

**THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING, TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING, AND TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 27<sup>th</sup> 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 special meetings with the following members present:

Jody Smith	Mayor
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

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
Kent Collins	Assistant Town Manager

**A. CALL SPECIAL MEETINGS TO ORDER**

Mayor Smith called the special meetings to order at 6:12 p.m.

**B. INVOCATION**

Chaplain Mark Sherrill gave the Invocation.

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

Chaplain Sherrill led the Pledges.

**D. REGULAR ITEMS**

1. **Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2009, and ending on September 30, 2010.**

**Staff Presentation**

Assistant Town Manager/Chief Financial Officer Chuck Springer gave the following presentation on the Proposed FY 2009-2010 Budget, and Assistant Town Manager Kent Collins gave the presentation on the FY 2009-2010 CIP.







Mr. Collins highlighted the following projects from the proposed CIP.

Roadways - Morriss/Gerault  
Reconstruction - Flower Mound Road  
Water/Wastewater - Western Elevated Storage Tank, FM 1171 and SH 377 Water Line  
Projects, TRA Water System  
**Parks - Wilson/Carmel Phase I**  
Facilities - Fire Station #5

Mr. Collins stated the CIP totaled \$37.3 million on the General Fund side, and \$34 million was non new-debt revenue.

Mr. Springer stated the Council would consider and adopt the budget and tax rate on September 21.

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

#### **Public Comments**

##### Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone complimented the Town Council and staff on the budget. He referred to the model of a proposed town hall that was on display in the Council Chambers. He stated the Town had a history of involving citizens in making decisions on how funding was spent. He had heard people asking for senior buildings and dog parks, however no one was asking for a new Town Hall. He suggested that at some point in the future, the Council should look at a blue ribbon committee for Town facilities, have a vision for the future, and make a plan of action. He stated maybe it was time to do a 5,000 square foot extension of the Library. Mr. Stone supported the budget.

##### Leon Wilson, 2230 Whispering Oaks, Flower Mound

Mr. Wilson stated he had reviewed the budget, and he believed the Town was receiving less money in and giving away more. He felt it was a politically driven budget. He stated there was no tax increase to pay for the Community Activity Center, and the Town was subsidizing the operation for non-residents. Additionally, the Town was paying \$1 million to operate the facility each year. Mr. Wilson stated the Friends of the Flower Mound Public Library gave \$20,000 to the Library for more books, and the Town was giving money to organizations outside the Town (Community Support). Mr. Wilson stated the 75,000 items in the Library were worth \$1.5 million. If 10% of the items were replaced each year, the book budget would be at least \$150,000 a year. He stated Denton County helped to fund libraries in Denton County, but the money went back to the General Fund, not the Library. Mr. Wilson stated when the Library was on probation with the State Library Board, he and many others helped raise \$107,000. He and his wife supported the Library, even though he felt the budget for the Library was being reduced.

#### **Close Public Hearing**

#### **Council Deliberation**

Deputy Mayor Pro Tem Dixon asked if the Town received money from Denton County that was not earmarked for the Library.

Mr. Springer stated those funds were budgeted in a special Library Fund and were used

for the Library.

Town Manager Harlan Jefferson stated the funding did go to the Library and was allocated by a pro-rata share of population. The funding was in a governmental category in the General Fund and was disbursed in the General Fund.

Tammy Wilson, Director of Budget and Accounting stated the funding went into General Fund revenue and helped to cover the cost of the Library divisional budget.

No action taken.

Mayor Smith opened Items 2, 3, 4 and 5 at this time.

2. **Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2009, and ending on September 30, 2010.**
3. **Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2009, and ending on September 30, 2010.**
4. **Public Hearing by the 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 authorizing the imposition of the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax at the rate of one-fourth of one percent on gas and electricity for residential use.**
5. **Public Hearing by the 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 authorizing the imposition of the Crime Control and Prevention District Sales and Use Tax at the rate of one-fourth of one percent on gas and electricity for residential use.**

#### **Staff Presentation**

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







Mr. Springer noted that the 8<sup>th</sup> beat in the Police Department would be in operation by the end of the year. He noted that some of the expenditures for firefighting personnel will have to be absorbed beginning in FY 2010-2011.

### Questions from the Governing Body and Answers

Mayor Pro Tem Levenick asked for staff to provide the numbers (at the September 21 meeting) that might assume that the reauthorization of the districts does not happen.

Councilmember Hayden stated when the SAFER grant ran out, there would be a significant expense with no revenue growth. He stated the Town needed to make sure it knew where the money was going to come from.

### Public Comments

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated she did not want to see Police or Fire protection reduced at any time.

### Close Public Hearing

### Council Deliberation

No action taken on Items 2 and 3.

### Council Deliberation

Councilmember Wallace moved to approve Resolution No. 26-09 by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District authorizing the imposition of the Flower Mound Fire Control, Prevention, and Emergency Medical Services District sales tax at the rate of one-fourth of one percent on gas and electricity for residential use. The motion was seconded by Councilmember Filidoro. The caption of the resolution reads as follows:

#### RESOLUTION NO. 26-09

**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, AUTHORIZING THE IMPOSITION OF THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT ON GAS AND ELECTRICITY FOR RESIDENTIAL USE; PROVIDING FOR THE NOTIFICATION OF THE STATE COMPTROLLER'S OFFICE; PROVIDING FOR THE NOTIFICATION OF GAS AND ELECTRIC COMPANIES WITHIN THE BOUNDARIES OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT; PROVIDING FOR THE PUBLICATION OF SAID RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE VOTE ON THE MOTION**

**AYES:** Filidoro, Dixon, Levenick, Wallace, Hayden

**NAYS:** None

**Council Deliberation**

Mayor Pro Tem Levenick moved to approve Resolution No. 27-09 by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District authorizing the imposition of the Flower Mound Crime Control and Prevention District Sales and Use Tax at the rate of one-fourth of one percent on gas and electricity for residential use. The motion was seconded by Deputy Mayor Pro Tem Dixon. The caption of the resolution reads as follows:

**RESOLUTION NO. 27-09**

**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, AUTHORIZING THE IMPOSITION OF THE CRIME CONTROL AND PREVENTION DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT ON GAS AND ELECTRICITY FOR RESIDENTIAL USE; PROVIDING FOR THE NOTIFICATION OF THE STATE COMPTROLLER'S OFFICE; PROVIDING FOR THE NOTIFICATION OF GAS AND ELECTRIC COMPANIES WITHIN THE BOUNDARIES OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT; PROVIDING FOR THE PUBLICATION OF SAID RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Hayden, Wallace, Levenick, Dixon, Filidoro  
**NAYS:** None

The Council returned to Item 1 for more discussion regarding the proposed budget.

Town Manager Harlan Jefferson stated the Town received \$73,100 from Denton County for the Library. The total category for intergovernmental revenue in the General Fund was \$336,000. The LISD provided \$96,000 (one half the cost for school resource officers), the Corps of Engineers provided \$27,000 for patrolling their property along Grapevine Lake, Denton County also provided child safety funding related to cross walk patrols, Fire Department funding to unincorporated areas (\$54,000), and money budgeted for joint elections with LISD (\$5,300). Mr. Jefferson stated that the proposed budget was based on information received from the visionary retreat in January, the budget work session in May, and from the budget priority questionnaire. Mr. Jefferson gave the following presentation.











Mayor Pro Tem Levenick thanked staff for working with SPAN on trying to provide transportation in Flower Mound.

Mayor Smith also thanked members of the Seniors In Motion program for driving other seniors to doctors appointments.

Councilmember Filidoro asked for an update on SPAN's fleet and replacement vehicles.

Mayor Smith stated she would like to see SPAN's entire budget during the next discussion of the budget.

Mr. Jefferson stated staff would prepare a response to the concerns with SPAN.

Mayor Smith encouraged the Council to forward any future ideas for the January strategic planning session to Mr. Jefferson, Town Secretary Paula Paschal, or herself.

Assistant Town Manager Chuck Springer addressed the questions from the Budget Work Session.

Councilmember Filidoro asked for the penalty if someone did not have a permit for solicitation.

Police Chief Kenny Brooker stated the penalty was a Class C Misdemeanor (fine). The officer had discretion to issue a citation or arrest the person in violation of the ordinance. He noted that the officer did have to have probable cause to issue a citation.

Mayor Smith asked about the amount of the legal bill for July.

Councilmember Hayden stated it was unacceptable to jeopardize the services of the Police and Fire Departments. He was in favor of hiring two battalion chiefs for the Fire Department in October, and see how they work out before adding the third one. He stated it was not prudent to act hastily and add the third battalion chief. He stated that action might put pressure on employees in the Fire Department.

Mayor Smith supported hiring the third battalion chief as soon as possible. She stated it would put a strain on the fund balance, but it put more strain on the management team of the Department and would provide less stress on individuals in the Fire Department.

Councilmember Hayden stated they should wait and see how having the two battalion chiefs played out with the budget constraints.

Mayor Smith stated the Department would ultimately have three battalion chiefs - it was just a matter of timing.

Councilmember Filidoro was pleased that the Town had the SAFER grant for hiring personnel. He stated the Town needed to be fiscally prudent and understand that the Department would live on federal dollars for only a short period of time. He did not want to be in a situation where other Town Councils would inherit a situation when the SAFER grant was gone. He stated the Department needed to keep up the level of service to the citizens.

Mr. Jefferson agreed with the concerns that were expressed. He stated staff was careful when pursuing grant funding, and it was rare to get funding for personnel. He stated the



grant supplemented funding for 27 firefighters. The budget forecast showed there will be challenges down the road and staff was starting to plan today. That was the main reason the battalion chiefs were proposed in phases. He stated there were three options for dealing with the battalion chiefs (Slide 27 of the presentation). He believed it was in the **Town's** best interest to increase the level of supervision when the Town increased from three stations to five stations.

Councilmember Filidoro asked Fire Chief Metzger for his thoughts.

Chief Metzger stated the battalion chief would be the most senior person on a shift (the team leader for all five stations). He stated firefighters worked 24 hours on and 48 hours off. The battalion chief was the link between the administration and the fire fighting organization. He would maintain order and discipline, counsel and evaluate. He stated delaying the hiring until April would help to remain budget neutral.

Mayor Smith asked when the battalion chiefs were first requested.

Chief Metzger replied it was a couple of years ago.

Deputy Mayor Pro Tem Dixon asked who was currently the top person on each shift.

Chief Metzger responded it was himself, Assistant Chief Scott Mitchell or the duty chief. He stated two of them were never out of town at the same time. The chiefs assumed command when multi-companies responded to an incident.

Councilmember Filidoro asked how many situations might have been run more smoothly if these positions had been in place.

Chief Metzger stated one fire could overwhelm the department, and added that there were always opportunities to make things more efficient.

Councilmember Hayden asked Chief Metzger if he would prefer to have the three battalion chiefs authorized in April.

Chief Metzger responded yes, unless money was not an object. Hiring the positions incrementally was fine.

Mayor Smith stated it seemed like money was the issue. She reviewed the fund balance issue and noted that the Charter called for 10%. Financial policies kept it around 15%. She stated it appeared that the Council would be looking at over 18% over the next few years. She added that she would hate to err on safety.

Councilmember Hayden stated the Council knew Fire and Police were important issues, however the Town did not know what next year held. If money was not an issue, he stated he would hire three battalion chiefs tomorrow. He asked the Town Manager what type of direction staff needed.

Mr. Jefferson stated he would like to have Council consensus so staff could bring a budget back on September 21 for adoption - one that met the Town **Council's** expectations. He asked if Option 2 was acceptable. He received consensus from the Council other than Mayor Smith.

Mayor Smith commented that Chief Metzger was put on the spot to make a recommendation.

### **Fee Changes**

Mayor Pro Tem Levenick felt the Council should move forward with the alcoholic beverage fees and health permit fees. She felt comfortable that it would not be a hardship on the businesses, and it would keep Flower Mound in line with most of the survey cities.

Mayor Smith asked how much a Specific Use Permit (SUP) previously cost.

Town Secretary Paula Paschal responded that the minimum application fee had been \$500.

Councilmember Wallace stated the proposed changes would bring Flower Mound up to the sister cities/industry, and he supported the fees.

Councilmember Hayden asked how much additional revenue the permit fees would generate.

For the alcoholic beverage permit fee, Mr. Springer stated the first year would generate \$7,600, the second year \$22,000, and \$24,000 in the third year. The health permit fee would generate about \$11,000.

Councilmember Hayden disagreed with increasing fees at this time and he felt it sent a wrong message to the businesses. He preferred to waiting until the economy turned to a more normalized environment.

Deputy Mayor Pro Tem Dixon stated Flower Mound should be on par with the sister cities on fees, however he stated he was in favor of wait until next year when the Town could see a \$22,000 impact.

Councilmember Filidoro asked if the impact would be \$8,000 next year.

Mr. Springer stated it would be at \$22,000 next year.

Councilmember Filidoro agreed with Deputy Mayor Pro Tem Dixon about the timing.

Mayor Smith was in favor of the permit fee.

Ms. Paschal explained that due to the local option election in 2007, the restaurants that did away with Private Clubs started their three-year waiting time before they could be charged a local permit fee. Most of them would be eligible in 2010.

### **Compensation**

Mr. Springer stated only market adjustments were built into the proposed budget, not merit increases.

The consensus of the Council was to support the changes as presented by staff.

### **Community Support**

Deputy Mayor Pro Tem Dixon stated he had received phone calls from residents asking why the Library did not receive Community Support funding. He explained that the Town did support the Library in the budget, and additionally there was a non-profit organization that raised **funding for the Library - Friends of the Flower Mound Public Library**.

Mr. Springer stated staff sent information about the funding to the non-profits every year. The organizations had to be established for three years before requesting support, and he had never had a request from the Friends.

Councilmember Wallace stated his preference would be to keep the same amount of funding from this fiscal year to the next (no increase), noting that employees were not receiving raises this next year either. He did appreciate the Voices of Flower Mound, and Councilmember Hayden agreed.

Councilmember Filidoro stated many organizations were in need, and he could see approving nominal increases. He suggested giving Voices of Flower Mound \$2,000, another \$5,000 to the **Children's Advocacy Center of Denton County (CACDC)**, another \$1,000 to Communities in Schools, and a total of \$9,500 to PediPlace. He noted that the community support organizations received additional support from the Town in the form of advertising on FMTV, website links, utility billing notes, special events, and Twitter.

Mr. Jefferson stated some agencies did **take advantage of this and some don't**.

Deputy Mayor Pro Tem Dixon stated someone has pointed out that the Humane Society was getting \$15,000, which was less than what the CACDC received. He agreed with the resident that this was not right. He agreed with increasing CACDC, PediPlace and Communities in Schools. He stated the Council might consider taking some of the cultural arts money and putting it into the social services. He appreciated the cultural arts but would rather see money go to children.

Councilmember Filidoro stated some of the groups relied on the Town for money and some relied on multiple communities. He asked that staff separate the two and highlight them in different colors.

Mr. Jefferson commented that no more than 25% of their funding can come from Flower Mound.

Mayor Pro Tem Levenick suggested decreasing the funding for cultural arts by 20% from the current fiscal year, and then more money would be available for CACDC and PediPlace.

Councilmember Wallace agreed, as the community service groups were trying to meet basic human needs (food, shelter, clothing, transportation). He noted that the cultural arts could sell tickets to performances and have car washes.

Mayor Smith supported giving Voices of Flower Mound a small amount, noting they would get support from the Town with the advertising avenues.

Mayor Pro Tem Levenick asked the Council to consider giving \$1,000 to Voices of Flower Mound.

Mr. Springer stated by reducing the cultural arts 20%, an additional \$5,000 would be

available to give to the social services.

Councilmember Filidoro stated all of the social service groups could have car washes too, as all organization were actively fund raising. By reducing the amounts for cultural arts, he stated the Council would be sending a dangerous message to those groups, as they were also struggling. He was not in favor of reducing funding for the cultural arts.

Councilmember Wallace stated the Council was dealing with taxpayer dollars, and the purpose of community support funding for the social services organizations was to help meet the basic needs that Town government could not do.

Mayor Pro Tem Levenick commented that no one had said cultural arts were not important. Community Support funding was used to help those less fortunate. She stated the Council had to remember that the economy was tough everywhere.

Mayor Smith suggested changing Voices of Flower Mound to \$500.

### **Battalion Chief**

Mayor Smith stated she wanted all three battalion chiefs funded beginning October 1, 2009.

Councilmember Filidoro asked how much more it would cost for each option.

Mr. Springer responded it would be about \$140,000 over a year. Staff had proposed two chiefs (one in the General Fund and one funded through the Fire District) on October 1, 2009. If two were put in the Fire District beginning in April, it would cost the Town \$140,000 for the year and then beginning October 1, 2010, the funding would be \$280,000.

Mayor Smith, with consensus of the Council, reopened the public hearing

### Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated when she commented earlier about the Fire and Police Departments, she meant that she wanted to see all three battalion chief positions funded on October 1, 2009. She stated she was appalled that there were no battalion chiefs in place, and she felt the Town was asking too much of the chief and assistant fire chiefs. Regarding Community Support, she stated Communities in Schools had no offices serving underprivileged kids in Flower Mound. She stated the Town needed to re-examine the information that had been submitted. She added that the Friends of the Flower Mound Library would be requesting Community Support funding next year.

Mayor Smith asked if the Friends submitted an application now, might they be considered.

Mr. Jefferson stated the deadline had passed, but the Town Council could make an exception.

Mr. Springer commented that another group had applied, but they were passed the deadline and staff had to reject it. He noted that the Council could amend the policy and allow organizations that made significant contributions to the Town to receive publicity benefits.

The consensus of the Council was to amend the policy allowing the Friends of the

Flower Mound Library and similar organizations that made contributions to the Town, to receive advertising benefits.

Leon Wilson, 2230 Whispering Oaks, Flower Mound

Mr. Wilson stated the chiefs had been running the Fire and Police Departments for a long time and were underpaid. He stated they had a great deal of experience and the Council should listen to what they had to say.

**Close Public Hearing**

Mayor Pro Tem Levenick stated it was important to have the battalion chiefs as soon as possible, and she was in favor of having all three funded on October 1, 2009.

Councilmember Hayden stated he would like to start two of the battalion chiefs in October, however he would yield to the **chief's** experience (he had stated having all three start in April was fine). Councilmember Wallace agreed.

Deputy Mayor Pro Tem Dixon was in favor of hiring all three on October 1, 2009.

Councilmember Filidoro did not mean to put the chief in a difficult position. He was in favor of hiring three in April 2010.

**Fee Changes**

Mayor Pro Tem Levenick and Councilmember Wallace were in favor of raising the fees that were discussed during the next fiscal year.

Deputy Mayor Pro Tem Dixon, Councilmember Hayden, and Councilmember Filidoro were in favor of reassessing the need for the fees next year.

**Community Support**

See spreadsheet on following page.



**E. ADJOURN SPECIAL MEETINGS**

Mayor Smith adjourned the special meeting at 8:44 p.m. on August 27, 2009, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

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JODY A. SMITH, MAYOR

ATTEST:

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PAULA J. PASCHAL, TOWN SECRETARY