

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

**FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

6:00 P.M.

An agenda information packet is available online at www.flower-mound.com/AgendaCenter

All pagers and cell phones must be turned off in the Council Chambers.

A. CALL BRIEFING SESSION TO ORDER

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee/Liaison Reports
2. Discuss Consent and Regular Items
3. Request Future Agenda Items

C. ADJOURN BRIEFING SESSION

D. CALL MEETING TO ORDER

E. INVOCATION

**F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG
*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."***

G. PRESENTATIONS

1. Proclamation for Fall Prevention Awareness Month.
2. Proclamation for United Way of Denton County Month.
3. Certificate of Achievement, Mr. Dennis Song for outstanding community service.
4. Progress Update by Development Process Review Committee.

H. PUBLIC PARTICIPATION

Please fill out an "Appearance Before Town Council" form in order to address the Council and turn the form in prior to Public Participation, or by 6:10 p.m. to Town Secretary Theresa Scott. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not the subject of a public hearing. Any item requiring a public hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing." Items that are the subject matter jurisdiction of the Town Council include Town policy and legislative issues. Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling Town Hall at 972-874-6000 during business hours.

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I. ANNOUNCEMENTS

This item allows members of the Town Council to make brief announcements relating to any of the following matters: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedules; (3) recognition of a public official, public employee, or a resident; (4) a reminder about an upcoming event organized or sponsored by the Town; (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the Town; and (6) announcements involving an imminent threat to the public health and safety. Comments by Council Members on other matters are not permitted unless they have been timely placed on the agenda in advance of the Town Council meeting.

1. Announce recent and upcoming civic and social events.

J. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects.
2. Lakeside DFW Project Update.
3. Discuss Council Communications (CC).
 - a. CC 29-12: Development process and customer service improvements in response to Council concerns

K. CONSENT AGENDA - Consent Items

This agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes from a work session of the Town Council held on June 21, 2012.
2. Consider approval of the minutes from a strategic planning session of the Town Council held on July 13 and 14, 2012.
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.
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.
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.

L. REGULAR ITEMS

7. ***Proposed Budget***

Public Hearing

Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2012, and ending on September 30, 2013.

8. ***Proposed Budget – Fire Control, Prevention, and Emergency Medical Services*** ***Public Hearing***
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.
9. ***Proposed Budget – Crime Control and Prevention District*** ***Public Hearing***
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.
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. 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.)***
11. ***Z 01-12 – Parker Tract*** ***Public Hearing***
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.)***
12. ***SUP 409-12 – Schmidt Accessory Dwelling*** ***Public Hearing***
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.)***

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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.)***

14. ***MPA 04-12 – Victory Park*** ***Public Hearing***

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.)***

15. ***ZPD 04-12 – Victory Park*** ***Public Hearing***

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.)***

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.)***

17. ***ZPD 03-12 – Cantex Continuing Care Center*** ***Public Hearing***

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.)***

18. ***Tree Removal - Cantex Continuing Care Center*** ***Public Hearing***
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).***
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.)***
20. ***ZPD 06-12 – Terracina*** ***Public Hearing***
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.)***

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

N. CLOSED MEETING

The Town Council to convene into a closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations as follows:

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

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- 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.
- 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.

O. OPEN MEETING

The Town Council to convene into an open meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations as follows:

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

P. ADJOURN MEETING

Harlan Jefferson, Town Manager

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____, 2012 at _____ a.m./p.m., at least 72 hours prior to the scheduled time of said meeting.

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Theresa Scott, Town Secretary

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the Town Council at a social function unrelated to the public business that is conducted by the Town Council, or the attendance by a quorum of the Town Council at a regional, state or national convention or workshop, ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event or press conference. The Town Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conferences; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the Town Secretary's Office, nothing shall preclude a quorum of the Town Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Theresa Scott, Town Secretary, at (972) 874-6076.