

**THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING AND WORK SESSION ON THE 17<sup>th</sup> DAY OF FEBRUARY, 2011 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 special meeting and work session 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
Theresa Fawcett	Interim Town Secretary
Alan Lathrom	Town Attorney
Kent Collins	Assistant Town Manager
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 6:10 p.m.

In conjunction with the Town's 50<sup>th</sup> Anniversary, Mayor Northern recognized past Town leaders. She also thanked Town staff for their work in putting the event together.

**B. INVOCATION**

Chaplain Geoffrey Dennis gave the invocation.

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

Scout Troop 9168 presented the flags and led the pledges.

**D. PRESENTATIONS**

- Town of Flower Mound 50<sup>th</sup> Anniversary Proclamation

Mayor Northern presented Bob Rheudasil, first Mayor of Flower Mound, with a Proclamation honoring him for his accomplishments.

- Kimberly McCary Proclamation

Mayor Northern presented a Proclamation declaring February 17<sup>th</sup> as Kimberly McCary Day. Kimberly was Municipal Judge in Flower Mound for eight years.

**E. BRIEFING SESSION**

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

Councilmember Hayden reported attending the Planning & Zoning meeting.

Councilmember Lyda reported attending the ECC meeting on the 15<sup>th</sup>.

**2. Discuss Consent and Regular Items**

No discussion.

**3. Discuss Future Agenda Items**

No discussion.

**4. Discuss Council Communications**

None.

**H. PUBLIC PARTICIPATION**

Paul Stone, 709 Lake Bluff Dr, Flower Mound

Mr. Stone thanked the Town's Emergency Medical Service for a recent positive experience with their services. He also announced an upcoming Summit Club event at Circle R Ranch.

**I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS**

Mayor Pro Tem Filidoro announced there will be many events associated with the Town's 50<sup>th</sup> Anniversary celebration.

Councilmember Hayden reported meeting with citizens regarding the Town's Oil and Gas Ordinance to discuss the various proposals coming forward. He wanted to clarify to residents that the purpose of the moratorium was to allow council the opportunity to review the recommendations from the Oil and Gas Advisory Board and come up with a new ordinance.

Councilmember Dixon reported on the following:

- Pedit Place banquet is tonight and wished them success;
- he commended the Fire Department for their quick response regarding an isolated gas leak situation;
- the chamber tri-cities luncheon was a great success. He also encouraged getting involved with the Chambers of Commerce.

Mayor Northern reported on the following:

- She believed Flower Mound shined at the Chamber tri-cities luncheon with the many accomplishments achieved;
- will be attending Denton County Days next week in Austin, along with Mayor Pro Tem Filidoro and Town Manager Harlan Jefferson, to visit with legislators on behalf of the community;
- will be hosting the second Denton County Mayor's meeting tomorrow at NCTC;
- attended an event at NCTC with community leaders to discuss education;
- met with a scout representative to discuss ways can work together;
- participated and represented the council at the Oil and Gas Advisory Board meeting (the 2<sup>nd</sup> public hearing meeting).

#### **J. TOWN MANAGER'S REPORT**

Mr. Jefferson reported the Fire Department accepted delivery of a brush truck as part of the Texas Forest Service grant.

Mr. Jefferson updated Council regarding the Williams Production Site Plan on Scenic Rd. in response to questions about additional equipment being used. He gave a presentation identifying the current buildings and equipment on site. He indicated staff periodically verifies the site to be in compliance with the site plan and current equipment. To date, the only change identified is the use of a temporary compressor. Williams Company informed staff there was a need for a different type of compressor for gas lift purposes, and requested to install a type of compressor that would be on site for a longer term at the following locations: Hodge, Smith A, B, C, and Scenic Rd. Normally the compressors are on site for a few months, however; in this case it may be a few years (which is still considered temporary). Furthermore, the type of facility being installed would be encased and designed for sound buffering. This type of facility will allow Williams Company to be in compliance with the Town's noise management plan.

Councilmember Hayden inquired if the compression facility is for a well that is already on site.

Matt Woods, Director of Environmental Services, responded yes. He also offered clarification by stating the wells are producing more water and the equipment is needed to separate the water from gas. The new equipment would require a structure instead of a skid as was previously being used.

Councilmember Wallace asked for a point of order given this item is not posted on the Agenda.

Town Attorney Lathrom indicated Council does have the ability to ask questions about a particular item and get answers of fact, however, cannot engage in deliberation about a matter, and so far we're okay.

Councilmember Lyda inquired if the facility would have a roof once completed. Mr. Woods responded it would not be covered, and the structure would be 20-30 feet in height.

#### **K. CONSENT ITEMS**

Mayor Pro Tem Filidoro made a motion to approve by consent Items 1 and 2. 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 Change Order No. 2 for Bid No. 58-10-B FM 2499 at Sagebrush – Traffic Signal Installation, amending the contract with Roadway Solutions, Inc., for a decrease in the amount of \$411.68; acceptance of the project and authorization of final payment to Roadway Solutions, Inc., in the amount of \$4,436.81; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve Change Order No. 2 for Bid No. 58-10-B FM 2499 at Sagebrush – Traffic Signal Installation, amending the contract with Roadway Solutions, Inc., for a decrease in the amount of \$411.68; acceptance of the project and authorize final payment to Roadway Solutions, Inc., in the amount of \$4,436.81; and authorize the Mayor to execute same on behalf of the Town.

2. **Consider approval of minutes from a special meeting and work session of the Town Council held on January 20, 2011.**

**RECOMMENDATION:** Approve the minutes from a work session and special meeting of the Town Council held on January 20, 2011.

#### **VOTE ON THE MOTION**

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

**NAYS:** None

#### **L. REGULAR ITEMS**

*Mayor Northern opened Items 3 and 4 together.*

3. **Consider a request for a Site Plan (SP 08-10 - New Covenant Baptist Church of Flower Mound) to develop a church building with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, a request for a deviation to the required parking standard pursuant to Section 82-73, and 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. The property is located at 3131 Old Settlers Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its January 24, 2011, meeting.)**
4. **Public Hearing**  
**Public hearing to consider an application for a tree removal permit for the removal of three specimen trees on property proposed for development as the New Covenant Baptist Church. The property is generally located south of Sagebrush and west of Old Settlers Road. (The Environmental Conservation Commission recommended approval by a vote of 5-0 at their December 7, 2010, meeting).**

**Staff Presentation**

Doug Powell, Director of Development Services, gave a presentation on the New Covenant Baptist Church site.

The presentation is on file in the Town Secretary's office.

Councilmember Lyda inquired if there was adequate parking for the size of the building.

Mr. Powell responded yes.

Councilmember Dixon inquired about the height of the steeple and if they received comments from the neighbors regarding such. Mr. Powell replied the height is 49 feet, seven inches, and they have not received comments.

Councilmember Lyda inquired about the flood plain and commented that even though they are asking for the compatibility buffer, it's not really developable land anyway.

Mr. Powell referenced the line for the 100 year plan on the aerial of the presentation.

Councilmember Dixon recalled that years ago when there have been attempts to develop this property south of the neighborhood and when Adams Estates came on the east side, there were flood plain issues at that time. He did not recall having a conversation about a flood plain adjacent to this property.

Mr. Powell indicated there have been public discussions in the past where a nearby site had an issue of flooding, however, not at this location.

**Questions from the Governing Body and Answers**

None.

Mayor Northern opened the Public Hearing at 7:10 p.m.

**Public Comments**

Benson Momah, 2012 VistaDr, Lewisville, Tx  
In favor of the project.

Mayor Northern closed the Public Hearing at 7:12 p.m.

**Council Deliberation**

None.

Councilmember Dixon moved to approve Site Plan SP 08-10 – New Covenant Baptist Church of Flower Mound – to develop a church building with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, a request for a deviation to the required parking standard pursuant to Section 82-73, and 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. Deputy Mayor Pro Tem Hayden seconded the motion.

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

Councilmember Dixon moved to approve a tree removal permit for the removal of three specimen trees on property proposed for development as the New Covenant Baptist Church. The property is generally located south of Sagebrush and west of Old Settlers Road. Mayor Pro Tem Filidoro seconded the motion.

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

- 5. **Consider approval of a Road Maintenance Agreement in the amount of \$7,681.00 to provide funds in advance should gas well operations for Williams Production-Gulf Coast Company, L.P., create a need for road repair on the travel route of Duncan Lane; and authorization for the Mayor to execute same on behalf of the Town.**

**Staff Presentation**

Matthew Woods, Director of Environmental Services, reiterated the request and identified the section of Duncan Lane being 0.11 miles, going south from Spinks on to Duncan. The pad site is located in Lewisville and the \$7,681.00 is to account for potential road damage caused by gas well operations for that pad site.

Councilmember Lyda and Mayor Northern asked for confirmation of the road location that could be impacted. Mr. Woods confirmed the location is near the fleet maintenance center.

**Questions from the Governing Body and Answers**

None.

**Council Deliberation**

None.

Councilmember Dixon moved to approve a Road Maintenance Agreement in the amount of \$7,681.00 to provide funds in advance should gas well operations for Williams Production-Gulf Coast Company, L.P., create a need for road repair on the travel route of Duncan Lane. Councilmember Wallace seconded the motion.

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

**NAYS:** None

**Council Discussion:**

Councilmember Lyda expressed concern regarding the timing of the funds given he has already witnessed the truck traffic in this area.

Mayor Pro Tem Filidoro voiced disappointment that the applicant did not come before council for this item, as it's the second occurrence where they had an item on the agenda and didn't come forward.

Councilmember Dixon asked if the check had been received by staff.

Mr. Woods indicated the check was received and deposited in January, however, it could be refunded.

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

None.

**N. ADJOURN SPECIAL MEETING AND CALL WORK SESSION TO ORDER**

Special meeting adjourned at 7:25 p.m.

Break at 7:26 p.m.

**O. WORK SESSION ITEMS**

Council reconvened at 7:39 p.m. and Mayor Northern opened Items 1 and 2 at the same time.

1. Hold a discussion regarding the Mixed Use Market Analysis report.
2. Hold a discussion regarding the update to the Master Plan.

Presentation:

John Hockenyos, Perspectives, Inc., Austin, Texas

Mr. Hockenyos summarized the findings from the report in the packet.

Mr. Jefferson reported that in addition to the Riverwalk project, there are entitlements for mixed use for SPA 8 as well as in the Lakeside Business District with the hotel project.

**Questions/Comments from the Governing Body and Answers**

Councilmember Lyda indicated he was interested in having a future work session to review the 2010 census data.

Councilmember Dixon indicated being intrigued with the performance based model for a developer and requested he work with staff so they are fully aware of the concept.

Mr. Jefferson indicated he would provide a report once available and seek direction at that time if Council wanted to hold a work session on the topic.

Mayor Northern indicated the reason for bringing this topic of mixed use forward is because currently the ordinance is town-wide and does not define specific areas. Council may want to consider if there is a need to restrict certain areas or keep the ordinance as is.

Mayor Pro Tem Filidoro indicated the Town should look to the areas where mixed use is currently being encouraged such as the Riverwalk and SPA 8, and once those areas become successful then review other areas once absorption is reached.

Mayor Northern summarized that Council wants to look at the components of the mixed use ordinance and where it can be applied.

Mayor Pro Tem Filidoro requested to have staff come back and offer suggestions as to how mixed use can get worked into this master plan update and in what time frame.

Mr. Jefferson summarized that it's his understanding there are a couple options that have been presented. If there is an agreement on what Council wants to do regarding mixed use, such as limiting to areas where there are already entitlements, then this would be straight forward in that a recommendation could be forthcoming from Planning & Zoning Commission prior to the April 4<sup>th</sup> Council meeting.

Mr. Jefferson noted that the amount of changes will dictate which approach to pursue.

Mr. Powell noted that if Council wants to include it in the Master Plan and limit it to Riverwalk and SPA 8, it's an easy fix with a text amendment to come forward in April. He believed it would take some time to fully understand the mixed use ordinance and recommended perhaps having a policy discussion as to how the ordinance works and how it could be changed – that would be a much longer process. He indicated there are some things in the master plan update that refine the current standards that benefit the community and would encourage Council to adopt it so it can give them the tools they need.



P. ADJOURN WORK SESSION

Mayor Northern adjourned the work session at 8:49 p.m. on Monday, February 17, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

  
MELISSA D. NORTHERN, MAYOR

ATTEST:

  
THERESA FAWCETT, INTERIM TOWN SECRETARY

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