

THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING AND WORK SESSION HELD ON THE 13th DAY OF AUGUST 2009 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 special meeting and work session with the following members present:

Jody Smith	Mayor (arrived 4:40 pm)
Jean Levenick	Mayor Pro Tem
Steve Dixon	Deputy Mayor Pro Tem
Al Filidoro	Councilmember Place 2
Mike Wallace	Councilmember Place 3
Tom Hayden	Councilmember Place 5 (arrived 5:10 pm)

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

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief

A. CALL SPECIAL MEETING TO ORDER

Mayor Pro Tem Jean Levenick called the special meeting to order at 4:35 p.m.

B./C. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 4:35 p.m. on August 13, 2009 pursuant to Texas Government Code Sections 551.074 to discuss matters relating to personnel, and reconvened into an open meeting at 6:14 p.m. on August 13, 2009 to take action on the items as follows:

1. **Conduct interviews, discuss and consider appointments to Animal Services Board, Board of Adjustment, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission and Transportation Commission.**

No action taken.

D. INVOCATION

Chaplain Mike Liles gave the Invocation.

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

Mayor Smith led the pledges.

Mayor Smith recessed the special meeting and opened the work session at 6:18 p.m.

I. WORK SESSION ITEMS

1. **Discuss Proposed Operating and Capital Budgets for FY 2009-2010.**

Town Manager Harlan Jefferson stated the Council holds a strategic planning session in January each year to determine goals, objectives, and priorities. Additionally, the Council is provided with a priority questionnaire where the results are used to prepare the proposed budget. He noted that Randy Pennington facilitated the last two sessions. Mr. Jefferson gave the following presentation.

Mr. Pennington reviewed the discussion questions. "Are we on pace to achieve the 2009 objectives? Are there new/additional objectives? Are there existing objectives that we should put on hold for now? What are the issues we should begin researching now so that information is ready for the January retreat?"

Mayor Smith stated she was happy with the progress that has been made and Mayor Pro Tem Levenick agreed.

Councilmember Wallace referred to the Parks Master Plan and commented that he wished it had progressed farther. He noted there had been some changes in staff and understood it might be delayed for a while.

Councilmember Hayden stated there were three new members of council with new opinions. He hoped to have a planning session sooner than January in order to discuss the priorities of the Council. He stated there should be a unified voice on Council.

Mayor Smith stated she sent two emails to the Council asking for ideas. She noted that planning sessions were generally held in January before the budget process starts.

Mr. Pennington stated one option was to hold another planning session before January.

Councilmember Filidoro liked a bi-annual update. He stated the main planning session should be held each year after the election in May.

Mayor Smith stated this work session was giving the new members of the Council an opportunity to state new ideas and to re-prioritize.

Looking at the priorities that had been previously set, the Council needed to determine what might not get done this year, especially if new priorities were set.

The list of new priorities and any required action included:

Innovation Culture - Q3 kicking off in October - hear progress in January
Mayor/Council/Executive Staff communication, activities - bring forth ideas before January
Property Standards Board - is it a solution or not - Code Enforcement continues to be an issue - **have a report for Council in January**
Workplace Satisfaction - **where people want to come to work**
Sign Ordinance - look at other cities - report back in January
Corps Property - park open/closed, lake access - **look at costs and options - Twin Coves**
Oil and Gas Ordinance - review after lawsuit is resolved
Extended Hours on Alcohol Sales - bring a report in January
Senior Center - **make** a concrete plan in conjunction with the Parks Master Plan
Property Standards - **bring a report in January**
Process of Doing Business in the Town - permitting and inspection process taking too long - **bring report back in January**

Dog Park - **address** this item in the **Parks Master Plan** - possibly lease to a non-profit

Mayor Smith felt communication between members of the Council and between Council and staff was a priority.

Mr. Pennington asked if the Council wanted to establish standards of conduct - how they would interact with each other and play out their roles.

Councilmember Wallace suggested that they all take a Meyers Briggs assessment, and also suggested several books that could be read.

Mayor Smith and Councilmember Wallace agreed that they would like to pursue this before January. Councilmember Filidoro did not think this was a priority.

Mr. Pennington stated he could send some ideas on this before January.

Deputy Mayor Pro Tem Dixon stated the Town had been talking about the sign ordinance for some time. He stated some specific amendments would help the business community. He asked that the meeting with the Corps of Engineers be moved up, as he felt there was an emergency situation to get the park open.

Mayor Pro Tem Levenick stated the Town did not yet know how much it would cost to take over the park.

Mayor Smith suggested looking at extended hours for the sale of alcohol and the sign ordinance from an economic development aspect.

Councilmember Filidoro stated the Town should do as much as possible to help businesses. The Town had made so many adjustments over the years to the sign ordinance. He asked that staff survey other cities to see if their businesses were doing better than those in Flower Mound.

Deputy Mayor Pro Tem Dixon suggested bringing in a group of business owners for a discussion on the sign ordinance. Additionally, information should be communicated with business owners regarding the alcohol sales, rather than wait staff or clerical staff.

Mr. Pennington referred to the sign ordinance and stated the Town had to determine the purpose of the sign - marketing or to identify a place.

Councilmember Hayden stated there were repetitive issues in the budget questionnaires, particularly property standards, senior center, and the difficulty of doing business in Flower Mound. He stated the Town needed a plan for the senior center, and a plan to streamline the processes in the permitting and approval area.

Mayor Smith commented that progress had been made over the last year in the development process. It seemed when one individual needed a permit or approval, there were still some issues to be resolved.

Councilmember Wallace stated he would like to see a flow chart of the process in January.

Mr. Jefferson stated he did not receive many complaints about Building Inspection, and the last one that he did receive was anonymous. He stated he would provide the Council with the list of changes that had already been made. He encouraged the Council to tell people to call the Town Manager with any problems.

Mayor Smith asked staff to see what other cities do. She encouraged the Council to pass out 539-SERV cards.

Councilmember Filidoro agreed to help do research on this matter.

Mayor Smith referred to the dog park and suggested leasing it to a non-profit group.

Mr. Pennington asked the Council what they were looking for regarding Code Enforcement.

Councilmember Filidoro asked what a Property Standards Board would do.

Mr. Pennington responded in other cities, the Board articulates standards, hears appeals, provides direction, and is an enforcement arm.

Mayor Smith stated she hears concerns from older subdivisions that do not have a **homeowners'** association (HOA). She wanted to see sustainability of the older neighborhoods. She stated many Town standards and HOA standards overlapped, and she would like to see a study of such things like environmental issues and recycling and how they all related.

Councilmember Wallace stated he did not want to "beat people up" with citations, but they did need to maintain nice neighborhoods.

Councilmember Filidoro stated he wanted to be proactive, not reactive.

Mayor Pro Tem Levenick also wanted to be proactive. She stated once there was compliance with the codes, sustainability would be achieved.

Deputy Mayor Pro Tem Dixon suggested getting citizens involved and let them bring forth ideas on how to encourage code enforcement in their neighborhoods.

Mr. Pennington concluded that the consensus was to focus on code enforcement right now.

Councilmember Filidoro asked that staff break down the numbers by categories.

Mayor Pro Tem Levenick asked if staff had looked at the Code Enforcement software that is used by Farmers Branch.

Mr. Jefferson stated the decision package was \$400,000 and did not make the proposed budget.

Mayor Smith asked that staff continue to look at options for the sale of excess water.

The consensus of the Council was to hold a strategic planning session on January 23, 2010.

Mayor Smith recessed Item 3 and moved to Item 2 on the work session agenda.

2. **Receive a presentation from Voices of Flower Mound requesting Community Support**

funding.

Ron Miller, President, Voices of Flower Mound

Mr. Miller explained that Voices of Flower Mound was a local mixed chorus open to the general public. The group began in May 2006 and have had many performances since that time. Mr. Miller stated the group was requesting community support funding for sheet music, rehearsal CDs, improvement clinics, publicity, etc. Their budget for 2009-2010 was \$61,570, and they requested \$5,000 from the Town. The group entertained the audience with two songs. Mr. Miller concluded the presentation by commenting that beyond funding they always appreciated moral support. He announced that the Voices of Flower Mound would perform a December 18 concert at Trietsch Memorial United Methodist Church.

Mayor Pro Tem Levenick thanked the group for waiting patiently in the lobby.

Mayor Smith recessed the work session and reconvened the special meeting.

G. REGULAR ITEM

3. **Consider approval of a Youth Basketball and Volleyball Contract with Elevate Youth Sports for facility usage from August 13, 2009, through August 12, 2014, 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 8-0 at its July 30, 2009, meeting.)**

Staff Presentation

Director of Parks and Recreation Jack Jones gave the following presentation.

Councilmember Wallace asked if a five-year contract was typical, and Mr. Jones responded yes. He asked if the contract/performance would be reviewed after one year.

Mr. Jones stated he would give a report to the Parks, Arts, and Library Services (PALS) Board annually, like he did for FMYSA and GLASA.

David Parrish, President, Elevate Youth Sports (EYS)

Mr. Parrish stated many Flower Mound residents go to other cities for basketball and volleyball. He had heard of issues with coaches and skill levels. Mr. Parrish stated EYS had many high school and middle school coaches helping with different aspects of the program. The EYS program would give citizens a choice in where they wanted their children to play (YMCA or EYS). Mr. Parrish explained there were nine people on the board of directors and eight on the operating committee. The program was designed to teach kids the right way to play basketball and volleyball. Coaches will have to meet certification standards and follow a code of conduct. EYS will have a curriculum for all coaches and players that is designed to be age-based. He noted that people would be able to stay in Flower Mound for the activities and the Town and businesses would benefit.

Questions from the Governing Body and Answers

Councilmember Hayden asked how many seasons were planned.

Mr. Parrish responded there would be one season in the fall and one in the spring. They would also have camps, clinics and tournaments throughout the year.

Councilmember Hayden asked about EYS's relationship with the Lewisville Independent School District (LISD).

Mr. Parrish stated one board member was the principal at McKamy Middle School, and he expected that he would be sensitive to the needs of the schools.

Councilmember Hayden asked for the total cost for a player, per season.

Mr. Parrish stated the cost was \$115 for residents, including the jersey. He stated they planned to open registration in September and the season would begin in October.

Town Manager Harlan Jefferson commented that this item was on this agenda so EYS would have enough time to get up and running.

Mayor Smith asked how many kids they anticipated, and if there was a limit.

Mr. Parrish stated this was their first time venture, and they estimated having 1,000 kids this year. He commented that the NTBA went from a high of 2,800 kids per year to 400-500 per season. He stated EYS had an aggressive marketing plan and they hoped to have 3,000-4,000 kids in two years.

Mayor Smith asked if EYS supported a select team.

Mr. Parrish responded that EYS would cater to both select and recreational athletes.

Mayor Smith stated she did not want to see EYS turn into a totally select league.

Mayor Pro Tem Levenick asked about the age groups.

Mr. Parrish responded they ranged from Under 6 to age 15.

Mayor Pro Tem Levenick stated her son has played on select leagues. When an organization opened up to other leagues, that took away space from the recreational leagues. She felt recreational kids just wanted to play on a team, but sometimes got pushed out by select leagues.

Mr. Parrish stated even though the select leagues got more of the publicity, there were not that many select groups for the younger kids. He stated EYS had to have a strong recreational league for success. They planned to provide a whole spectrum of levels of play.

Mayor Smith stated she would like the ability to review this annually or to monitor it somehow.

Mr. Parrish stated he was fine with an annual review.

Deputy Mayor Pro Tem Dixon asked if Flower Mound had enough facilities to accommodate 4,000 kids.

Mr. Parrish stated it had been studied carefully and it would work.

Councilmember Hayden asked how EYS would review that the needs of the participants were being met.

Mr. Jones stated staff and Council would hear it from the citizens. Staff would also provide reports back to the Town Council.

Mayor Pro Tem Levenick commented that the dates in the motion at PALS Board were different from the recommended motion for the Town Council.

Mr. Jefferson stated the dates were accelerated in the motion to accommodate EYS.

Councilmember Filidoro asked how complaints would be monitored.

Mr. Jefferson stated the participants could use the 539.SERV line.

Councilmember Filidoro suggested giving each participant a 539.SERV business card. Councilmember Filidoro asked what would happen if the contract was cancelled in the middle of the season.

Mr. Jones stated that would be at the option of the Council.

Councilmember Filidoro stated he would rather see a cancellation clause by seasons.

Deputy Mayor Pro Tem Dixon stated he would like to see a clause at the end of the season for termination by EYS, and a 30 day clause for termination by the Town.

The Council took a break from 8:44 p.m. to 9:02 p.m.

Mr. Jefferson commented that it was rare for the Town to have something happen to

disband a season.

Council Deliberation

Councilmember Filidoro moved to approve a Youth Basketball and Volleyball Contract with Elevate Youth Sports for facility usage from August 13, 2009, through August 12, 2014, with the following change:

Section III Termination

Town may terminate this contract upon thirty (30) days written notice to the other party. Upon receipt of termination notice, EYS shall stop all work in progress, including subcontracts. In no event shall any such suspension give rise to any claim against the Town by EYS, whether for lost profits, costs, overhead, or any other reason.

EYS may not terminate this contract while engaged in an active season but may terminate this contract upon thirty (30) days written notice prior to the end of an active season or at the end of any given winter/spring season.

Further, Mr. Filidoro moved to authorize the Mayor to execute same on behalf of the Town. Councilmember Wallace seconded the motion.

Councilmember Wallace asked if language would be added about the annual review.

Mayor Smith asked Councilmember Filidoro if he wanted to amend his motion to include the language about an annual review 30 days after the winter/spring season. He agreed to amend the motion and Councilmember Wallace seconded the amendment.

Mr. Parrish questioned that in the event the Town should give notice to cease operations, who from that point would assume operational responsibility for completing that season.

Councilmember Filidoro clarified that the Town would give thirty days notice and EYS would have to finish that season.

Mr. Jefferson stated other contracts had the thirty day notice and the Town had functioned with that clause for a number of years without having to give a notice in the middle of a season.

Mr. Parrish stated EYS would act on good faith as well as the Town.

Councilmember Filidoro amended the motion to read as follows:

Approve a Youth Basketball and Volleyball Contract with Elevate Youth Sports for facility usage from August 13, 2009, through August 12, 2014, with the following change:

Section III Termination

Town may terminate this contract upon thirty (30) days written notice to the other party. Upon receipt of termination notice, EYS shall stop all work in progress, including subcontracts. In no event shall any such suspension give rise to any claim against the Town by EYS, whether for lost profits, costs, overhead, or any other reason.

EYS may not terminate this contract while engaged in an active season but may terminate this contract upon thirty (30) days written notice prior to the end of an active season or at the end of a winter/spring season.

Within thirty days after the end of the winter/spring season, there will be a review between the Town and EYS.

Further, Mr. Filidoro moved to authorize the Mayor to execute same on behalf of the Town. Councilmember Wallace seconded the amended motion.

VOTE ON THE MOTION

AYES: Filidoro, Dixon, Levenick, Wallace, Hayden

NAYS: None

H. ADJOURN SPECIAL MEETING AND CALL WORK SESSION TO ORDER

Mayor Smith adjourned the special meeting and reconvened work session Item 3 at 9:14 p.m.

Assistant Town Manager/Chief Financial Officer Chuck Springer gave the following presentation regarding the proposed budget for FY 2009-2010.

Regarding the proposed new permit for alcoholic beverage sales, the Council was concerned with imposing new fees on businesses that might already be struggling.

Mr. Springer responded that the survey cities were contacted and most of the cities already charged the fee for a permit.

Mayor Pro Tem Levenick commented that businesses usually know that permit fees are a part of the cost of doing business.

Mayor Smith asked if the Town charged a fee to inspect fire extinguishers in businesses.

Fire Chief Eric Metzger stated that private businesses did those inspections.

Councilmember Hayden referred to the proposed new fees and stated it was an issue of timing. The fees would not help stimulate businesses.

Deputy Mayor Pro Tem Dixon agreed and suggested that the Town look at this next year.

Mayor Smith asked staff to find out what the price of a Specific Use Permit to sell alcoholic beverages was prior to the local option election in 2007.

Mr. Jefferson addressed comments from the Council regarding the proposed Mixed Use fee. He stated it was driven by the **Town's** requirement to hire a consultant to study the mixed use request.

Councilmember Filidoro asked what qualified for tuition reimbursement.

Mr. Springer stated the degree had to be related to job duties, and the request had to be approved ahead of time. The requests for 2009-2010 were over \$103,000. Reimbursement was based on the grades received.

Councilmember Wallace asked if any employees had received their **Master's** Degree on this program, and Mr. Springer responded that there were a couple.

Councilmember Hayden commented that there were no projections for raises for employees.

Mr. Springer responded that only market adjustments would be made. He explained the Step Plan for police and fire personnel, and distributed Pay Plan Scenarios for the two departments.

Mayor Smith asked about the battalion chief positions.

Mr. Springer stated the plan was to hire three positions between now and October 1, 2010.

Mr. Jefferson commented that parity between police and fire was requested by the police personnel several years ago. Many cities were not giving increases at all.

Mr. Springer stated many communities were indicating that next year will be worse than this year, particularly regarding property values.

Councilmember Hayden stated he did not want to see employees going three years without increases to their salaries.

Mr. Springer commented that by two years out, there should be some type of turnaround.

Mayor Smith asked if there was any way to tell how new businesses will affect Flower Mound's future.

Mr. Springer stated in 2009-2010, he was projecting a growth in sales tax. Hopefully the hospital will bring taxable sales, and in the long term, it would attract other businesses. The Town was already putting in a great deal of infrastructure to attract other businesses. Mr. Springer reviewed that the revenues in the Fire Control, Prevention, and Emergency Medical Services District Budget included the SAFER Grant.

Mayor Smith understood that the plan was to have one battalion chief in the Fire Department for each shift. She stated she would like to see the numbers run on the three positions and change the start dates so that all three could come on board, particularly with the opening of Station 4.

Mr. Jefferson explained that when the sales tax election was being considered, the department needed 27 positions. The Town was fortunate to receive the SAFER Grant which would fund the personnel. After receiving the SAFER Grant, he wanted to reward the Fire Department for getting the grant. One employee was re-classified to battalion chief and the department planned to get the other two incrementally.

Councilmember Hayden asked how this might affect the department. He asked if it was possible to apply the salary of one battalion chief to the Step Program.

Chief Metzger stated it would be hard to quantify.

Director of Public Works Ken Parr briefed the Council on the proposed Capital Improvement Program (CIP).

Road Projects: Morriss/Gerault, Dixon - east of FM 2499, western end of Flower Mound Road, Garden Ridge Road connection, Sunrise Circle

Reconstruction Projects: Flower Mound Road from FM 2499 to Old Settlers, Hamlet

Facilities: Fire Station #5

Parks: Five parks in need of improvements

Water: 2.5 MG elevated storage tank off FM 1171, water line extension off FM 1171 from Tour 18 to SH 377, water line in FM 407 (gap), water line on Gerault (gap)

Wastewater: Upper Timber Creek Interceptor (northern FM 2499 corridor); upgrade to Wichita Trail Lift Station #1; operation and maintenance manual for the wastewater treatment plant and a capacity rating study for the plant; backup auxiliary power in lift stations.

Regarding Community Support, Mayor Smith asked the Council to look at having to compare priorities for social services as opposed to cultural arts.

Councilmember Hayden suggested maybe just a reduction in support for cultural arts.

Councilmember Wallace supported helping the social service organizations where the Town could not provide specific services to the residents.

Mayor Smith asked how the Town budgeted for legal fees.

Mr. Springer stated he would bring back the general fund and utility fund totals for legal fees at the August 27 public hearing.

Councilmember Wallace asked to see the proposed budget for travel and training at the next meeting.

Mr. Jefferson stated he would plan for a Step Plan discussion at a future date.

F. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Town Secretary Paula Paschal reminded the Council about the tour of Town facilities scheduled for August 28.

J. ADJOURN WORK SESSION

Mayor Smith adjourned the work session at 11:04 p.m. on August 13, 2009, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY

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