

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16<sup>th</sup> DAY OF MAY, 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 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
Theresa Fawcett	Interim Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
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**

Deputy Mayor Pro Tem Hayden reported the Parks, Arts, and Library Services (PALS) Board had a day long retreat to discuss the CIP and he noted this will be discussed at the semi-annual Town Council Planning Session in June.

Councilmember Lyda reported attending the following meetings:

- Transportation Commission last Tuesday and they are coming up with a new policy for establishing crossing guard criteria. A school crossing card index will be used to evaluate the effectiveness of the Town's school crossing guards and they are working with the Police Department on that.
- Zoning Board of Adjustment last Wednesday and they heard two cases in which variances were granted.

Mayor Northern reported attending the following meetings:

- Planning & Zoning Commission on May 9<sup>th</sup> and during that meeting they had Terracina Phase I come forward with their record plat. Also during that meeting Tommy Dalton, Planning Manager, offered a presentation regarding the development process. She indicated the presentation was helpful and invited Tommy to repeat the presentation at the Town Council Planning Session in June.

**2. Discuss Consent and Regular Items**

Deputy Mayor Pro Tem Hayden requested Consent Item 5 be pulled.

Councilmember Wallace and Deputy Mayor Pro Tem Hayden requested Consent Item 4 be pulled.

**3. Discuss Future Agenda Items**

Councilmember Dixon indicated having some discussions with Mr. Jefferson regarding notification and expectations for people wanting to do business in Flower Mound. He requested Mr. Jefferson provide information from those discussions to Council in June at the Planning Session. This would make Council aware of the policy and make adjustments, if necessary, to make it easier to notify businesses and the expectations involved.

**4. Discuss Council Communications**

None.

**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 6:06 p.m.

**E. INVOCATION**

Chaplain Mark Sherrill gave the invocation.

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

Boy Scout Troop 822 led the pledges.

**G. PRESENTATIONS**

Mayor Northern presented Ken Parr, Director of Public Works, with a Proclamation acknowledging Public Works Week – May 15 – 21, 2011

Mayor Northern presented Brooke Hodge with a Certificate of Recognition for being named Miss Teen Flower Mound.

**H. PUBLIC PARTICIPATION**

Renee' Doyle, 920 Drake Trail, Flower Mound, Tx

Ms. Doyle spoke against Item 9 (Morriss/Gerault Change Order) and provided a handout that consisted of questions in which she requested answers to prior to the next Council meeting.

Virginia Simonson, 3104 Native Oak Dr, Flower Mound, TX 75022

Ms. Simonson voiced support for the fair share for clean air resolution. She also asked Council to attend the Oil and Gas committee meeting at North Central Texas Council of Governments in Arlington on May 25.

David Johnson, 3617 San Paula, Flower Mound, TX 75022

Mr. Johnson requested Item 4 be pulled for the purpose of seeking further clarification as to what this lobbyist is doing for the town. He also asked for the Town Manager to provide a report regarding maintenance of medians on FM 2499.

Carol Langdon, 4312 Lauren Way, Flower Mound, TX 75028

Mr. Langdon requested Item 4 be pulled as it doesn't include the agreement or the cost. She also thanked Mike Wallace and Steve Dixon for their service.

Francoise Jurado, 1407 Ivywood, Flower Mound, TX 75028

Mr. Jurado requested affordable transportation in Flower Mound.

Mayor Northern responded that Council acknowledges her comments, as well as others that spoke about affordable public transportation. She indicated the Town has a contract for these services and there will be discussion at the Town's planning session in June, as well as a report from the Town Manager tonight on this topic.

Kim Cloud, 3018 Creek Haven, Highland Village, TX 75077

Ms. Cloud, representing Children's Advocacy Center, provided a summary of services and statistics relating to the Center and thanked the Town for their support of this organization.

JoAnn Fell, 2840 Oxford, Flower Mound, TX

Ms. Fell indicated there is a need for bus service or a mass transit system in Flower Mound.

## **I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS**

Councilmember Lyda had the following announcements:

- Attended a fundraising event for the Friends of Scouting luncheon
- Gave a presentation, with Mayor Northern, at Wellington 2<sup>nd</sup> grade

Mayor Pro Tem Filidoro had the following announcements:

- Hosted two tables at the Friends of Scouting luncheon
- Participated in the Peter and the Wolf play in association with the Footlights Dance Studio and the Flower Mound Symphony

Deputy Mayor Pro Tem Hayden had the following announcements:

- Requested Mr. Jefferson talk about SPAN during the Town Manager report
- Mentioned has received comments about Morriss Road with regards to timing for completion, and condition of the medians

- Commented that he has visited with 3-4 churches about the possibility of them offering public transportation. He encouraged churches to get involved on this project.
- He commented that tonight the Town Council will be voting on a waste services contract that will improve services and reduce cost. He also thanked Mayor Pro Tem Filidoro for his efforts in bringing it forward.

Councilmember Dixon had the following announcements:

- Reported receiving many comments regarding landscaping in the medians on Flower Mound Road from FM 2499 to Old Settlers. He wanted the public to be aware that he was informed by Mr. Jefferson they are waiting on some power lines to be put in, as well as the irrigation system to be installed, and then grass will be installed within six weeks.

Mayor Northern had the following announcements:

- Participated in a reading during Story Time at the Library
- Went to Austin for the purpose of speaking in opposition of some bills
- Participated in the annual prayer breakfast at Lakeland Baptist Church
- Attended Marcus school basketball team recognition event for their state championship
- Did presentations about how local government works at Donald, Wellington, and Timber Creek Elementary schools
- Arts groups are not getting information out to the community. For that reason there will be a new group created to promote the arts in Flower Mound. As part of the Parks, Arts, and Library Services (PALS) group they have asked to be a separate committee representing the Arts (still part of PALS). This committee will be charged with creating awareness and participation, and eventually could become their own 501C3 organization.
- Flower Mound Performing Arts Theatre (FMPAT) – Red White and Tuna play coming up in June
- Concerts in the park at Parker Square sponsored by the Town every Friday in June

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

Mayor Northern asked Mr. Jefferson to clarify when the Town first entered into a contract with Solutions for Local Control.

Mr. Jefferson stated winter of 2009, and later an 8-month contract from June to the end of December or January of this year. If approved tonight, it would represent the third contract.

Mayor Northern asked if the previous Council felt it was important to go forward with this service.

Mr. Jefferson responded yes.

Mr. Jefferson provided an update on the following road construction projects:

FM 1171:

- Switchover of lanes should be occurring May 23rd (weather permitting). The contractor needs four good days of weather in order to open the new lanes.
- Message boards will be installed at various locations to alert motorists of the change
- Ribbon cutting will be scheduled soon

Morriss/Gerault:

- The project is on schedule, with a completion date at the end of May 2012, which is the forecasted date to be complete.
- There were some delays with utility conflicts, sidewalks, landscaping, and HOA irrigation systems along the corridor
- There was a delay with the bridge over Baker's Branch, however, that's been resolved
- In the next couple months the six lanes on Gerault will be open, except for the flyover area at FM 2499

Special Programs for Aging Needs (SPAN) presentation:

- Background: past contract with Dial-A-Ride
- In 2005 transition to SPAN (2006 – 2007)
  - The cost to the Town was \$2.75 and .50 cents for residents
  - The following year the cost increased to \$3.15 and 50 cents for residents
  - During the 2008 year SPAN approached the Council for a rate increase from \$3.15 to \$22.71, which would increase the Town's cost from \$25,000 to over \$150,000 based on ridership. This increase was based on grant participation ineligibility, fuel cost, and age of their fleet. Council opted at that time not to extend the contract and SPAN terminated the contract in August 2008.
  - Staff was directed to continue to negotiate with SPAN and DCTA. DCTA Board developed a long-range policy for contracts, which didn't meet the Town's time frame. Discussion continued with SPAN regarding obtaining a reasonable contract and in 2009 – 2010, they brought forward a contract for \$16.02 instead of \$22.71, which included the following:
    - 75/25 split
    - The Town paid seventy-five percent of the cost and residents paid the other twenty-five percent, equating to \$12.02 Town paid and \$4.00 resident paid.
    - \$25,000 was the target number to stay within
    - Exclusive uses included doctors and dentists appointments, shopping for necessities, and Seniors in Motion program trips
    - Locations riders could be taken included Flower Mound, Highland Village, and Lewisville.
    - The age limit was also raised for seniors
    - Those with disabilities were required to have verifiable information
    - The number of trips per month was 170 and any unused trips in that month would roll over to the next month.

- This past year the Town entered into another contract with SPAN and this time the cost rose to \$25.95 under the 75/25 ratio, meaning the Town would pay \$19.45 and the riders would pay \$6.50. The maximum amount of trips per month was reduced to 107 in order to stay within the \$25,000 per year.
- A review of average ridership in 2006 thru 2007 was 617.
- Out of the \$25,000 budget: \$15,000 came from the Town's general fund and \$10,000 came from community development block grant (CDBG) funding
- In 2009 the Town spent \$7,308 from CDBG and none of the general fund, with the average monthly rate being \$664 for the Town. This Fiscal Year the Town spent \$6,000 of the CDBG funding and the average cost per month is \$1,002 so the expected amount to spent will be \$2,000 of the \$15,000 available. He indicated there is some room to adjust those parameters, such as trips to work and North Central Texas College (NCTC).
- There are some exceptions for various medical conditions that would allow the Town to go over the maximum of trips.
- NCTC through SPAN has 15 students they have contracts with and the actual total cost is \$6.36 per trip & residents pay \$4.69, meaning NCTC pays a higher percent of the total cost. NCTC indicated the price may vary by semester based on participation.

Councilmember Lyda asked if NCTC runs a shuttle from the Flower Mound to Corinth campus.

Mr. Jefferson indicated they do offer trips to and from that campus through a shuttle arrangement with DCTA and students ride free, but it is \$3.00 per trip for other riders.

**K. CONSENT ITEMS**

Mayor Pro Tem Filidoro made a motion to approve by consent, Items 1, 2, 3. Deputy Mayor Pro Tem Hayden seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, and ordinance or resolution, if applicable, for the record.

1. Consider approval of the minutes from a regular meeting and work session of the Town Council held on March 21, 2011.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting and work session of theTown Council held on March 21, 2011.

2. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to prima facie speed limits for specific streets by lowering the prima facie speed limits for Bradford Drive, Gatwick Court, Henley Court, and Norwich Drive to 25 mph.

**RECOMMENDATION:** Move to approve an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to prima facie speed limits for specific streets by lowering the prima facie speed limit for Bradford Drive, Gatwick Court, Henley Court, and Norwich Drive to 25 mph.

**ORDINANCE NO. 18-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY AMENDING SUBPART A, CHAPTER 66 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES," THROUGH THE AMENDMENT OF ARTICLE V, "SPEED LIMITS," BY AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS," BY THE ADDITION OF FOUR MORE STREETS TO THE LIST OF STREETS ENUMERATED THEREIN AND IDENTIFYING THE MAXIMUM PRIMA FACIE SPEED LIMITS FOR SAID FOUR STREETS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider acceptance of Park Development Fees in the amount of \$1,388.00 and cash in lieu of land in the amount of \$2,762.65 for the Kyle Family Addition (RP 03-11), a one-lot residential subdivision located at the southeast corner of Scenic Drive and Wichita Trail. *(The PALS Board recommended approval by a vote of 5 to 0 at its April 14, 2011, meeting.)*

**RECOMMENDATION:** Move to approve acceptance of Park Development Fees in the amount of \$1,388.00 and cash in lieu of the otherwise required Park Land Dedication in the amount of \$2,762.65 for the Kyle Family Addition (RP 03-11), a one-lot residential subdivision located at the southeast corner of Scenic Drive and Wichita Trail.

**VOTE ON THE MOTION**

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

**NAYS:** None

**L. REGULAR ITEMS**

4. Consider approval of an agreement with Solutions for Local Control, LLC, for legislative consulting services from June 1, 2011, through June 1, 2013, and ratify payments made to date for the 82<sup>nd</sup> legislative session.

*This item was pulled from consent by Councilmember Wallace and Deputy Mayor Pro Tem Hayden.*

Councilmember Wallace, Deputy Mayor Pro Tem Hayden, Councilmember Lyda, Mayor Pro Tem Filidoro, and Mayor Northern spoke in favor of utilizing Solutions for Local Control and highlighted the importance of having representation in Austin to track legislation and keep Council and staff aware of items that impact municipalities. They also confirmed that the

services of Local Control, LLC have been in place for two years, which includes representatives from the previous Council.

Councilmember Wallace moved to approve an agreement with Solutions for Local Control, LLC, for legislative consulting services from June 1, 2011, through June 1, 2013, and ratify payments made to date for the 82nd legislative session. Deputy Mayor Pro Tem Hayden seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

5. Consider approval of a resolution that will encourage the Texas Commission on Environmental Quality to consider controlling the emissions of VOCs from the gas industry as part of its DFW clean air plan.

*This item was pulled from consent by Deputy Mayor Pro Tem Hayden.*

Deputy Mayor Pro Tem Hayden indicated he pulled this item because he wanted to allow Mr. Schermbeck an opportunity to speak about it.

Jim Schermbeck, Downwinders At Risk, PO Box 763844, Slaton, Tx 79364

Mr. Schermbeck indicated he was with a local group concerned with clean air issues and is also a member of the North Texas Clean Air Steering Committee and Oil and Gas subcommittee. He spoke about the importance of putting VOCs in the state's clean air plans.

Mayor Pro Tem Filidoro moved to approve a resolution that will encourage the Texas Commission on Environmental Quality to consider controlling the emissions of VOCs from the gas industry as part of its DFW clean air plan. Councilmember Lyda seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

6. Public Hearing to consider adopting on second reading the attached ordinance granting to Waste Management of Texas, Inc., the right and privilege to operate and maintain the service of solid waste and recycling collection and hauling over, upon, along, and across the present and future streets, alleys, bridges, and public properties of the Town of Flower Mound.

Mr. Springer mentioned the first reading was on May 2<sup>nd</sup> and the second reading is required per the Town's Charter.

*The Presentation is available in it's entirety in the May 2, 2011 Minutes*

Councilmember Lyda asked if there was going to be a notification plan to inform the residents regarding the various changes.

Mr. Springer indicated there will be a notification plan to take place in August and Waste Management will publish notices in the paper and they will provide inserts in the Town's utility bills, mail postcards 30 days prior to the effective date, and they will contact commercial accounts 6 weeks in advance. Town staff will also be working on a promotion plan to notify residents of the change.

Mayor Northern inquired about the possibility of having the option of either a 68 gallon or 96 gallon cart for recycling.

Mike Holbrook, Public Sector Solutions, representing Waste Management, stated that the city has the choice of a 68 or 96 gallon polycart for the same price, however, every city they've put the smaller carts in for recycling, it's been not less than two years later that they want a 96 gallon and they can't change them out later without a cost.

Councilmember Wallace inquired about a schedule as to when the transition of carts would take place.

Mr. Holbrook indicated they would like to have the new carts in place a week before the old carts are removed to ensure the resident has continued service.

Mayor Northern commented it's her understanding that on the last day of service from the current provider they will pick up the trash and container at the same time. Mr. Jefferson confirmed that is correct.

Councilmember Wallace asked for clarification of the color choice of the carts.

Mr. Springer indicated staff is proposing green for trash, given there is blue for trash now, and black for recycling because it's made out of recyclable materials. Mr. Holbrook indicated the recycle cart will be clearly marked as such and would include a list of acceptable items on the cart.

Deputy Mayor Pro Tem Hayden asked what is the cost for a 2<sup>nd</sup> cart.

Mr. Holbrook replied \$6.45 per month.

Deputy Mayor Pro Tem Hayden asked if there was a repair or replacement cost should the cart get damaged or become missing.

Mr. Holbrook replied there is a performance built in the contract that a repair or replacement gets done in two days and there is no cost for this service.

Mayor Northern recommended staff notify HOAs regarding this transition and that code enforcement refrain from issuing violations during this transition period.

Councilmember Dixon indicated he put both the 96 and 68 gallon carts side by side and noted that the footprint is very similar, and it's about five inches shorter.

Councilmember Dixon asked who the vendor is for the recycling at the schools in Flower Mound, and noted the significant amount of recycling, especially water bottles, generated at the schools. He requested the new service provider make sure they are proactive with the schools in getting their recyclables picked up.

Greta Calgary, Public Sector Solution, representing Waste Management, indicated if awarded the contract, they would be the vendor. She also indicated they have a comprehensive recycling education program at the schools.

Mayor Northern opened the public hearing.

### **Public Hearing**

Laurie Long, 2708 Lake Flower, Flower Mound, TX

Supports the change to Waste Management and the contract presented.

Marilyn Jenkins, 6716 Raintree Pl, Flower Mound, TX

Supports the change to Waste Management and the contract presented.

Kim Burg, 2012 Barton Creek Ln, Flower Mound, TX

Thanked council for going forward with the change to Waste Management and the contract presented.

Richard Scott, 2805 Lakemont, Flower Mound, TX

He spoke in favor of the proposed contract.

Mayor Northern closed the public hearing.

Mayor Northern and all Councilmembers thanked Mayor Pro Tem Filidoro for his leadership and the foresight to look into the waste services contract and acknowledged the benefits gained, such as \$2.50 a month less for residents and with more services, and the \$1.1+ million per year savings for the Town going forward. Mayor Northern and Councilmembers also thanked staff for their work during the process.

Mayor Pro Tem Filidoro moved to approve a Public Hearing to consider adopting on second reading the attached ordinance granting to Waste Management of Texas, Inc., the right and privilege to operate and maintain the service of solid waste and recycling collection and hauling over, upon, along, and across the present and future streets, alleys, bridges, and public properties of the Town of Flower Mound. Deputy Mayor Pro Tem Hayden seconded the motion.

Mayor Pro Tem Filidoro commented that much of the reasoning for the change stemmed from residents wanting a polycart for recycling and the current provider said "no", and in addition there was dissatisfaction in the way the storm debris situation was handled a couple years ago.

Mr. Welch clarified that the contract as it is written states 95 gallon and there have been references to a 96 gallon container.

Councilmember Lyda asked if the contract could be changed to read a 95 or 96 gallon polycart.

Mr. Welch indicated it could.

#### VOTE ON THE MOTION

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

**NAYS:** None

#### ORDINANCE 19-11

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, GRANTING TO WASTE MANAGEMENT OF TEXAS, INC., A TEXAS CORPORATION, THE RIGHT AND PRIVILEGE TO OPERATE AND MAINTAIN THE SERVICE OF SOLID WASTE AND RECYCLING COLLECTION AND HAULING OVER, UPON, ALONG, AND ACROSS THE PRESENT AND FUTURE STREETS, ALLEYS, BRIDGES, AND PUBLIC PROPERTIES OF THE TOWN OF FLOWER MOUND, TEXAS; PROVIDING REGULATIONS FOR THE OPERATION OF SAID SERVICE, AND ALL MATTERS INCIDENT AND RELATED THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

*Mayor Northern opened Items 7 and 8 at the same time.*

7. Public Hearing to consider a request (MPA 02-11 - Specific Plan Area 11) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plan Areas, of Master Plan 2001 to create a new Specific Plan Area 11 (SPA 11), and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 25, 2011, meeting.)*

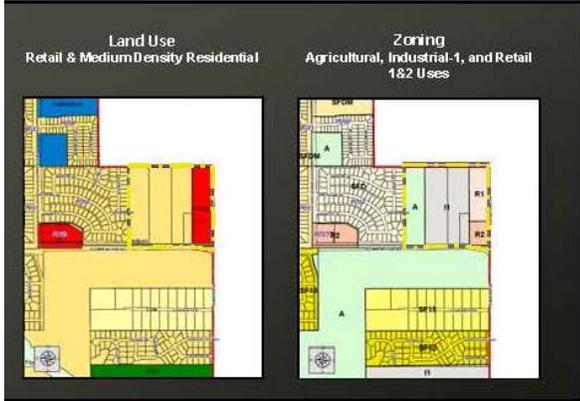
#### Staff Presentation

Doug Powell provided the following presentation that included or pointed out:

- location of the project and referenced it being a gateway to Flower Mound
- identification of surrounding properties and uses
- pictures that demonstrate how the site looks today
- current zoning
- development history
- a review of uses within the project
- residential controls of 5,000 sf lots
- need for open space (walkability)
- age restricted development
- if approved, the next step would be to zone the property

Specific Plan Area 11  
Master Plan Amendment & Land  
Development Regulation Amendment  
MPA 02-11 & LDR 02-11





### Development History

- January 9, 1995 SP 21-94: Lake Forest Baptist Church (1st Korean)
- January 13, 1997 SUP 139-96 & SP 38-96: Windborn Plaza Convenience Store
- March 16, 1998 SUP/SP 164-97: Parkside Ministorage
- January 23, 2006 MPA 07-05, ZPD 14-05 & SUP 317-05: Flower Mound Ministorage
- June 21, 2010 MPA 04-09 & ZPD 02-09: Orchard Flower Village

SPA 11 – Text

**History**

**Acknowledgment of existing Institutional use**

**Retail controls**

**Residential Controls**

**Specific Plan Area #11**

Specific Plan Area (SPA) #11 encompasses properties located within a Gateway Entrance to the Town on the northwest quadrant of the intersection of Old Orchard Road and FM 3040 Flower Mound Road. These properties were identified by the Master Plan Update Steering Committee as a potential infill development site. The Committee recommended that a new SPA be created to address the future development of the property and institute appropriate development standards. The Committee also recognized the need for age restricted housing options within the Town. Finally, the Committee expressed a need to define the gateway entrances to the Town.

The only current use of the properties is a church on western portion of the site next to the existing residential neighborhood. The vacant properties currently have the inappropriate zoning designation of industrial and retail. The site is bounded to the north and east by residential areas within the City limits of Lewisville. The area to the west of SPA 11 is developed as an existing single-family residential subdivision.

The recommended plan for SPA 11 is intended to allow the development of high quality, age restricted, single-family high-density residential uses, and high quality retail development on the vacant parcels. The existing church will be given the designation of Institutional to represent the current use.

Elements included in Specific Plan #11 are as follows:

- a. An existing Church building (institutional use) is located on a tract of land to the west of the vacant parcels. This property is currently zoned A (Agricultural). The development ability of this tract will remain unaffected under the proposed SPA 11.
- b. High quality retail uses are recommended at the corner of the gateway intersection of FM 3040 Flower Mound Road and Old Orchard Lane. The key concerns for retail in this development are as follows:
  1. Appropriate development to frame the entrance into the Town, including the location of a gateway entrance monument.
  2. All of the retail buildings within the SPA should have a coordinated design including architecture, color palette and use of materials, and shall comply with the Town's Urban Design Plan.
  3. Development organized around public open space amenity. Amenity can be a public square or other form.
  4. Roofs of commercial buildings 15,000 SF and under are to be hip, gable or a combination of the two. Structures larger than 15,000 SF should have no visible area of flat roof from any adjacent properties. A mansard parapet structure, in a combination of vertical and sloping sections, will be required along 100% of the roof perimeter.
- c. Age restricted, single-family high-density residential uses, uses are allowed. The minimum lot size for the residential development should be 5,000 square feet. This pattern is proposed to help transition to the existing surrounding residential developments. The key concerns for retail in this development are as follows:

SPA 11 – Text

**Residential controls**

**Access Controls**

**Gateway Control**

**Buffer Controls**

1. The development of the high quality residential should include open space and amenity areas that are integral to the development and include a plaza, park, linear greens, environmental preserves, which provides a community gathering space for the residents.
2. In addition to the meeting the Town's minimum masonry requirements, individual homes should have sufficient architectural differentiation to create an interesting and lively streetscape.
3. With the first development application for the residential portion, the Developer shall provide deed restrictions that restrict the age of the residents within the development.
- d. Curb cuts shall align existing median openings along FM 3040 Flower Mound Road where possible, and in accordance with the Town's Access Management Policy. Access drives are to be coordinated so that they allow cross-vehicular movement within the retail portion as well as to the existing institutional use.
- e. The SPA 11 sits at a Gateway entrance to the Town as described in the Town's Urban Design Plan. The development of these tracts shall conform to the recommendations of the Medians and Rights-of-Way Design Guidelines in regards to Gateway monuments and landscaping.

**Specific Plan Area #11 Controls**

Dimensional Controls for area 11 include the following:

1. A 15' landscape setback is required on Old Orchard Lane.
2. A 25' landscape setback is required along FM 3040 Flower Mound Road.
3. An appropriate buffer is recommended between retail development and residential land uses. In addition to the buffer, the design of the SPA as a whole should also provide for pedestrian connection between the two uses.



**Questions/Comments from Governing Body**

Mayor Northern commented that when this item came forward at the Planning & Zoning meeting, many of the residents at that meeting spoke in favor of this item.

Deputy Mayor Pro Tem Hayden inquired as to if staff has received comments from the church.

Mr. Powell indicated they have talked to them and their focus is the development of their property and getting their application through the process.

Deputy Mayor Pro Tem Hayden inquired how the age restriction requirement would be monitored.

Mr. Powell stated the applicant would be required to enter into a development agreement as part of the zoning of the property and the development agreement would require the property be deed restricted by the owner at the time, and the HOA would monitor it.

Mayor Northern commented that she receives phone calls from residents seeking to down-size to properties that offer quality homes with lower maintenance.

Mayor Pro Tem Filidoro commented he believed it will be a quality project for Flower Mound.

Deputy Mayor Pro Tem Hayden thanked Mr. Eldridge, the property owner, for coming forward with the project and requested he provide an explanation about the type of product being proposed for the site with regards to residential and retail.

Dean Eldridge, 4102 Lexington Pkwy, Colleyville, Tx

Mr. Eldridge stated there is a need for smaller quality homes for empty nesters. Homes built in this project would range from 1,700 – 2,700 sf and the HOA takes care of the maintenance of the exterior of the home as well as yard maintenance.

Regarding the retail, Mr. Eldridge stated the market drives that decision, however, they envision a sit-down restaurant, a bank building, and offices attached to the bank building.

They prefer to have the retail sooner than the residential so they can promote the retail as an amenity for the community.

Deputy Mayor Pro Tem Hayden asked if approved tonight, when they could start building.

Mr. Eldridge stated they would start quickly as they have a significant investment in the property.

Mayor Northern opened the public hearing at 9:00 p.m.

No participation either in favor or against.

Mayor Northern closed the public hearing at 9:01 p.m.

Councilmember Dixon moved to approve a Public Hearing to consider a request (MPA 02-11 - Specific Plan Area 11) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plan Areas, of Master Plan 2001 to create a new Specific Plan Area 11 (SPA 11), and to consider adopting an ordinance providing for said amendment. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 25, 2011, meeting.)*** Councilmember Wallace seconded the motion.

Councilmember Lyda stated he would like staff to bring forward the southern property with SPA 11 so it can be part of the master plan update.

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

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

**NAYS:** None

8. Public Hearing to consider a request to amend the Land Development Regulations (LDR 02-11) by amending Section 98-431, entitled "Purpose and Intent," of the Code of Ordinances to expand the SF-5 single-family residential district use to areas designated as "high density" within Specific Plan Area 11 (SPA 11) of the Master Plan 2001, and to consider adopting an ordinance providing for said amendment. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 25, 2011, meeting.)***

Councilmember Wallace moved to approve a Public Hearing to consider a request to amend the Land Development Regulations (LDR 02-11) by amending Section 98-431, entitled "Purpose and Intent," of the Code of Ordinances to expand the SF-5 single-family residential district use to areas designated as "high density" within Specific Plan Area 11 (SPA 11) of the Master Plan 2001, and to consider adopting an ordinance providing for said amendment. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 25, 2011, meeting.)*** Mayor Pro Tem Filidoro seconded the motion.

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

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

**NAYS:** None

9. Consider approval of Change Order No. 7 for the construction of the Morriss/Gerault Improvement Phase I project, amending the contract with TISEO Paving Company for an increase in the amount of \$438,905.05; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Kent Collins noted the key elements fall into three areas:

- 1) deductions to the contract due to a change in plan to go from sod to seed and irrigation in the medians north of 1171.
- 2) Rehab of the parking areas at Town Hall due to the reconfiguration of the drives and the disturbance of the parking areas associated with the construction of the roadway.
- 3) Irrigation additions that were not included in the original plans

He noted the net increase with the change order is \$438,905.

The project has more revenue dedicated to it through impact fees and \$2.5 million in additional regional toll revenue. A portion of that has not been budgeted to the project yet. He noted there is a CIP amendment proposed for June 6<sup>th</sup> that will include budgeting the additional revenues that is dedicated for the project. In the same night there will be an agenda item to approve the advance funding agreement for those funds from TxDOT.

In response to questions asked by Ms. Doyle about the Morriss/Gerault road during the public participation, Mr. Collins offered the following:

Question	Answer
What is the anticipated total cost of the project?	The total anticipated cost of the project, including the amendment scheduled for June 6 <sup>th</sup> would bring the total budget for phase I to \$20.3 million and for Phase II (out year project), \$4.8 million, making the total \$25.1 million.
<p>Will the citizens of Flower Mound have to pay the 20% required by the AFA?</p> <p>Will the other roadway projects, Spinks, Garden Ridge, and Flower Mound Road also cost the citizens the 20%?</p>	<p>The advanced funding agreement requires a 20% local match; however, it doesn't specify where it comes from. The 20% local match is covered within the funding sources listed in the CIP.</p> <p>The same match is required and there are bond funds in some of those projects (Garden Ridge and Flower Mound Road).</p>
Are funds from the above projects being used to support the cost of the Morriss/Gerault project?	No.
Why is the Town considering spending over \$300,000 because of a mistake made by	It was a design error. Those costs would have been in the project. It was in the

Teague Nall and Perkins?	original scope and an omission by the designer in the quantities.
Who was responsible for overseeing this contract? Was it a contractor or staff?	Teague Nall was a sub consultant to the primary design consultant. Ultimately the oversight of the design was with staff.
Why is the Town planning to irrigate medians that may someday be removed in order to widen Morriss Rd (Ph. II)	If the area doesn't get irrigated, you would have irrigation down the middle median and nothing along the edges.
Are Trip 08 funds being used to add irrigation, asphalt overlay, and a trash enclosure at Town Hall?	Improvements are being made in lieu of the Town providing right of way land to the project.
How do modifications to the Flower Mound Town Hall benefit the Morriss/Gerault traffic flow?	Using the right of way property provided by the Town, the project includes realignment through this intersection, and there will be a new turn lane.
How much of the Morriss/Gerault Rd improvement funds have been spent on design, etc. for the Flower Mound Town Hall improvements?	The Change Order lists the construction amounts being around \$100,000.
How much will Phase I of the Morriss/Gerault Rd improvement project cost the citizens of Flower Mound?	The funding sources are regional toll revenue, Trip 08 (Denton County bond money), and developer impact fees (which is revenue developers pay when they develop property in Flower Mound).

Deputy Mayor Pro Tem Hayden asked about the completion timing around the neighborhood areas.

Mr. Collins stated as soon as the irrigation is completed, sod can be installed, and the rest of the trees would be planted this fall. The intersection work will most likely be done by the end of this year.

Deputy Mayor Pro Tem Hayden asked if the Town has to get reimbursed from Toll Revenue funds or does the Town draw off of that fund as needed.

Mr. Collins stated once the advance funding agreements are approved, TxDOT issues the Town a check for the 80%. Mr. Jefferson added that when the Council approved the first advance funding agreement in May of 2009, by September that year the state sent \$10 million for the project, and interest earned on that amount can be used for this same project, and they did the same for three other projects. For the Trip 08 money, the Town spends it first and then gets reimbursed.

Mayor Northern commented the project started in the summer of 2009 and we're now into the two year mark of a three year project. In some ways this can be equated to remodeling of an older home in which you never know what you are going to run into. She noted the project is still within budget. She also thanked residents for their patience during the process and once complete it will be a great project for the Town.

Councilmember Lyda indicated the paving around Town Hall is also needed for the new senior center.

Councilmember Lyda moved to approve Change Order No. 7 for the construction of the Morriss/Gerault Improvement Phase I project, amending the contract with TISEO Paving Company for an increase in the amount of \$438,905.05; and authorization for the Mayor to execute same on behalf of the Town. Mayor Pro Tem Filidoro seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS:** None

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

Deputy Mayor Pro Tem Hayden indicated he will not be available for the May 24<sup>th</sup> meeting.

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

The Town Council convened into a closed meeting at 9:37 p.m. on May 16, 2011 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 9:59 p.m. on May 16, 2011 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.
- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Economic Development Advisory Committee, Environmental Services Commission, Oil and Gas Board of Appeals, Parks, Arts and Library Services Board, Planning & Zoning, SMARTGrowth Commission, and Transportation Commission.  
No action taken.

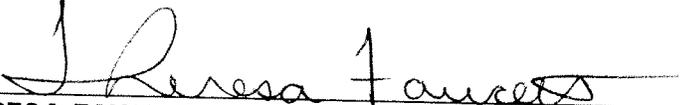
P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the regular meeting at 10:00 p.m. on Monday, May 16, 2011, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

  
MELISSA D. NORTHERN, MAYOR

ATTEST:

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THERESA FAWCETT, INTERIM TOWN SECRETARY