending paragraph (b) (1) of section 34-423 entitled "Amended Oil and Gas Well Permits," by amending paragraph (b) of section 34-423.1 entitled "Transfer of Oil and Gas Well Permits" and by amending paragraph (f) of section 34-432 entitled "Appeals," all of which amendments shall remove the specific fee stated therein and instead reference the fee schedule therefore in Appendix A; through the amendment of Article VIII entitled "Oil and Gas Pipeline Standards" by amending paragraph (a) of section 34-455 entitled "New Pipeline Permit Application," and by amending paragraph (b) (7) of section 34-458 entitled "Pipeline Information Reporting Requirements" to remove the specific fee stated in each such paragraph and instead reference the fee schedule therefore in Appendix A; through the amendment of Appendix A Fee Schedule to add the fees associated with the foregoing referenced sections of the Flower Mound Code of Ordinances.

**RECOMMENDATION:** Approve Ordinance No. 56-08 amending Chapter 34 of the Flower Mound Code of Ordinances entitled "Environment" through the amendment of Article VII entitled "Oil and Natural Gas Well Drilling and Operations" by amending paragraphs (b), (c), and (d) (30) of section 34-421 entitled "Oil and Gas Well Permit Application and Filing Fees," by amending paragraph (b) (1) of section 34-423 entitled "Amended Oil and Gas Well Permits," by amending paragraph (b) of section 34-423.1 entitled "Transfer of Oil and Gas Well Permits" and by amending paragraph (f) of section 34-432 entitled "Appeals," all of which amendments shall remove the specific fee stated therein and instead reference the fee schedule therefore in Appendix A; through the amendment of Article VIII entitled "Oil and Gas Pipeline Standards" by amending paragraph (a) of section 34-455 entitled "New Pipeline Permit Application," and by amending paragraph (b) (7) of section 34-458 entitled "Pipeline Information Reporting Requirements" to remove the specific fee stated in each such paragraph and instead reference the fee schedule therefore in Appendix A; through the amendment of Appendix A Fee Schedule to add the fees associated with the foregoing referenced sections of the Flower Mound Code of Ordinances. The caption of the ordinance reads as follows:

**ORDINANCE NO. 56-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 34 OF THE FLOWER MOUND CODE OF ORDINANCES ENTITLED "ENVIRONMENT" THROUGH THE AMENDMENT OF ARTICLE VII ENTITLED "OIL AND NATURAL GAS WELL DRILLING AND OPERATIONS" BY AMENDING PARAGRAPHS B, C AND D(30) OF SECTION 34-421 ENTITLED "OIL AND GAS WELL PERMIT APPLICATION AND FILING FEES," BY AMENDING PARAGRAPH B(1) OF SECTION 34-423 ENTITLED "AMENDED OIL AND GAS WELL PERMITS," BY AMENDING PARAGRAPH B OF SECTION**

34-423.1 ENTITLED "TRANSFER OF OIL AND GAS WELL PERMITS" AND BY AMENDING PARAGRAPH F OF SECTION 34-432 ENTITLED "APPEALS," ALL OF WHICH AMENDMENTS SHALL REMOVE THE SPECIFIC FEE STATED THEREIN AND INSTEAD REFERENCE THE FEE SCHEDULE THEREFORE IN APPENDIX A; THROUGH THE AMENDMENT OF ARTICLE VIII ENTITLED "OIL AND GAS PIPELINE STANDARDS" BY AMENDING PARAGRAPH A OF SECTION 34-455 ENTITLED "NEW PIPELINE PERMIT APPLICATION," AND BY AMENDING PARAGRAPH B(7) OF SECTION 34-458 ENTITLED "PIPELINE INFORMATION REPORTING REQUIREMENTS" TO REMOVE THE SPECIFIC FEE STATED IN EACH SUCH PARAGRAPH AND INSTEAD REFERENCE THE FEE SCHEDULE THEREFORE IN APPENDIX A; THROUGH THE AMENDMENT OF APPENDIX A FEE SCHEDULE TO ADD THE FEES ASSOCIATED WITH THE FOREGOING REFERENCED SECTIONS OF THE FLOWER MOUND CODE OF ORDINANCES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

13. Consider approval of a service agreement for Motorola equipment maintenance and repair for the Police Services Department from DFW Communications, a sole source provider, in the annual amount of 27,588.25, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a service agreement for Motorola equipment maintenance and repair for the Police Services Department from DFW Communications, a sole source provider, in the annual amount of 27,588.25, and authorize the Mayor to execute same on behalf of the Town.

14. Consider approval of an agreement with DataProse, a CSG Company, for utility bill printing and mailing services, in the estimated annual amount of \$139,638, through an existing interlocal agreement between the Town of Flower Mound and the City of Plano, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve an agreement with DataProse, a CSG Company, for utility bill printing and mailing services, in the estimated annual amount of \$139,638, through an existing interlocal agreement between the Town of Flower Mound and the City of Plano, and authorize the Mayor to execute same on behalf of the Town.

#### **VOTE ON THE MOTION**

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

Mayor Smith opened Items 15 and 16.

#### **O. REGULAR ITEMS**

15. Consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009, 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, 2008.

16. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009, and making appropriations for each fund and department; and consider ratifying the property tax revenue increase reflected in the FY 2008-2009 budget.

#### Staff Presentation

Assistant Town Manager/Chief Financial Officer Chuck Springer gave the following presentation.

*Note: The Power Point Presentation is on file in Town Secretary's Office.*

Questions from the Governing Body and Answers                      None

#### Council Deliberation

Mayor Pro Tem Trotter moved that property taxes be increased by the adoption of a tax 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, 2008, and to approve Ordinance No. 57-08 fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2008 and ending on September 30, 2009, and for each fiscal year thereafter until otherwise provided. Councilmember Levenick seconded the motion. The caption of the ordinance reads as follows:

#### ORDINANCE NO. 57-08

**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, 2008, AND ENDING ON SEPTEMBER 30, 2009, 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, 2008; 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.**

#### VOTE ON THE MOTION

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

Deputy Mayor Pro Tem Lindsey moved to approve Ordinance No.58-08 adopting the budget for the fiscal year beginning on October 1, 2008 and ending on September 30, 2009, and making appropriations for each fund and department and moved to ratify the property tax revenue increase reflected in the FY 2008-2009 budget. Councilmember Filidoro seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 58-08**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, 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 THE MOTION**

**AYES:** Filidoro, Tasker, Trotter, Lindsey, Levenick

**NAYS:** None

**17. SUP 374-08 - City Pet Clinic**

**Public Hearing to consider a request for a Specific Use Permit (SUP 374-08 - City Pet Clinic) to permit a veterinary clinic within an existing retail building (The Dog Lofts) and to consider adopting an ordinance providing for said Specific Use Permit. The property is located at 1221 Flower Mound Road, Building 2. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 25, 2008 meeting.)**

**Staff Presentation**

Executive Director of Development Services Doug Powell stated the applicant wanted to add a veterinarian clinic to the Dog Lofts in the existing lease space.

**Questions from the Governing Body and Answers** None

**Public Comments** None

**Close Public Hearing**

**Council Deliberation**

Councilmember Tasker moved to approve Specific Use Permit SUP 374-08 – City Pet Clinic to allow a veterinary clinic with inside pens to operate within an existing lease space and adopt Ordinance No. 59-08 providing for said Specific Use Permit subject to the following conditions:

a. The veterinary clinic shall be developed in accordance with Section 98-998, Veterinary Hospital (inside pens), of the Code of Ordinances.

b. The attached site plan, labeled Exhibit "A," an exhibit to the Specific Use Permit, shall be developed as approved, except that certain minor changes outlined in Section 82-37 of the Town's Land Development Regulations may be approved as set forth in that section.

c. If a certificate of occupancy application has not been submitted to the Town's Building Inspections Division for consideration within six months of approval of the ordinance, the Specific Use Permit described herein will be a matter that will be automatically placed upon a subsequent Planning and Zoning Commission agenda for consideration as a Town-initiated zoning change under normal zoning amendment procedures. Councilmember Filidoro seconded the motion. The caption of the ordinance reads as follows:

**ORDINANCE NO. 59-08**

**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 LOT 7, BLOCK A, THE PINES OF FLOWER MOUND ADDITION, FROM PLANNED DEVELOPMENT DISTRICT-82 (PD-82) WITH RETAIL DISTRICT-2 (R-2) USES SUBJECT TO SPECIFIC USE PERMIT NO. 349 TO PLANNED DEVELOPMENT DISTRICT-82 (PD-82) WITH RETAIL DISTRICT-2 (R-2) USES SUBJECT TO SPECIFIC USE PERMIT NO. 349 AND A NEW SPECIFIC USE PERMIT NO. 378 TO ALLOW FOR A VETERINARY CLINIC WITH INSIDE PENS, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN 2001 AND IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

Mayor Smith opened Items 18 and 19.

**18. DP 02-08 - Firewheel Village**  
Consider a request for a Development Plan (DP 02-08 - Firewheel Village) to develop a non-residential subdivision. The property is located 2925 Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 25, 2008 meeting.)

**19. RC 03-08 - Firewheel Village**  
Consider a request for a Record Plat (RC 03-08 - Firewheel Village) to create a non-residential subdivision. The property is located at 2925 Long Prairie Road. (The

Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 25, 2008 meeting.)

**Staff Presentation**

Executive Director of Development Services Doug Powell stated this site was re-zoned earlier this year. Since the development plan was being considered by the Council, the plat also had to be approved by the Council. The development plan showed the lots and detention.

**Questions from the Governing Body and Answers**                    **None**

**Council Deliberation**

Councilmember Levenick moved to approve a request for a Development Plan DP 02-08 – Firewheel Village to develop a non-residential subdivision. Councilmember Tasker seconded the motion.

**VOTE ON THE MOTION**

**AYES:**            Filidoro, Tasker, Trotter, Lindsey, Levenick

**NAYS:**            None

Mayor Pro Tem Trotter moved to approve a request for a Record Plat RC 03-08 – Firewheel Village, to create a non-residential subdivision. Councilmember Levenick seconded the motion.

**VOTE ON THE MOTION**

**AYES:**            Levenick, Lindsey, Trotter, Tasker, Filidoro

**NAYS:**            None

**20. SP 26-08 - DATCU**

Consider a request for a Site Plan (SP 26-08 - DATCU) to develop a bank building and an exception to the parking standards contained in Section 82-74, Off-street parking and loading space requirements, of the Code of Ordinances. The property is located at 2925 Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 25, 2008 meeting.)

**Staff Presentation**

Executive Director of Development Services Doug Powell stated the property was zoned and platted. He showed the landscape plan, canopy, and drive aisles. The plans had not changed from the zoning presentation. The exception requested was for parking as banks tended to want more parking than required.

**Questions from the Governing Body and Answers**

### Council Deliberation

Councilmember Tasker moved to approve a request for a Site Plan SP 26-08 - Denton Area Teachers Credit Union to develop a credit union building, and grant an exception as allowed by Section 82-74, Off-street parking and loading space requirements, of the Code of Ordinances. Councilmember Levenick seconded the motion.

### VOTE ON THE MOTION

**AYES:** Filidoro, Tasker, Trotter, Lindsey, Levenick

**NAYS:** None

#### 21. SP 02-08 - Coram Deo Academy

Consider a request for a Site Plan (SP 02-08 - Coram Deo Academy) to develop a multi-purpose building with a partial exception to Section 82-302, Compatibility buffer; a partial exception to Section 90-302, Concrete streets, as authorized by Section 90-301, Exceptions to street standards; and, an exception to the access management provisions adopted through Chapter 32 of the Code of Ordinances. The property is located at 4900 Wichita Trail. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 25, 2008 meeting.)

Councilmember Levenick read the following statement. *"I requested that the Town Attorney provide me with a legal opinion as to whether I may have a conflict of interest with regard to the site plan that has been submitted by Coram Deo Academy. This is due to my previous opposition to the temporary buildings that were approved for Coram Deo by the Town Council in 2006. Mr. Welch provided me with a written opinion and concluded that it was very clear that I did not have a conflict of interest – either in violation of applicable state law or the Town's Code of Ethics Ordinance. I will be happy to share a copy of that opinion with anyone who may have questions or concerns. Since there is no conflict of interest, I have concluded that I am obligated to cast a vote on this matter as a Town Councilmember."*

### Staff Presentation

Executive Director of Development Services Doug Powell showed the existing buildings and the two portable buildings that would be removed with the new proposed multi-purpose building. The land use was Estate Density and zoning was Agricultural. He stated the driveway on Skillern would be shifted to the north and a deceleration lane would be built. A portion of the fire lane was proposed to be asphalt which would eliminate having to tear out concrete should it need to be moved. He noted the existing access on Wichita Trail did not meet the Town's spacing requirements. The Traffic Impact Analysis showed it did not need to be moved to meet safety requirements. Traffic would not be allowed to both enter and exit onto Wichita Trail. Mr. Powell stated the applicant proposed more shrubs to screen car headlights from the residential area. He noted that a new fence would be placed on a portion of the property, and the applicant had discussed

this with the adjacent property owner. They also planned to extend the wrought iron fence. Town standards required a chain link fence, however, the applicant was asking to put in wrought iron.

### **Questions from the Governing Body and Answers**

Councilmember Tasker asked what triggered the chain link requirement.

Mr. Powell stated the Council did not normally have to consider requests from schools.

Councilmember Levenick liked the new circulation pattern, where the cars would enter on Skillern and exit onto Wichita Trail.

Mayor Pro Tem Trotter noted that the dome on the building did not count in the height measurement. He confirmed that the height of the structure was 35 feet (without the dome).

Mr. Powell stated the applicant had never had a formal conceptual plan – it was more of a vision.

### **Applicant's Presentation**

#### Von Beougher, G&A Consultants, 111 Hillside Drive, Lewisville

Mr. Beougher gave the presentation on behalf of Coram Deo. He stated they were requesting three variances. The first was a waiver of the compatibility buffer adjacent to the Corps of Engineers property. A heavily-forested area created a buffer already. Secondly, a fence would have to be placed according to the Code (on the blue line on the screen). The area was very rugged. He requested that the fence be placed where the existing barbed wire fence was located that had been there many years. They were proposing to make that part of the fence out of vinyl clad chain link fence versus galvanized. This would still provide a visual barrier. The third portion of the compatibility buffer exception was along the north line. There was an existing tubular steel fence and they wanted to continue it to the east and west along the Town's property so that there would be a consistent fence material. Mr. Beougher stated they were requesting to allow the temporary asphalt fire lane as it would be much easier to remove at a later date. The last request dealt with the location of the driveway connection on Wichita Trail. He stated the TIA done by the Town's consultant indicated there was adequate site distance at this location. He stated the traffic would enter off Skillern and exit out onto Wichita Trail. With future construction he felt it would be appropriate to move the driveway and line it up with Twin Coves Park Drive.

#### Ron Stewart, Environs Group, 111 Hillside, Lewisville

Mr. Stewart stated there was a required buffer on the north and west lines of the property. Where there was residential adjacency, he had shown the required trees that would have to be installed. He stated they planned to put additional screening trees rather than canopy trees. The screening trees and over-sized shrubs would help to keep car head lights from shining into neighbors' yards.



Deputy Mayor Pro Tem Lindsey commented that many of the shrubs died that were planted two years ago.

Mr. Stewart stated there would be a specific sprinkler system for the new shrubs. He noted the Park Plan required an equestrian trail easement along Skillern and Wichita Trail. They would provide for a branch free zone within the easement. Mr. Stewart stated the dumpster would have a screening wall and shrubs.

Deputy Mayor Pro Tem Lindsey asked which portion of the landscaping would be regularly maintained.

Mr. Stewart stated the screening trees and shrubs would be irrigated. They had no plans for irrigation for the native trees, but the area would be mowed and maintained.

Mayor Pro Tem Trotter stated the new evergreen trees appeared to be small and very sparse.

Mr. Stewart stated the plans were drawn for sizes of trees in 7-8 years, and they were drawn 15' on center. The size of the trees installed were per Code - 3" caliper material. Just the trees along the west that had died had been replaced. The ones on the north had not been replanted yet but would be installed before the Certificate of Occupancy was requested.

Mayor Pro Tem Trotter did not think the site plan depicted what was on the property, and he requested that more landscaping be added to provide a buffer for the neighbors.

Mr. Stewart stated in addition to screening trees, other shrubs would be put in place. They would be larger and closer together. He stated he could not say the trees would be a solid barrier the day they go in.

Mayor Pro Tem Trotter asked why they hadn't considered putting in a continuous hedge.

Mr. Stewart stated they were looking for the area where the majority of the headlights would be.

Mayor Pro Tem Trotter asked what portion of the parking would be near the setback area.

Town Attorney Terry Welch stated the first 25 feet of the setback was landscaping and further out would be parking.

Councilmember Filidoro stated there was no question about the quality of Coram Deo, its students, teachers, or validity as an educational institution. The Council was having to address the facility and how the neighbors would be impacted. He stated the

residents had a right to be protected. He stated this was about legal issues, not moral issues. He noted that the dumpsters were not currently shielded.

Mr. Stewart believed with a different selection of plant material, the two screening areas could be connected.

Deputy Mayor Pro Tem Lindsey asked what the timeframe was for total buildout.

Trent Clark, architect, 1408 Candlelight Cove, Flower Mound

Mr. Clark stated there was no set time for buildout at this time. Mr. Clark stated the original concept was presented in September 2005. The performing arts and athletics center would be a one-story building. The dome was located toward the center of the campus. He felt the new car line would be more efficient. He added they would use a pervious paving on a bed of gravel for the car line. Additionally, the temporary buildings would be removed. They had reduced the number of parking spaces by 10. The new building would contain 23,700 square feet and would be designed to accommodate 250 seats, weight rooms, locker rooms, and a store. The exterior would be built of brick, cast limestone and bronze metal. The facility would be a "green building."

Councilmember Tasker asked for the distance from the property line to the corner of the new building, going towards the Rumsey home.

Mr. Clark estimated the distance to be 150 feet.

Councilmember Tasker asked if the ballfields would be lit.

Mr. Clark responded they would be some time in the future.

Mayor Pro Tem Trotter asked about the large drop-off point in the front of Coram Deo.

Mr. Clark stated it was in front of the grammar school.

Councilmember Tasker asked about the topography of the creek and the neighboring homes up to this building.

Mr. Beougher felt the building would be somewhat higher than the homes.

Councilmember Tasker asked if discussions had been held with the neighbors regarding the use of wrought iron for the fence on the northern portion, and the use of vinyl clad chain link on the western side.

Mr. Stewart stated Mr. Rumsey's pool deck and the new building were about the same height.

Ryan North, business manager, Coram Deo

Mr. North stated the Flower Mound campus of Coram Deo was the flagship campus, and it was now an accredited campus. They planned to have a LEED certified

green building. Mr. North stated three meetings were held with the neighbors. He read an email from Rich Lubke, president of the Wichita Creek Estates Homeowners' Association, in support of the request. Mr. North stated two years ago Coram Deo was challenged by Councilmember Tasker to win back the hearts of the neighbors, and they had worked very hard at this. He noted they had staggered dismissal times and had more parents working the car line. He requested approval of the application.

Mayor Pro Tem Trotter stated no one on Council questioned the quality of the school – they were just trying to make sure everyone was working to be good neighbors. He asked if any consideration had been given to the lack of landscaping to help the neighbors to the north.

Mr. North stated in 2006, 20 evergreens died, and Coram Deo would plant more so that they would not be sparsely spaced.

Councilmember Levenick had received concerns from parents about the placement of the driveway on Wichita Trail. One parent had asked for a school zone. Others were concerned about the amount of activity coming onto the site, and how they would exit 50 feet away from Skillern.

Mr. Beougher stated when they started working on the site plan they wanted the drive lane to line up with Twin Coves Park Drive. He stated now might not be the time to line that up. He added they were following the TIA prepared by the Town's consultant.

Councilmember Levenick asked what was involved in determining if there was a safety issue.

Mr. Collins stated the conclusion in the TIA was that the driveway spacing did not meet Town standards (based on adequate stopping distance between driveways). The TIA did determine there was adequate sight distance. The TIA recommended if the site plan that was submitted was approved, the drive lane still needed to be moved in the future. Mr. Collins stated the TIA was completed in August 2008. One was also done two years ago. This TIA was done based on traffic data from April 2006 with a growth factor of 5% per year to get the background traffic. The study looked at the growth in traffic on a typical street in Flower Mound.

Councilmember Levenick asked if the building would be leased out to other entities.

Mr. North stated they had no plans for that right now, however it might occur. He stated Coram Deo would be willing to double the 20 cypress trees and put one in each gap, making a total of 40 trees on the northwest boundary.

Mayor Pro Tem Trotter asked why Coram Deo did not go ahead and put the permanent exit in now, onto Skillern.

Mr. Beougher stated it would be easier to put in the roadway now. He stated they could move the drive through the trees but still use a temporary surface. Mr. Beougher stated the drive could be in concrete and the connection in asphalt. Mr. Beougher stated

the deceleration lane was a true deceleration lane as they would be adding 12 feet of concrete.

### **Council Deliberation**

Deputy Mayor Pro Tem Lindsey stated he was very proud of Coram Deo and he was amazed by the quality of the graduates. He stated he was concerned with the buffering for the neighbors especially for the future development, however the buffering had to be put in now so it could grow up.

Mayor Pro Tem Trotter appreciated Coram Deo being in Flower Mound, and reminded everyone he never questioned the quality of the project or the service provided by Coram Deo. The neighbors had concerns with the lack of communication and their desire to fix the buffer. Coram Deo made extra efforts to be a good community neighbor. He stated the Council would work to get as much screening and buffering as possible. He was glad they decided to put the permanent exit in now, and this should help with the traffic problems along Wichita Trail.

Councilmember Tasker supported the project. He recalled that two years ago many people were opposed to the temporary buildings and said the buildings would be there years from now. The Council trusted Coram Deo and thanked them for doing what they said they would do. He hoped Coram Deo would work with the neighbors and address their concerns. He commented that he would prefer not to see asphalt around the trees which would have to be later ripped out.

Councilmember Filidoro stated if Coram Deo came back for other issues, they should work closely with the neighbors. He told the Coram Deo representatives to make sure the trees did not die.

Councilmember Levenick said it was great having Coram Deo in the neighborhood and that the temporary buildings would be coming down. She was concerned about the driveway. While the TIA said the moving of the driveway was not required now, she could only see increases in the student population and the school expanding. She was concerned with the safety issues along Wichita Trail. Councilmember Levenick stated the proposed building was 37% of the total buildout on the property. Regarding the adjacent neighbors, she could support the site plan with the additional landscaping and the commitment to keeping it maintained. She wanted to make sure the adjacent homeowners were taken care of. She stated she would like to see the landscaping sooner rather than later.

Deputy Mayor Pro Tem Lindsey moved to approve Site Plan SP 02-08—Coram Deo Academy to develop a multi-purpose building and requested exceptions, as follows:

1. An exception to Section 82-302(5) of the Town's compatibility buffer requirements is granted to permit a modification of the fencing requirements along the north and west property boundaries as reflected on the site plan.

2. An exception to the Town's Access Management Policy and Criteria Manual which requires a 250-foot separation between access points along a rural collector (Wichita Trail) is granted and the exit driveway on the Coram Deo Academy property onto Wichita Trail is to be constructed of asphalt, to the extent noted on the site plan, as an exception to Section 90-302, and said exit driveway shall line up with Twin Coves Park Road. The drive approach of the exit driveway shall be constructed of concrete from Wichita Trail to the right-of-way line.

3 The landscape buffer along the northern property line shall include, at a minimum, forty (40) living screen/evergreen trees, instead of the current twenty (20) mandated by Paragraph 4 of the 2006 Development Agreement in Denton County Document #2006-53659. Said living screen/evergreen trees shall be maintained in a living state and any dead trees shall be replaced so that at no time shall the number of alive and viable living screen/evergreen trees ever be fewer than forty (40).

Mayor Pro Tem Trotter seconded the motion.

Deputy Mayor Pro Tem Lindsey amended his motion to add the following:

4. Additional screening material shall be included to connect the two (2) shrub lines along the northern property line.

Mayor Pro Tem Trotter seconded the amendment.

Mr. Marshall and Mr. Beougher agreed to the motion, terms, and conditions.

#### **VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Trotter, Tasker, Filidoro

**NAYS:** None

**P. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS - None**

#### **Q./R. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 10:02 p.m. on September 15, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074 and 551.087 to discuss matters relating to consultation with Town Attorney, personnel, real property, and economic development negotiations and reconvened into an open meeting at 11:02 p.m. on September 15, 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.**

No action taken.

- c. **Discuss and consider appointments to the 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.**

Mayor Pro Tem Trotter moved to appoint Melissa Northern to the Community Development Corporation, effective immediately, term to expire December 31, 2009. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

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

Councilmember Filidoro moved to make the following appointments to the Environmental Conservation Commission: appoint Brian Kichan to Place 7, effective immediately, term to expire September 30, 2009; appointed Kelly McDonald to Place 6, effective October 1, 2008, term to expire September 30, 2009; appointed Gary Rowen to Alternate Place 8, effective October 1, 2008, term to expire September 30, 2010; reappointed Carol Kohankie, effective October 1, 2008, term to expire September 30, 2010; reappointed Jay Yost, effective October 1, 2008, term to expire September 30, 2010. Mayor Pro Tem Trotter seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Trotter, Filidoro  
**NAYS:** Tasker

Deputy Mayor Pro Tem Lindsey moved to reappoint Tom Hayden as the LISD Liaison, effective immediately, term to expire September 30, 2009. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

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

- d. **Discuss and consider annual review of Town Manager.**

No action taken.

- e. **Discuss and consider annual review of Town Secretary.**

No action taken.

**P. ADJOURN REGULAR MEETING**

Mayor Smith adjourned the regular meeting at 11:05 p.m. on September 15, 2008 and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

\_\_\_\_\_  
**JODY SMITH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**PAULA J. PASCHAL, TOWN SECRETARY**