

THE FLOWER MOUND TOWN COUNCIL WORK SESSION HELD ON THE 20th 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 work session with the following members present:

Jody Smith	Mayor
Jean Levenick	Mayor Pro Tem
Steve Dixon	Deputy Mayor Pro Tem
Al Filidoro	Councilmember Place 2 (arrived 6:15 p.m.)
Mike Wallace	Councilmember Place 3
Tom Hayden	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Kent Collins	Assistant Town Manager
Doug Powell	Executive Director, Development Services
Edith Marvin	Town Engineer

A. CALL WORK SESSION TO ORDER

Mayor Smith called the work session to order at 6:01 p.m.

B. INVOCATION

Deputy Mayor Pro Dixon gave the Invocation.

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

Deputy Mayor Pro Tem Dixon led the Pledges.

D. WORK SESSION ITEMS

1. Review and discuss compatibility fence regulations associated with school property.

Doug Powell, Executive Director of Development Services, gave the following presentation.

Mr. Powell stated the requirement of the four foot chain link fence was set as a standard for the Lewisville Independent School District (LISD) years ago, as they did not want to provide a place for people to hide behind a solid fence. The Town's provision was probably adopted about the same time. Mr. Powell stated that in February, the Attorney General (AG) issued an opinion on how municipalities deal with school districts, and noted that other cities are also looking at their standards due to the opinion.

Deputy Mayor Pro Tem Dixon asked how the AG opinion would affect the Town's ability to ask LISD not to use temporary buildings.

Mr. Powell stated he would check on that. He reviewed the alternatives and options that the Town had regarding the chain link fence, noting that any change would require a recommendation from the Planning & Zoning Commission.

Mayor Smith commented that it would be good for the Town to have standards for the fences and the temporary buildings.

Deputy Mayor Pro Tem Dixon stated he had always preferred to tubular steel over chain link fencing. He felt a 4-6 foot tubular steel fence would be a good standard. He also suggested having stone or masonry columns at the 90 degree angles or boundaries of the fencing.

Mayor Pro Tem Levenick commented that the Council should not push for a complete masonry wall, as it could be cost prohibitive to the LISD. She liked Deputy Mayor Pro Tem Dixon's ideas.

Councilmember Wallace agreed with the comments that had been made, and also suggested providing for landscaping in lieu of a solid wall.

Councilmember Hayden stated he would like to hear feedback from the LISD.

Mr. Powell stated he did tell LISD about the work session, and he did not receive anything from any of their representatives in writing. He also sent them a copy of the staff report.

Mayor Smith was in favor of flexibility for the LISD.

Mr. Powell commented that the schools ran the gamut with activities. He stated the idea of tubular steel fencing was good unless it was adjacent to an existing neighborhood (and then masonry might be needed). He noted that when a decision was made, it could be possible that if it meets the standards, the Planning & Zoning Commission could approve the request. If a waiver was needed, it would have to be heard by the Town Council.

2. Review and discuss perimeter fence regulations.

Executive Director of Development Services Doug Powell reviewed the current standards for perimeter fences along arterial roadways and presented information.

Mr. Powell noted that many fences have been replaced with a variety of fences. He reviewed the proposed standards, noting they would provide for a higher quality of fence. He asked Council for direction on whether or not to bring forward proposed standards. He added that no Planning & Zoning (P&Z) recommendation was required.

Mayor Smith noted that she had spoken with a local fence builder about a new product on the market.

Councilmember Wallace read an email from P&Z Commissioner Tom Goss about new products and composites for fence materials that were on the market. He noted they were much more durable than wood. He asked for the cost per linear foot as opposed to western red cedar, and if the Town could offer it as an option.

Mr. Powell stated the material was not used for board on board fences - it was used for more decorative fences. The cost was substantially higher than for a wood fence, and the weight was different. Additional posts and possibly stringers would have to be added. He noted that eventually, more products will come on line. The Town wanted to make sure the fences would be able to stand for a significant length of time.

Mayor Pro Tem Levenick asked for the difference in the costs between the current standards and proposed standards (per foot).

Mr. Powell stated the Town went through a bid process for fences with the current standards. The prices came in between \$13.00 and \$44.00 per linear foot, and the contract was awarded at \$16.85. The proposed standards would be about \$25 per linear foot.

Councilmember Hayden stated the new standards might be cost prohibitive. He asked for an explanation of the process to replace a fence.

Mr. Powell stated a fence permit was obtained through Building Inspection. Many times the contractor will request the permit. The requestor needed to provide a plot plan to show where the fence would be placed.

Councilmember Hayden stated he had heard that the process was not that easy.

Mr. Powell stated staff did get requests that needed to be reviewed or amended. The poles could not be on the outside. There may be Planned Development (PD) requirements. The comments and review process, back and forth, could lead to some frustration. He noted that slats could be replaced without a permit.

Matt Woods, Director of Environmental Services, commented if someone wanted to change the height or location, or wanted to replace the posts, they needed a permit.

Deputy Mayor Pro Tem Dixon stated after the tornado there were many downed fences. Some people would see the value of a fence lasting longer and some would not. He asked if there was anything the Town could do (that would not cost the Town any money that would mitigate the difference in the cost between the current standards and proposed standards. He asked if the Town could approach Lowe's and Home Depot by doing bulk ordering, and giving citizens a discount because they were preordering certain materials. He felt the stores and contactors would like to have those discussions.

Town Manager Harlan Jefferson stated the Town did have a fence replacement program. Citizens were allowed to pay the Town back within 12 months. Many residents took advantage of the program. He did not believe Phase 2 of the replacement program had yet been funded.

Deputy Mayor Pro Tem Dixon was in favor of approaching Home Depot and Lowe's about a program for people who wanted to replace their fences themselves.

Councilmember Wallace asked what happened to someone who replaced their fence, but did not replace it to the Town's standards, and did not get a permit.

Mr. Powell stated they would have to tear down the fence that was not in compliance, get a permit and replace it to the Town's standards.

Councilmember Wallace was concerned that many people would bypass the process and put in substandard fences.

Mr. Powell stated Code Enforcement and Building Inspection did see violations without permits, and at times it could be difficult to re-permit such a fence. However, staff does work with those residents.

Councilmember Hayden wanted to see a standard for a uniform stain. He was hesitant to pass an increase in the price along to the residents.

Councilmember Filidoro asked if people were re-paying the Town within the 12 months.

Mr. Woods stated the first program was very good and the Town had not had many delinquents.

Councilmember Filidoro had concerns between the problem fences and the cost of new fences. He asked if the Town could put out another Request For Qualifications to see if the contractors could provide better costs for replacements. He suggested sending the contractors a notice about the new standards and then have a public hearing. He wanted to study this further.

Mayor Smith noted the Town could not recommend firms. She asked if the Town could do a Request For Proposals for fencing companies and then make those prices available.

Town Manager Harlan Jefferson stated the Town might be challenged by the state purchasing laws. Staff could put together a list of fence contractors that work in Flower Mound, but not refer any specifically. He noted that many of the areas that would be impacted in Flower Mound were the non-homeowner association (HOA) areas. The important part was to set a standard so that future fences looked consistent. He noted that pre-stained fences looked better longer. Staff could look at the costs of the components, and he suggested engaging the public in a discussion.

Mayor Smith liked the board on board fence. Offering options, however, was a good idea. She asked staff to provide a labor cost/non-labor cost comparison.

Councilmember Filidoro asked if the Town could do a Request For Information from the contractors.

Mr. Jefferson stated yes. He added if the Town asked a contractor for information on

aquote, and then sent a citizen to someone else, there could be a violation. He stated staff would need to look at the details.

Mayor Smith asked for a brief legal opinion on the Request For Information. She asked if the prices could be made public.

Deputy Mayor Pro Tem Dixon stated maybe the stores could sell a "wrap pack" of supplies - here are the standards and here is what is needed.

Mayor Smith asked Brian Webb (P&Z) if he had any comments.

Brian Webb, High Road, Flower Mound

Mr. Webb stated maintaining standards was a good thing, and he encouraged the maintenance of the older parts of Flower Mound. He stated that a 47% increase in the price for the proposed standards was significant. He hoped the fence replacement program could continue to fund itself each year. He offered that instead of having 3" galvanized steel poles, maybe the standard could be to double up the smaller ones.

3. Presentation and discussion regarding adoption of the Town-wide Hydrologic Study.

Town Engineer Edith Marvin stated in December 2007, an ordinance was adopted that modified the Town's floodplain criteria to provide a clear definition of its boundaries. Prior to 2007, the floodplain was defined as the spread of the 100-year water surface, however there was no clear definition of the upstream limits. Surveys were conducted in 2007 that set the upper limits to the point where there was 80 acres of watershed contributing, as well as two foot of depth of flow during the 100-year fully developed event. A contract was approved with Nathan D. Maier, Inc. to help with the study and to define the upper limits of the floodplain and from that point downstream, the flows associated with the watershed (the runoff) - not the spread of the water, but the flows themselves. She stated this clarified where the Town floodplain begins and showed flows downstream. She stated it provided a consistency for modeling purposes (CIP Projects), and development projects that are along the streams. Ms. Marvin stated it also helped to streamline the development process.

Bill Wallace, Nathan D. Maier, Consulting Engineers, Inc.

Mr. Wallace gave the following presentation.

Mr. Wallace stated the largest watershed in Flower Mound was Timber Creek. Many watersheds drained to Grapevine Lake and the others drained off to the east of the Town. He stated he would provide electronic data of the study to the Town, and then it could be input into the Town's GIS system.

Councilmember Filidoro asked if the Town had to redesign its floodplain maps.

Mr. Wallace stated the intent of Ordinance No. 104-07 was to show how far up into a watershed a developer would have to go. The projects upstream of the red dots on the study were outside of the floodplain. Downstream of the red dots, the Town would be able to figure out how wide the floodplain was. He stated this did not redefine the Town's floodplain as defined by FEMA.

Councilmember Filidoro stated when The River Walk project came in, the developers said **Flower Mound's floodplain** was larger than FEMA's.

Ms. Marvin stated the flows for the FEMA floodplain were calculated 20 years ago. The Town did not rely on FEMA flows for a home elevation. Staff used the Town floodplain information because the objective was to protect **people's** homes and the Town. Using this study let the Town know where water really was. She stated a developer could take the flows and use them to work their development and determine the width of the spread of the water.

Councilmember Filidoro asked if the study would help developers save money.

Ms. Marvin responded yes, as they had to do a hydrologic study and a hydrolic study.

Mayor Smith appreciated this initiative, as it helped the Town and helped to streamline the development process and make it more accurate.

Councilmember Wallace asked how often the study should be conducted.

Mr. Wallace responded that technically the study should not have to be renewed, as it assumed ultimate buildout. If the land use plan changes significantly, it might have to be redone.

Councilmember Wallace asked if the study included information on soil data. He had recalled that the Town was going to look in the Cross Timbers area to see if septic systems were contaminating soils.

Mr. Jefferson responded that was not part of the study.

Mayor Smith concluded that the Council direction was for staff to proceed as planned.

E. ADJOURN WORK SESSION

Mayor Smith adjourned the work session at 7:27 p.m. on August 20, 2009, and all were in favor.

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY