

**ACTION AGENDA**

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING**

**AUGUST 20, 2012**

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The information contained in this document is unofficial until such time as the minutes are approved by the Town Council.  
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**CONSENT AGENDA - Consent Items. Item 1 and 3 – 6. Approved. Vote 5-0.**

1. Consider approval of the minutes from a work session of the Town Council held on June 21, 2012.

*Item 2 pulled from Consent*

3. Consider approval of the minutes from a regular meeting and work session of the Town Council held on July 16, 2012.
4. Consider approve of a resolution amending the ICMA Retirement Corporation deferred compensation plan to permit features contained in 401K plans; and providing for an effective date. **Resolution No. 11-12**
5. Consider approve of a resolution amending the FTJ FundChoice retirement plan to permit features contained in 401K plans; and providing for an effective date. **Resolution No. 10-12**
6. Consider approval of a resolution authorizing the issuance of the New Hope Cultural Education Facilities Finance Corporation Lease Revenue Bonds (North Central Texas College—Flower Mound Campus Project), Series 2012A. **Resolution No. 09-12**

**REGULAR ITEMS**

*Item 2 pulled from Consent*

2. Consider approval of the minutes from a strategic planning session of the Town Council held on July 13 and 14, 2012. **Approved with text amendments. Vote 5 - 0.**
7. Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2012, and ending on September 30, 2013. **No action required.**
8. 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, 2012, and ending on September 30, 2013. **No action required.**
9. 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, 2012, and ending on September 30, 2013. **No action required.**

10. Consider a request for a Development Plan (DP 01-12 - Parker Tract) to develop a residential subdivision, with an exception to Section 98-1027, Minimum sideyard setback, as authorized by Section 98-1027(e) of the Code of Ordinances, and with an exception to Section 98-1028, Minimum rear yard setback, as authorized by Section 98-1028(f) of the Code of Ordinances, and acceptance of parkland dedication of 6.1 acres and park development fees in the amount of \$197,096 for the Parker Tract residential development to satisfy the requirements of the park land dedication Ordinance. Further, I move that the development plan shall be amended by the developer to reflect an emergency access system through Heritage Park acceptable to the Town Engineer and the Town's Fire Department. I further move to authorize the Mayor to execute a development agreement with the following addition to paragraph 7 to read as follows: In the event it is not feasible for the developer to plant the full number of trees referenced in this paragraph on the property, the remaining trees shall be planted on Town roadway medians, and such medians to be determined by the Town. The property is located generally along and about Garden Ridge Road and south of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 3 to 2 at its August 13, 2012, meeting.)* **Approved with text amendments as noted in blue above. Vote 5 - 0.**
11. Public Hearing to consider a request for rezoning (Z 01-12 - Parker Tract) from Agricultural District (A) uses to Single-Family District-10 (SF-10) uses, and an exception to Section 98-147, Topographical slope protection, as authorized by Section 98-147(b) of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is located generally along and about Garden Ridge Road and south of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)* **Approved. Ordinance No. 27-12. Vote 5 - 0.**
12. Public Hearing to consider a request for a Specific Use Permit (SUP 409-12 - Schmidt Accessory Dwelling Addition) to permit an accessory dwelling, with an exception to Section 90-302, Concrete streets, as authorized by Section 90-301, Exceptions to street standards, of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located at 3805 Post Oak Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)* **Approved. Ordinance No. 28-12. Vote 5 - 0.**
13. Consider a request for a Site Plan (SP 03-12 - River Walk Market) to develop a grocery store anchored retail center. The property is generally located north of Cross Timbers Road and east of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 23, 2012, meeting.)* **Approved. Vote 5 - 0.**
14. Public Hearing to consider a request to amend Section 1.0, Land Use Plan (MPA 04-12 - Victory Park), of the Master Plan to change the current land use on the Land Use Plan Map from Commercial/Industrial uses to Medium Density Residential uses, and to consider adopting an ordinance providing for said amendment. The property is generally situated south of FM 407 (Justin Road) and between Country Meadow Drive on the west and Morriss Road on the east. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)* **Approved. Ordinance No. 29-12. Vote 5 - 0.**
15. Public Hearing to consider a request for rezoning (ZPD 04-12 - Victory Park) from

Planned Development District No. 36 (PD-36) with Commercial District-1 (C-1), Commercial District-2 (C-2), and Office District (O) uses to Planned Development District-122 (PD-122) with Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally situated south of FM 407 (Justin Road) and between Country Meadow Drive on the west and Morriss Road on the east. ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)***

**Approved. Ordinance No. 30-12. Vote 5 - 0.**

16. Consider a request for a Site Plan (SP 10-12 - Cantex Continuing Care Center) to develop a nursing or congregate care facility. The property is generally located west of Long Prairie Road and south of Windsor Drive. ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)*** **Approved. Vote 5 - 0.**
17. Public Hearing to consider a request for rezoning (ZPD 03-12 - Cantex Continuing Care Center) from Agricultural District (A) uses to Planned Development District-121 (PD-121) for Office District (O) uses and a Specific Use Permit (SUP 406-12) for a nursing or congregate care facility, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, an exception to Section 82-302, Compatibility buffer, and an exception to Section 82-303, Compatibility setback, of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road and south of Windsor Drive. ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)*** **Approved. Ordinance No. 31-12. Vote 5 - 0.**
18. Public Hearing to consider an application for a tree removal permit for the removal of 20 specimen trees on property proposed for development as Cantex Continuing Care Center. The property is generally located west of Long Prairie Road and south of Windsor Drive. ***(The Environmental Conservation Commission recommended approval by a vote of 3 to 2 at its July 3, 2012, regular meeting.)*** **Approved. Vote 5 - 0.**
19. Consider a request for a Development Plan (DP 02-12 - Terracina) to develop a residential subdivision. The property is generally located along the east side of Jernigan Road north of Justin Road (FM 407). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)*** **Approved. Vote 5 - 0.**
20. Public Hearing to consider a request for rezoning (ZPD 06-12 - Terracina) to amend Planned Development District No. 111 (PD-111) by amending the Development Standards to increase the number of allowed residential lots from 138 to 167, and to consider adopting an ordinance providing for said amendment. The property is generally located along the east side of Jernigan Road north of Justin Road (FM 407). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 13, 2012, meeting.)*** **Approved. Ordinance No. 32-12. Vote 5 - 0.**

## **CLOSED/OPEN MEETING**

- a. Application of Upper Trinity Regional Water District for Water Use Permit No. 5821, pending before the State Office of Administrative Hearings, Docket No. 582-12-5332.

**No action taken.**

- b. Discuss and consider economic development incentives.

**No action taken.**

- c. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

**No action taken.**

- d. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

**No action taken.**

- e. Consultation with the Town Attorney regarding legal issues associated with meet and confer negotiations pursuant to Chapter 142 of the Texas Local Government Code, including negotiation ground rules, and all matters incident and related thereto.

**Councilmember Levenick moved to approve negotiation ground rules for meet and confer purposes pursuant to Chapter 142 of the Texas Local Government Code. Councilmember Webb seconded the motion. Approved. Vote 5 – 0.**

The meeting was adjourned at 1:22 a.m. on August 21, 2012.