

**THE FLOWER MOUND TOWN COUNCIL REGULAR 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 16<sup>th</sup> DAY OF AUGUST, 2010 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:

Melissa Northern	Mayor
Al Filidoro	Mayor Pro Tem
Tom Hayden	Deputy Mayor Pro Tem
Steve Dixon	Councilmember Place 1
Mike Wallace	Councilmember Place 3
Steve Lyda	Councilmember Place 4

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
Kent Collins	Assistant Town Manager
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Northern called the briefing session to order at 6:01 p.m.

**B. BRIEFING SESSION**

**1. Town Council Boards and Commissions Subcommittee Reports**

Mayor Northern attended a ribbon cutting and grand opening at Owens and Minor, a new medical supply company in the Lakeside Business District.

**2. Discuss Consent and Regular Items**

No discussion.

**3. Discuss Future Agenda Items**

Town Manager Harlan Jefferson stated the Police Department was working with areadepartments to eliminate the use of K2. He noted that Flower Mound was working on a legislative solution, however a number of cities were choosing local options that included prohibiting the sale of the drug, prohibiting possession of the drug and any paraphernalia, and levying a fine up to \$500. He asked the Town Council if they were interested in considering an ordinance.

The consensus was to bring an ordinance for consideration at the September 7 special meeting.

**4. Discuss Council Communications**

Mr. Jefferson stated the Council would discuss the appointment of a new municipal judge in Closed Session.

**C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER**

Mayor Northern adjourned the briefing session and called the regular meeting to order at 6:05 p.m.

**E. INVOCATION**

Chaplain Mike Liles gave the invocation.

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

Scouts from Jamboree Troop 1635 led the pledges.

**G. PRESENTATIONS**

- **Certificates of Recognition - Rick Watson, Richard Thibodeaux, Jim Moll, and Brad Moll**

Mayor Northern and Councilmember Lyda presented Certificates of Recognition to Scoutmaster Rick Watson, and Assistant Scoutmasters Richard Thibodeaux, Jim Moll and Brad Moll, all from Jamboree Troop 1635.

- **Proclamation - Paula Paschal Day**

Mayor Northern and the entire Town Council presented a proclamation for Paula Paschal Day (August 31, 2010) to retiring Town Secretary Paula Paschal along with 15 yellow roses.

**H. PUBLIC PARTICIPATION**

Jennifer Rogers, 2608 Carterton Way, Flower Mound

Ms. Rogers stated that she was asked by the Town Council to serve on the Oil and Gas Advisory Board, and she had invested a substantial amount of personal time into the Board. She stated that she deserved to know why the Council would be considering her removal from the Board. She added that the Town should inform the public that the permit for the Hilliard property might be approved by the end of the month.

Renee Doyle, 1920 Widgon Way, Flower Mound

Ms. Doyle expressed concern over the Morriss Road project. She asked what items were included in Phase 1. Ms. Doyle stated she had filed numerous requests for public information and had talked to staff, members of the Council, and the county commissioners. She kept getting different answers. She asked why the Town would spend Denton County money on a project that was in Tarrant County. She asked for an independent audit and review of the project.

Sue Ann Lorig, 4613 Foxglove Court, Flower Mound

Ms. Lorig read a statement from Virginia Simonson (out of town) regarding the Hilliard

gas pad and the possible administrative approval of permits.

Todd Stanfield, 4504 Biscayne Drive, Flower Mound

Mr. Stanfield offered support for Jennifer Rogers and Prakash Parameswaran on the Oil and Gas Advisory Board. He stated the Town deserved people like them on the Board. Regarding the permits on the Hilliard property, Mr. Stanfield requested the Town to enter into a stand-still agreement.

Steve Schmidt, 2408 Northshore Blvd., Flower Mound

Mr. Schmidt expressed concern with drilling at the Hilliard site. He had a daughter that attends Bluebonnet, and a four-year old with leukemia. He asked the Town to continue to put safety and health first. Many citizens were concerned with drilling near their homes. He asked the Town to put signs on the property when a permit had been applied for.

Alok Bhaskar, 4517 Delaina Drive, Flower Mound

Mr. Bhaskar expressed concern with the proposed Titan permits for the Hilliard sites. He asked that the Council not remove Jennifer Rogers and Prakash Parameswaran from the Oil and Gas Advisory Board and not support the gas companies.

Mark Breheny, 1413 Willowross Way, Flower Mound

Mr. Breheny stated he was speaking for another citizen about the possible removal of Jennifer Rogers and Prakash Parameswaran. He asked the Council to uphold their campaign promises about gas drilling.

Cricket Wright, 4000 Fairfax Court, Flower Mound

Ms. Wright stated the children in Flower Mound deserved to live in a safe and healthy community. Almost 2/3 of the Town residents were families with children, and she encouraged the Council to enforce the highest safety standards.

Mayor Northern encouraged Ms. Wright to attend the Oil and Gas Advisory Board meetings.

**I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS**

- **Announcements and brief discussion regarding recent and upcoming civic and social events, traffic issues, informational updates on Town projects, capital improvement projects, reports about contacts with other groups and/or individuals about Town issues and projects, Town legislative and regulatory issues, informational responses to questions, and information sharing.**

No announcements.

**J. TOWN MANAGER'S REPORT**

- **Update and status report related to operational issues, capital improvement projects, budget projections, grants, legislation, and regulatory activities.**

Town Manager Harlan Jefferson stated the Oil and Gas Advisory Board would be holding a public hearing tomorrow night at the Central Fire Station. He stated that three major projects that were being done around schools were all completed, including the intersections of Morriss and Garden Road, Quail Run and Flower Mound Road, and Sagebrush and Old Settlers (four way stop). The contractor for the Marcus Stadium was finishing up a right turn lane from Morriss

to Waketon. He reviewed the increased response times for the Police and Fire Departments, particularly regarding the SMARTGrowth thresholds. Mr. Jefferson announced that Fire Station 5 opened last Monday.

Deputy Mayor Pro Tem Hayden asked Mr. Jefferson to ask the Oil and Gas Advisory Board if there was a need to restrict truck hours (for gas drilling) during school zone times.

Councilmember Dixon asked if the engineering comments had been received back from Titan (for the Hilliard site).

Mr. Jefferson stated that Titan provided a reply to Town staff last Wednesday, and the Town had ten business days to issue the permit (August 25).

**K. CONSENT ITEMS**

Mayor Pro Tem Hayden made a motion to approve by consent Items 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Deputy Mayor Pro Tem Hayden seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

1. **Consider approval of minutes from a regular meeting of the Town Council held on August 2, 2010.**

**RECOMMENDATION:** Approve the minutes from a regular meeting of the Town Council held on August 2, 2010.

2. **Consider approval of a resolution casting the Town of Flower Mound's vote for Harlan Jefferson as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2010.**

**RECOMMENDATION:** Approve Resolution 19-10 casting the Town of Flower Mound's vote for Harlan Jefferson as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2010. The caption of the resolution reads as follows:

**RESOLUTION NO. 19-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPOINTING ONE MEMBER TO THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT.**

3. **Consider approval of an ordinance establishing the 2010 certified appraisal roll.**

**RECOMMENDATION:** Approve Ordinance No 50-10 establishing the 2010 certified appraisal roll. The caption of the ordinance reads as follows:

**ORDINANCE NO. 50-10**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2010 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

4. **Consider accepting the submission of the certified collection rate of 100 percent for**

**the fiscal year beginning October 1, 2010, and ending September 30, 2011.**

**RECOMMENDATION:** Accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2010, and ending September 30, 2011.

- 5. Consider accepting the submission of the notice of an effective tax rate of \$0.4643 per \$100 assessed valuation and a rollback tax rate of \$0.4914 per \$100 assessed valuation for the fiscal year beginning October 1, 2010, and ending September 30, 2011.**

**RECOMMENDATION:** Accept the submission of the notice of an effective tax rate of \$0.4643 per \$100 assessed valuation and a rollback tax rate of \$0.4914 per \$100 assessed valuation for the fiscal year beginning October 1, 2010, and ending September 30, 2011.

- 6. Consider proposing a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2010, and ending September 30, 2011; and scheduling the August 26, 2010, public hearing on the budget, and scheduling the September 20, 2010, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

**RECOMMENDATION:** Propose a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2010, and ending September 30, 2011; and scheduling the August 26, 2010, public hearing on the budget, and scheduling the September 20, 2010, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

- 7. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 26, 2010, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 20, 2010, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for August 26, 2010, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 20, 2010, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

- 8. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 26, 2010, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 20, 2010, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for August 26, 2010, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 20, 2010, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

9. Consider approval of Bid No. 66-10-B, for the construction of the Hamlett Lane Paving Reconstruction project, to 3D Paving and Contracting, LLC, in the amount of \$260,395.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve the award of Bid No. 66-10-B, for the construction of the Hamlett Lane Paving Reconstruction project, to 3D Paving and Contracting, LLC, in the amount of \$260,395.00, and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of a Professional Services Agreement with Teague, Nall and Perkins, to provide professional engineering design services for Chinn Chapel Road Phase I, in the amount of \$299,000.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a Professional Services Agreement with Teague, Nall and Perkins, to provide professional engineering design services for Chinn Chapel Road Phase I, in the amount of \$299,000.00, and authorize the Mayor to execute same on behalf of the Town.

#### VOTE ON THE MOTION

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

#### L. REGULAR ITEMS

11. Consider approval of the award of Bid No. 76-10-B, with JRJ Paving, L.P., for the construction of Dixon Lane (FM 2499 to Crestside Dr.), in the amount of \$2,638,111.57; determining the presumptive low bidder Felix Associates of Florida, Inc., doing business as Lone Star Civil Construction Inc., to be nonresponsible for this project; and authorizing the Mayor to execute the contract documents with JRJ Paving, L.P., on behalf of the Town.

Assistant Town Manager Kent Collins stated the project was funded by Tax Increment Reinvestment Zone (TIRZ) funds. The section of Dixon had needed improvements for many years, and the roadway was critical for local traffic. Bids were opened July 1, 2010. The presumptive low bidder was Felix Assoc. of Florida, Inc. Felix was found to be non-responsible for this project. JRJ Paving, L.P. was the second lowest bidder. Mr. Collins stated that one lane of traffic would be open throughout the construction process, and it would begin in mid-September.

Deputy Mayor Pro Tem Hayden stated some people would not be happy with the road process as they would be losing trees and parts of front yards.

Mr. Collins stated that prior to 2009, the idea was to split the road around many of the trees. However, the recommendation was to construct a typical minor urban arterial section that would match what was done west of FM 2499.

Deputy Mayor Pro Tem Hayden asked if there was any way to change the design so it was not so intrusive.

Mr. Collins stated he had not heard any concerns from the neighbors.

Town Manager Harlan Jefferson stated the Town had acquired property from the school, the church, and other property owners.

Councilmember Lyda moved to approve the award of Bid No. 76-10-B, with JRJ Paving, L.P., for the construction of Dixon Lane (FM 2499 to Crestside Dr.), in the amount of \$2,638,111.57; determining the presumptive low bidder Felix Associates of Florida, Inc., doing business as Lone Star Civil Construction Inc., to be nonresponsible for this project; and authorize the Mayor to execute the contract documents with JRJ Paving, L.P., on behalf of the Town. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

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

- 12. ANX 01-10 - Extra Territorial Jurisdiction Annexation** **Public Hearing**  
The second of two public hearings to consider approval of an ordinance for annexation (ANX 01-10 - Extra Territorial Jurisdiction Annexation) of land within the Town's extraterritorial jurisdiction, and adjacent and contiguous to the Town, in accordance with Chapter 43 of the Texas Local Government Code. The subject properties are generally located north and northwest of Tour 18 in the Town's existing extraterritorial jurisdiction, generally adjacent to the jurisdictional boundaries of the Towns of Argyle and Bartonville.

**Staff Presentation**

Executive Director of Development Services Doug Powell stated this was the second of two public hearings for the annexation. An action item would be on the September 7 agenda to consider the annexation ordinance. Staff had not received any correspondence on the proposed annexation.

**Public Comments** None

**Close Public Hearing**

**Council Deliberation**

No action taken.

- 13. Discuss and consider the possible appointment and replacement of members serving on the Oil and Gas Advisory Board.**

Director of Environmental Services Matt Woods stated that on July 6, 2010, the Council appointed 12 members and 4 alternates to the Oil and Gas Advisory Board. One alternate had already resigned.

Councilmember Lyda stated the Oil and Gas Advisory Board must succeed. He noted that a lawsuit had been filed by Prakash Parameswaran, and Jennifer Rogers was working on fundraising for the Flower Mound Defense Fund. He encouraged Ms. Rogers and Mr. Parameswaran to participate in the public process at the Oil and Gas Advisory Board meetings, however he could not support their membership on the Board.

Mr. Woods stated that the other three alternates were Erin Bouck, Craig Bromley, and Frankie Arthur.

Councilmember Dixon believed Ms. Rogers was a fine citizen. When he heard about the lawsuit, and about the Defense Fund, he stated the Council was put in a difficult situation. The Town did not want to hurt the integrity of the Board. The Council was in receipt of information and interpretations from the Town Attorney. He believed removing Ms. Rogers and Mr. Parameswaran was the right thing for the Council to do. He thanked them for their service.

Councilmember Wallace moved to appoint Craig Bromley and Frankie Arthur to replace



Jennifer Rogers and Prakash Parameswaran. The motion died for lack of a second.

Deputy Mayor Pro Tem Hayden moved to appoint Eric Bouck and Steve Strickland to the Oil and Gas Advisory Board replacing Jennifer Rogers and Prakash Parameswaran, and appoint Jodie Boulter as an alternate. Councilmember Lyda seconded the second motion.

**VOTE ON THE MOTION**

**AYES:** Filidoro, Lyda, Dixon, Hayden

**NAYS:** Wallace

**M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

- Election process - August 28 - work session item

**N./O. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:31 p.m. on August 16, 2010 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 9:26 p.m. on August 16, 2010 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.

Councilmember Lyda moved to approve the acquisition of drainage easements, in association with the Dixon Lane project from Valley Creek Church, and authorize the Assistant Town Manager, or his designee, to execute all documents related to the negotiation of the easements, with the compensation therefore being limited solely to the construction of those improvements as directed by the Town Council. Deputy Mayor Pro Tem Hayden seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

- c. Discuss Town of Flower Mound v. Mockingbird Pipeline, L.P., No. 02-10-00069-CV, pending in the Texas Court of Appeals at Fort Worth, and all matters incident and related thereto.

No action taken.

- d. Discuss and consider Titan Operating, LLC v. Town of Flower Mound, et al., Cause No. 2010-60171-393, pending in the 393rd Judicial District Court of Denton County, Texas, and all matters incident and related thereto.

No action taken.

- e. Discuss and consider Virginia Simonson and Prakash Parameswaran v. Town of Flower Mound, et al., Cause No. 2010-50955-367, pending in the 367th Judicial District Court of Denton County, Texas, and all matters incident and related thereto.

No action taken.

- f. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission, TIRZ #1 Board, and Transportation Commission.

No action taken.

- g. Discuss selection of and applications for Town Secretary position, and all matters incident and related thereto.

No action taken.

- h. Discuss and consider appointment of an Interim Town Secretary, effective September 1, 2010.

Mayor Pro Tem Filidoro moved to appoint Tracy Knierim as Interim Town Secretary, effective September 1, 2010 and continuing in that capacity until the position is filled. Councilmember Lyda seconded the motion.

#### VOTE ON THE MOTION

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

**NAYS:** None

- i. Discuss and consider appointment of a Presiding Municipal Judge for the Municipal Court of Record No. 1 in the Town of Flower Mound, Texas.

No action taken.

#### P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the regular meeting at 9:30 p.m. on Monday, August 16, 2010, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

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MELISSA D. NORTHERN, MAYOR

ATTEST:

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PAULA J. PASCHAL, TOWN SECRETARY

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