

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7th DAY OF APRIL 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:

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| Jody Smith | Mayor |
| Jeff Tasker | Mayor Pro Tem |
| Tim Trotter | Deputy Mayor Pro Tem |
| Al Filidoro | Councilmember, Place 2 |
| Laurie Long | Councilmember, Place 4 |

with the following member absent:

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| Joel Lindsey | Councilmember, Place 1 |
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constituting a quorum with the following members of the Town Staff participating:

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| Harlan Jefferson | Town Manager |
| Paula Paschal | Town Secretary |
| Terry Welch | Town Attorney |
| Chuck Springer | Chief Financial Officer |
| Kenny Brooker | Police Chief |
| Eric Metzger | Fire Chief |
| Kent Collins | Town Engineer |
| Bart Stevenson | Executive Director of Community Services |
| Doug Powell | Executive Director of Development Services |
| Tracy Knierim | Executive Director Administrative Services |

A. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:03 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Deputy Mayor Pro Tem Trotter stated the developer for the River Walk project was working with the Town and the Environmental Conservation Commission.

Mayor Smith stated the Planning & Zoning Commission would be addressing the hotel application soon.

Councilmember Long stated at the Keep Flower Mound Beautiful (KFMB) Board meeting, it was reported that there was not much negotiation progress on an agreement. She stated KFMB would continue providing services to the Town and the community.

Councilmember Filidoro stated the Board of Adjustment and the Oil and Gas Appeals Board would be meeting this week.

2. Discuss Pending Issues

a. Council Communications

Town Manager Harlan Jefferson stated the Council was in receipt of a communication regarding the expansion of merchant cards for Town business. The Community Activity Center would start this year, and Utility Billing would be added next year.

Mayor Smith asked Planning & Zoning Commissioner Jean Levenick to give a briefing on the recent SMARTGrowth Commission meeting. Ms. Levenick stated they met on March 31, agreed to meet quarterly, and would bring any issues to the Town Council for consideration.

3. Comments on Consent and Regular Items – no discussion

4. Discuss Future Agenda Items

Councilmember Long asked that the tree ordinance be placed on the April 21 Town Council agenda for a vote. She stated the Environmental Conservation Commission and Planning & Zoning Commission had reviewed the ordinance and made recommendations, there had been stakeholder input, and the proposed ordinance was drafted by staff. She asked that the LISD liaison (Tom Hayden) present an update to the Council on April 21, particularly since the school district had called a bond election. Councilmember Long stated the Council needed a work session on green buildings and motivation for developers to build green. Additionally, since residents had many questions about oil and gas drilling, she requested a work session on this item.

Mayor Smith stated she was working with the Town Manager on the tree ordinance and also on information pertaining to oil and gas drilling. Regarding school district issues, she stated she would talk to the school board president and see what role Tom Hayden will play in that.

C. ADJOURN BRIEFING SESSION

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:12 p.m.

E. INVOCATION

Chaplain Don Cone gave the Invocation.

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

Two local scouts led the pledges.

G. PUBLIC PARTICIAPTION

Barbara Etter, 4401 Trotter Lane, Flower Mound (requested verbatim)

"Good Evening. Barbara Etter, 4401 Trotter Lane. I was one of 3 homeowners on the original oil and gas stakeholder group that was formed in 2005 to address complaints from the first gas well that happened to be near my backyard. That group represented itself as having an equitable amount of residents, stakeholders and developers. This was not the case. As a result of the biased makeup and the "in your face" intimidation by drilling supporters at the meetings, I withdrew from that committee, and had my name removed from any association with that group. There have been numerous requests to appoint a balanced stakeholder committee that represents the majority of residents. This has never occurred. The Railroad Commission admits failures in monitoring inspections, oversight, and addressing concerns. Here is a Texas Observer article where the Texas 3rd Court of Appeals ruled that the Railroad Commission abused their discretion when considering public interest, and ordered them to include public safety. The Oil and Gas Board is bound by the very ordinance you, our Town Council, set in place prohibiting gas wells to be no closer than 1000 Feet from a building or protected area. Changes to this drilling ordinance can only be authorized by Town Council. Appointments to the Board are by Town Council. You hold the power, and are responsible to the citizens of Flower Mound to assure we get fair and equitable representation on these very serious issues. You should also place a priority on the citizens to ensure that there are no loopholes in the code that through creative legalese can get variances passed regardless of what is in the ordinance. Just picture large 18 wheel water trucks driving up and down Bridlewood Boulevard or through the Villages of Northshore on the same streets on which our children ride their bikes to school everyday. Our Town's Gas Ordinance is supposed to protect us from that, not embrace it. There are still too many unknowns regarding long term affects of urban drilling. Chesapeake took out a full page ad in the Star-Telegram stating that they don't even know the long term effects. We've been watching the development in Fort Worth and the drastic effects drilling has brought to their neighborhoods. Is this to be the future of our beautiful town? Fort Worth is now revisiting their ordinance after encountering many problems. But we, Flower Mound, can be pro-active. I urgently request that you hold to your original ordinance, and not allow any variances to permit drilling closer than 1000 feet until you appoint a new and balanced task force. Nobody I know wants to stop drilling outright – We just want safety, we want fairness, we want representation. Mayor Smith, I look forward to your response to my request this evening. Thank you."

Bill Collins, 2413 Birchwood Drive, Flower Mound

Mr. Collins announced the Friends of the Flower Mound Library Book Sale would be held April 25, 26, 27. He also noted a Chamber of Commerce Mixer would be held at The Boardroom in Highland Village on April 10. Lewisville Noon Rotary Golf Tournament would be held in May and golfers and sponsors were needed.

Shirley Voirin, 1905 Woodhill Drive, Flower Mound

Ms. Voirin commented that the members of Seniors In Motion were not sure the space at the Community Activity Center (CAC) would be large enough for their use. She stated Flower Mound really needed a senior center, as there were over 4000 seniors living in Flower Mound. She stated the Seniors had grown from a group of 12 interested people to over 700 in three years. She stated a senior center needed areas for working on many projects. She stated the program will continue to grow and the Town needed to start

planning for a stand alone facility. Her idea for fundraising was for the Town to set aside a portion of the money the Town would get from gas drilling.

Rebecca Belcher, 2900 Aberdeen, Flower Mound

Ms. Belcher, representing Flower Mound Citizens Against Urban Drilling, stated the group was against drilling in highly populated areas. She stated there was no need for wells to be drilled within 300 feet of a residence, and it was time for the ordinance to be revised to reflect the times.

Virginia Jellison, 2705 Lake Ville Lane, Flower Mound

Ms. Jellison stated she was running for Town Council Place 4. She thanked those who organized a candidate forum yesterday. She encouraged residents to contact her with their issues. Oil and gas concerns were very high priorities - also density, the River Walk project, and processes for development projects. She stated there was still much undeveloped land and the Town needed to preserve balance.

Deanna Miles, 4212 Zachary Way, Flower Mound

Ms. Miles stated she heard that drilling may be happening in Bridlewood. She hoped everyone would protest urban drilling in Flower Mound, adding that no amount of money was worth the beauty and quality of life in Flower Mound. Drilling sites made Flower Mound undesirable. She was not against oil and gas drilling, however it was only appropriate on large areas of land.

Sylvia Inboden, 2017 Brookville Lane, Flower Mound

Ms. Inboden stated no one knew what causes cancer and she has two children battling it right now. She stated the Town had to be fair to all residents. She commented that former employee Julie Smith drafted the toughest ordinance in the state of Texas. The Oil and Gas Board has upstanding citizens and they wanted to protect the Town.

Jean Levenick, 2716 Gentle Drive, Flower Mound

Ms. Levenick thanked the Council and staff for the Rock The Mound concert. She noted the students were safe and the concert was well-attended. She added that the Trash Off was a great event with many people participating.

Dennis Toth, 2020 Skelton Street, Flower Mound

Mr. Toth thanked Councilmember Laurie Long for her service to the Seniors In Motion program, adding that membership exceeded 700 and there were about 150 active members. About 40 were very active volunteers, logging 2300 hours of volunteer time in 2007. They volunteered at the Medical Center of Lewisville, RSVP, Baylor Hospital, PediPlace, CCA, Rocking Readers, July 4th celebrations, and worked many elections. They donated stuffed animals, books, canned goods and paper products to various entities. He noted the Seniors recently announced they would give \$750 scholarships to two Youth Action Council seniors. He asked the Council to standardize a liaison program that included the Seniors In Motion meetings.

Jan Balakian, 5100 Cross Timbers, Flower Mound

Ms. Balakian stated she previously came before Council asking for a non-smoking ordinance. She noted that most of the new restaurants had gone non-smoking. She knew

that Representative Myra Crownover was in favor of the ordinance, and she asked that Representative Tan Parker get involved also. She asked that Flower Mound be progressive about this and get an ordinance started.

Kendra Stephenson, 2321 Roadrunner, Flower Mound

Ms. Stephenson referred to the River Walk development and stated it would be nice to have a town center. Also, this would be an opportunity for Flower Mound to have a hospital. She stated she had been watching the progress but all too often the issues were about Parker Square and gas wells. She felt there was a lack of consideration about what was best for Flower Mound. She reviewed the benefits of having a hospital in the Town, and urged the Council and boards/commissions to approve the development.

Kevin Hanson, 2805 Queen Mary Drive, Flower Mound

Mr. Hanson suggested that the Town stream the public meetings on the website. He felt gas drilling was out of character for Flower Mound. He asked at what point the Council could be swayed to look at the ordinance again.

Melissa Northern, 4601 Portsmouth Court, Flower Mound

Ms. Northern asked if the Town performed 360 background checks on employees, Council, boards and commissions, and companies the Town does business with.

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone stated he was the first charter member of the Community Activity Center, noting the Town was providing 14 months for a payment for 12 months. Mr. Stone stated he was disturbed about comments made at the last meeting with no proof of facts. He stated he was a councilmember when the ordinance for oil and gas drilling was revised and approved. This amendment was done at the request of citizens. The stakeholders group recommendation was rejected and staff did more things responsive to the community. He stated he was offended by statements made that people cannot find out information about the Town, as he had always encouraged additional access to information and transparency in government.

H. PRESENTATIONS - None

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Mayor Smith responded to Ms. Balakian's comments about a non-smoking ordinance stating that she was planning a Mayors' Roundtable Luncheon and inviting all mayors in Denton County to discuss this topic. She was hoping to have a no-smoking coalition so that all restaurants would have the same playing field. Mayor Smith stated the Rock The Mound concert was a very productive outdoor concert. She thanked her husband, Steve, for having great ideas dealing with the kids. She also thanked the Parks Division and all the volunteer groups. Mayor Smith commended staff, the Environmental Conservation Commission and Keep Flower Mound Beautiful for a very successful Trash Off.

Mayor Smith left the meeting at 7:07 p.m.

Deputy Mayor Pro Tem Trotter thanked the citizens who had contacted Council or been involved with the oil and gas issues. He clarified the application process by stating the ordinance was a guideline for any oil/gas application. The hearings were always public hearings at the Oil and Gas Board of Appeals. Citizens had to give permission for the drilling to go under their properties. He stated the citizens needed to be educated and know what was being asked of the residents. He recommended that citizens follow the process by watching the Town's website.

Councilmember Long stated the Environmental Fair was very well attended as was the Rock The Mound Concert. She attended the Flower Mound Community Choir presentation and announced she would donate a CD to the Library. Regarding public access of information, particularly about oil and gas drilling, she believed the Town did a good job of providing public information. She was in favor of putting videos of meetings on the website, including work sessions. She stated doing background checks was a good idea. She was hearing that the community was being divided regarding oil and gas drilling. She encouraged everyone to listen to each other. Some people were pro gas and some were concerned about safety and quality of life. When speaking to developers, they were not rushing, and there was time to negotiate. She stated it was great to see so many people at the meetings. She encouraged everyone to find out about the candidates for the election.

Councilmember Filidoro commented that the Lewisville Lake Symphony was very enjoyable. He also attended the Youth and Family Counseling Bandana Ball on Saturday. He had joined the Seniors in Motion Program and was looking forward to the programs. He continued to meet with residents regarding oil and gas drilling issues.

Mayor Pro Tem Tasker stated the Council spent a great deal of time reviewing the oil and gas ordinance last year. He wished more people would have attended those meetings. He challenged those in the audience to stay for the whole meeting and hear what else was being discussed. He encouraged them to be involved in many issues, not just one.

J. TOWN MANAGER REPORT

Town Manager Harlan Jefferson stated staff would put the information on the webpage that was collected during the oil and gas drilling stakeholder meetings. Also included would be a map that showed the minimum setbacks. He noted the Mayor's Resident Advisory Group meeting was scheduled for April 29 and this item will be on the agenda to talk with homeowners association representatives. Regarding 360 background checks, the Town did do various degrees of background checks. He stated staff would review the process to see if other improvements were needed.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, 3, 4, and 5. 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 a cooperative purchasing agreement between the Town of Flower Mound and the City of Duncanville, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a cooperative purchasing agreement between the Town of Flower Mound and the City of Duncanville, and authorize the Mayor to execute same on behalf of the Town.

2. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2007, and ending on September 30, 2008, as adopted by Ordinance No. 72-07 and amended by Ordinance Nos. 100-07 and 101-07 for adjustments to the General Fund, Utility Fund, Utility Debt Service Fund, and the Police Seizure Fund.

RECOMMENDATION: Approve Ordinance No. 22-08 amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2007, and ending on September 30, 2008, as adopted by Ordinance No. 72-07 and amended by Ordinance Nos. 100-07 and 101-07 for adjustments to the General Fund, Utility Fund, Utility Debt Service Fund, and the Police Seizure Fund. The caption of the ordinance reads as follows:

ORDINANCE NO. 22-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008, AS ADOPTED BY ORDINANCE NO. 72-07 AND AMENDED BY ORDINANCE NOS. 100-07 AND 101-07 FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, UTILITY DEBT SERVICE FUND AND THE POLICE SEIZURE FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider the purchase of four Philips HeartStart MRx Advanced Life Support 12-Lead monitor/defibrillators with peripherals and three Philips HeartStart FR2+ Advanced Life Support Automated External Defibrillators in the amount of \$69,979.20.

RECOMMENDATION: Approve the purchase of four Philips HeartStart MRx Advanced Life Support 12-Lead monitor/defibrillators with peripherals and three Philips HeartStart FR2+ Advanced Life Support Automated External Defibrillators in the amount of \$69,979.20.

4. Consider approval of the award of the construction contract for Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, to LH Lacy Company, Ltd., in the amount of \$3,827,567.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of the construction contract for Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, to LH Lacy Company, Ltd., in the amount of \$3,827,567.00, and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval in principle of an Amended Conservation Easement, dated June 26, 2007, by and between Toll TX II, LP and Connemara Conservancy Foundation regarding the conservation development subdivision known as the Sanctuary and authorizing the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve in principle an Amended Conservation Easement, dated June 26, 2007, by and between Toll TX II, LP and Connemara Conservancy Foundation regarding the conservation development subdivision known as the Sanctuary and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Trotter, Tasker, Long, Filidoro
NAYS: None
ABSENT: Lindsey

L. REGULAR ITEMS

6. ***RP 27-07 Roanoke Hills Addition***
Public Hearing to consider a request for a Replat (RP 27-07 - Roanoke Hills Addition) to replat Lots 6-10, 12-14, and 17-19, Block D, of the Roanoke Hills Subdivision, to create three buildable lots, and request an exception as allowed by Section 90.301, Exception to street standards of the Code of Ordinances. The 2.60-acre property, zoned Single-Family District-10 (SF-10), is located south of FM 1171 and east of Apache Trail. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 25, 2008 meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated this request would take the existing lots and combine them into three lots. The streets were not up to Town standards, so the applicant was seeking an exception. He commented that some of the neighbors did not want to see new streets in the neighborhood.

Questions from the Governing Body and Answers None

Public Comments None

Close Public Hearing

Council Deliberation

Deputy Mayor Pro Tem Trotter moved to approve Replat RP 27-07 – Roanoke Hills to replat Lots 6-10, 12-14, and 17-19, Block D, of the Roanoke Hills Subdivision, to create three buildable lots, and grant an exception as allowed by Section 90.301, Exception to street standards, of the Code of Ordinances. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Long, Tasker, Trotter
NAYS: None
ABSENT: Lindsey

7. ZPD 15-07 Sanctuary at Flower Mound

Public Hearing to consider a request for rezoning (ZPD 15-07 - Sanctuary at Flower Mound) to amend Planned Development District-74, (Ordinance 58-05), to correct minor discrepancies between Exhibits "B" and "C" of said ordinance, and to consider adopting an ordinance providing for said zoning amendment. The 100.54-acre conservation development zoned Planned Development District-74, with Single Family Estate (SF-E) uses, is located at the northeast corner of the Simmons Road/McKamy Creek Road intersection. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 25, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated this was a technical fix. In 2003 the conservation easement was approved. In 2005, several areas were taken out of the conservation easement. The areas were still open space and dedicated to the homeowners association. They were not part of the easement. The Planned Development was changed but the conservation easement documents were not changed.

Questions from the Governing Body and Answers

Councilmember Long asked if there were any proposed developments or uses.

Mr. Powell stated the lots would remain as X-lots and could not be changed or developed.

Public Comments **None**

Close Public Hearing

Council Deliberation

Deputy Mayor Pro Tem Trotter moved to approve zoning planned development amendment ZPD 15-07 – Sanctuary of Flower Mound to amend Planned Development District – 74 (PD-74) to correct minor discrepancies between Exhibits "B" and "C" and

adopt Ordinance No. 23-08 providing for said amendment. Councilmember Long seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 23-08

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 AMENDING ORDINANCE NO. 58-05, WHICH AMENDED ZONING GRANTED BY ORDINANCE NO. 33-03 ON APPROXIMATELY 100.535 ACRES OF LAND IN THE HENDERSON MURPHY SURVEY, ABSTRACT NO. 822 PRESENTLY ZONED PLANNED DEVELOPMENT DISTRICT NO. 74 (PD-74) ZONING DISTRICT FOR CONSERVATION DEVELOPMENT STANDARDS, BY AMENDING EXHIBIT "B," DEVELOPMENT STANDARDS AND EXHIBIT "C," ZONING AMENDMENT EXHIBIT IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Trotter, Tasker, Long, Filidoro
NAYS: None
ABSENT: Lindsey

- 8. *SUP/SP 364-07 - MetroPCS at Bluebonnet Park***
Public Hearing to consider a request for a Specific Use Permit (SUP/SP 364-07 - MetroPCS at Bluebonnet Park) to permit co-location of telecommunication antennas on an existing TXU electrical transmission tower, and the installation of related cables and cabinets, and to consider adopting an ordinance providing for said Specific Use Permit. The 3.77-acre property, zoned Planned Development District-60 (PD-60) with Single-Family District-10 (SF-10) uses, is located at 1801 Parkview Drive (Bluebonnet Park). (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 25, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the request was in conformance with the land use and zoning for the property. He showed a detailed site plan with an iron gate instead of a wooden gate. The cable will be ordered in a grey color to match the tower.

Applicant's Presentation

Bill Baumann, 2300 Spring Mary, Arlington

Mr. Baumann stated they had been trying to get a site at this location for a couple of years, and this was the fifth proposed location. They proposed several soccer field improvements. He showed the propagation maps and stated the chosen location would significantly improve the coverage in this area.

Questions from the Governing Body and Answers

Deputy Mayor Pro Tem Trotter stated the Town's desire was to have stealth towers. He asked if this was the best that could be done, and if the antennas could be put inside the pole.

Mr. Baumann stated the towers belonged to the electric company, and there was no interior space in the poles at this location. He stated they could pull the antennas in a little closer to the pole and make as short an arm as possible. Mr. Baumann explained that the cabinets were 5.5 feet tall, 3 feet wide and about 2 feet deep. A masonry wall would surround the cabinets, along with landscaping and irrigation. He proposed putting in an iron gate instead of a wooden gate. He planned to match the wall and stone of the day care center that was located close to the site.

Public Comments

Blake Graham, 2520 Towne View Court, Flower Mound

Mr. Graham stated all the money from the tower should be spent on Bluebonnet Park. He understood it would be \$400,000 over 25 years. If that money was spent on park, it would live up to its potential. Mr. Graham stated the Town did not take care of the park where the tower was going. He had seen snakes in the ravine area, and the adjacent yards were breeding grounds for weeds. There were few bluebonnets in the park, but many holes.

Skip Whitrock, 2509 Towne View Court, Flower Mound

Mr. Whitrock stated the tower was directly behind his house, and kids played in that area. He did not know what type of interruptions this would cause to the electrical devices in his house. He was opposed to the request.

Christine Arras, 2524 Towne View Court, Flower Mound

Ms. Arras stated she could see the tower when she walked out of her house. She would be able to see the equipment from her second story window. Before Council made a decision she asked that they see photos of what the equipment would look like.

Ken Orbin, 2501 Towne View Court, Flower Mound

Mr. Orbin stated a petition had been submitted earlier in the day. He was strongly opposed to the application. He had multiple issues with the park – the sprinkler systems were ripped up and vegetation was left to die. All improvements being promised were further down the park land. He asked the Council to keep the park a park.

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone stated the Summit Club made a decision to work with the Parks Division and reseeded bluebonnets in the park. An area would be equipped with stepping stones and people would have photo opportunities available to them without knocking the flowers down. He stated there would be a safe area to park and take pictures.

Mayor Smith returned at 7:59 p.m.

Melissa Northern, 4601 Portsmouth Court, Flower Mound

Ms. Northern asked if this request went to the Park Board.

Mayor Pro Tem Tasker responded this was not a park issue.

Mayor Smith stated she did not hear any comments from the Parks, Arts, and Library Services Board.

Ms. Arras asked who will maintain the area, and if it would be maintained at a better level.

Mr. Baumann stated the agreement was that they would plant it and guarantee it for one year. After that, the Town will take over the maintenance.

Eddie Outcalt, Aberdeen, Flower Mound

Mr. Outcalt asked if the amount of money had been negotiated for a maximum amount.

Mayor Pro Tem Tasker stated staff had negotiated the maximum amount the Town will get.

Close Public Hearing

Council Deliberation

Councilmember Long clarified that the concern from the residents was more about the equipment on the ground than the stealthing of the tower. She asked if the structure could look more like a building – a gazebo type structure. She asked if the history of bluebonnets could be placed on signs at the park.

Mr. Baumann responded the equipment was five feet tall, and hopefully the view would be screened by the eight foot wall. He stated he would be happy to put up placards or something that would enhance the wall.

Councilmember Long asked if the money could be earmarked for this park only.

Town Manager Harlan Jefferson stated \$16,000 sounded low. The agreement was scheduled for the next Town Council meeting. Generally staff reviews see what the norm is in other municipalities. The funding collected would roll into the general fund. Mr. Jefferson stated he made notes about the conditions mentioned about the park. Staff had been talking about weed control and would have discussions with the Town Council about this during the budget process.

Mr. Baumann stated they could put some type of net on the cabinets, and he would do whatever was possible to screen the equipment, however the equipment did have to breathe.

Deputy Mayor Pro Tem Trotter moved to approve a request for a Specific Use Permit – SUP/SP 364-07 – MetroPCS at Bluebonnet Park to permit co-location of telecommunication antennas on an existing TXU electrical transmission tower, and the installation of related cables and cabinets, and adopt Ordinance No. 24-08 providing for Specific Use Permit, subject to the following conditions:

1. The attached site plan, labeled Attachment “B(1),” an exhibit to the Specific Use Permit, shall be developed as approved, except that minor changes outlined in Section 82-37 of the Land Development Regulations may be approved as set forth in that section.
2. A structural analysis of the proposed tower shall be provided by a Certified Structural Engineer, and approved by the Town prior to the issuance of a building permit.
3. If a building permit application has not been submitted to the Town’s Building Inspections Division for consideration of a building permit within six months of approval of the ordinance, the zoning for this property, including 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.

Discussion on the Motion

Councilmember Filidoro had concerns about the maintenance of the park. He asked Mr. Jefferson to get more information on the park itself and report back to the Council.

Councilmember Long asked if 4B park money could be used on Bluebonnet Park. Bluebonnets didn’t need to be irrigated, but improvements should be made to the park. She asked to amend the motion to have the company work with the residents regarding some type of camouflage for the top of the cabinet.

Deputy Mayor Pro Tem Trotter stated the Town was required to work with corporations to provide cell service in the Town, and all involved tried hard to make the towers be stealthed. Bluebonnet Park was an old and large park. The Town had done the best job possible to keep the park manicured. Hopefully there would be more funds to provide more maintenance to the parks. He stated the Council and staff would keep a focus on this park.

Mayor Pro Tem Tasker stated the applicant agreed to spend up to \$36,000 up front and in addition to the annual rent. Some portions of the park were non-mow areas. He expressed appreciation to the Summit Club for wanting to make improvements to the park. He stated staff would address the issues of the maintenance of the park. Regarding health and safety issues of any emissions, he understood that due to federal law, the Town could not take that into consideration during this process.

Mayor Smith noted that the Park Board saw this request on November 17, 2007 and approved the request unanimously.

The caption of the ordinance reads as follows:

ORDINANCE NO. 24-08

AN ORDINANCE 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 APPROXIMATELY 3.77 ACRES OF LAND ON LOT 1X, BLOCK J OF TOWNE VIEW ESTATES FROM PLANNED DEVELOPMENT DISTRICT-60 (PD-60) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) USES, TO PLANNED DEVELOPMENT DISTRICT-60 (PD-60) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) USES SUBJECT TO SPECIFIC USE PERMIT NO. 364 (SUP 364) TO PERMIT CO-LOCATION OF TELECOMMUNICATION ANTENNAS ON AN EXISTING ELECTRICAL TRANSMISSION TOWER AND THE INSTALLATION OF RELATED CABLES AND CABINETS, 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: Filidoro, Long, Tasker, Trotter, Lindsey
NAYS: None
ABSENT: Lindsey

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Mayor Pro Tem Tasker – absent April 21.
- Councilmember Long - asked if the Council would consider discussing any of the items she mentioned earlier, during a future work session.
- Mr. Jefferson - staff needed to complete the annual review of the oil and gas ordinance.
- Mayor Smith – the tree ordinance is close to being finished.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:25 p.m. on April 7, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, and economic development negotiations and reconvened into an open meeting at 9:47 p.m. on April 7, 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.

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 9:48 p.m. on April 7, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY