

THE 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 HELD ON THE 15 DAY OF AUGUST, 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
Steve Lyda	Deputy Mayor Pro Tem
Kendra Stephenson	Councilmember Place 1
Mark Wise	Councilmember Place 3
Tom Hayden	Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Tommy Dalton	Planning Manager
Jared Martin	Environmental Review Analyst
Kenneth Brooker	Police Chief
Christine Hastings	Animal Services Manager

A. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:04 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Stephenson reported attending the Environmental Conservation Commission meeting.

Councilmember Wise reported that the last Planning & Zoning meeting was cancelled, and the one issue from the Oil and Gas Board of Appeals was tabled until September.

2. Discuss Consent and Regular Items

Mayor Pro Tem Filidoro requested items 2, 3, 4, and 5 be pulled from consent.

3. Discuss Future Agenda Items

None.

4. Discuss Council Communications

Mr. Jefferson stated there are two outstanding:

1. Direction is being requested regarding the powers and duties of the Environmental Conservation Commission (ECC), and he stated if there are no objections staff will bring the item forward based on the comments that were provided within the communication item.
2. The other item is for Denco 9-1-1 in which there are two individuals (Ms. Harris and Ms. Stephens) seeking a seat on the Board of Managers. Staff is seeking direction regarding a preference for either of these individuals in order to draft a Resolution, which would be brought forward at a future meeting.

Mr. Jefferson stated he received three responses for Olive Stephens to date so staff will bring the item forward based on that selection.

C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER

Mayor Northern adjourned the briefing session and called the regular and special meeting to order at 6:08 p.m.

E. INVOCATION

Chaplain Don Cone gave the invocation.

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

Mayor Northern led the pledges.

G. PRESENTATIONS

Fall Prevention Awareness Month (Proclamation).

Mayor Northern presented Veronica Ramos, with Autumn Leaves, and Maggie Humphries, with Continuum Rehabilitation Hospital, a proclamation to bring awareness of the issue of falls in older citizens and encouraged others to learn about factors that cause falls, and take strategies to lessen the chance of older citizens experiencing falls.

H. PUBLIC PARTICIPATION

Paul Stone, 709 Lake Bluff, Flower Mound, TX 75028

Mr. Stone offered the suggestion of putting up a sign for "future site of future road" so current homeowners and potential buyers would be aware of any upcoming road projects in their neighborhood. He referenced Kirkpatrick Road, Phase 3, as an example.

I. MAYOR AND TOWN COUNCILMEMBER ANNOUNCEMENTS

1. Several council members expressed a need for prayers for the families of Glenn Faulkner, who was an active member of the Seniors In Motion, and recently passed away. In addition, for Paige Boutilier, that she will have a speedy recovery from her illness.

Councilmember Hayden had the following announcements:

- He offered clarification regarding a statement previously made about the budget at the last meeting in that the proposed budget submitted to council last year was a balanced budget, however, if no changes would have been made there would have been a deficit.
- He referenced a recent newspaper article regarding the Upper Trinity Water District (UTWD) and stated the Town is proportionately the largest member of the UTWD, however, out of dozens of board representatives, the Town has only one vote, equating to inadequate representation. In addition, he stated the situation is the greatest threat to the Town because of the potential cost involved regarding the proposed addition of Lake Ralph Hall.

Deputy Mayor Pro Tem Lyda had the following announcements:

- He offered a reminder regarding school starting soon and the need to adhere to laws associated with school zones.
- Reminder regarding tax free shopping this coming weekend.

Mayor Northern had the following announcements:

- Attended a luncheon with the Town Manager and Dr. Stephen Waddell and Vernell Gregg, with the Lewisville Independent School District regarding upcoming changes within the school district, and identified opportunities for mutual support.
- The Friends of the Library book sale raised more than \$3,800.

Mayor Pro Tem Filidoro had the following announcements:

- Participated in the ribbon cutting for the new Shirley Voirin Social Senior Center.
- Expressed concern for the ongoing situation with the UTWD as it's "taxation without representation" and building out their system with Lake Ralph Hall would be at a significant cost to Flower Mound.

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported on the following:

- Garden Ridge ribbon cutting scheduled for September 15th.
- Stage One conservation measures have been put in place due to demand on potable water reaching a level that warranted such.

K. CONSENT ITEMS

Councilmember Hayden moved to approve by consent Items 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Deputy Mayor Pro Tem Lyda seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. Consider approval of the minutes from a regular meeting of the Town Council held on July 18, 2011.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on July 18, 2011.

Items 2, 3, 4, and 5 were moved to regular items.

6. Consider approval of a resolution allowing the Denton County Sheriff's Department to offer A00544A J.H. HALLFORD, TR 18A, .092 ACRES, Denton County, Texas, at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed.

RECOMMENDATION: Move to approve a resolution allowing the Denton County Sheriff's Department to offer A00544A J.H. HALLFORD, TR 18A, .092 ACRES, Denton County, Texas, at a public auction, which property was previously foreclosed upon by the taxing entities, including the Town of Flower Mound, for property taxes owed.

RES. 18-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REQUESTING AND DIRECTING THE DENTON COUNTY SHERIFF'S DEPARTMENT TO SELL THE PROPERTY KNOWN AS A0544A J.H. HALLFORD, TR 18A, .092 ACRES, AT A PUBLIC VENUE AS PROVIDED UNDER TEXAS TAX CODE SECTION 34.05(c).

7. Consider approval of an ordinance adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

RECOMMENDATION: Move to approve an ordinance adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

ORD. 39-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ("TOWN") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

8. Consider approval of the purchase of asphalt overlay services from Reynolds Asphalt & Construction Company, through a City of Grand Prairie contract, in the estimated amount of \$225,000.

RECOMMENDATION: Move to approve the purchase of asphalt overlay services from Reynolds Asphalt & Construction Company, through a City of Grand Prairie contract, in the estimated amount of \$225,000.

9. Consider approval of a service & license agreement with Icon Enterprises, Inc., dba CivicPlus, for website design services; and the purchase of a content management system for the Town's websites, social media, and digital communication tools, through a Texas Department of Information Resources (DIR) contract, in the annual amount of \$20,624.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a service & license agreement with Icon Enterprises, Inc., dba CivicPlus, for website design services; and the purchase of a content management system for the Town's websites, social media, and digital communication tools, through a Texas Department of Information Resources (DIR) contract, in the annual amount of \$20,624.00; and authorize the Mayor to execute same on behalf of the Town.

10. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for September 6, 2011, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 19, 2011, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for September 6, 2011, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 19, 2011, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

11. Town Council acting as the Board of Directors for the Town of FlowerMound Crime Control and Prevention District to schedule a public hearing for September 6, 2011, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 19, 2011, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District move to schedule a public hearing for September 6, 2011, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 19, 2011, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

12. Consider approval of the award of Bid No. 71-11-A for primary rate interface (PRI) services to Grande Communications, in the estimated annual amount of \$18,540; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 71-11-A for primary rate interface (PRI) services to Grande Communications, in the annual amount of \$18,540; and authorize the Mayor to execute same on behalf of the Town.

13. Consider approval of a resolution authorizing the execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation, for the purchase of traffic signal equipment for FM 407 at FM 1830 and FM 407 at Cedarcrest/Copper Canyon, at a cost of \$71,493.00, as part of the FM 407 (FM 1830 to W. Lantana Trail to west of Chinn Chapel) construction project; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a resolution authorizing the execution of a Local Project Advance Funding Agreement with the Texas Department of Transportation, for the purchase of traffic signal equipment for FM 407 at FM 1830 and FM 407 at Cedarcrest/Copper Canyon, at a cost of \$71,493.00, as part of the FM 407 (FM 1830 to W. Lantana Trail to west of Chinn Chapel) construction project; and authorize the Mayor to execute same on behalf of the Town.

RES. 19-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF TRAFFIC SIGNAL EQUIPMENT FOR FM 407 AT FM 1830 AND FOR FM 407 AT CEDARCREST/COPPER CANYON AS PART OF THE FM 407 – FM 1830 TO WEST OF CHINN CHAPEL ROADWAY CONSTRUCTION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

14. Consider approval of Change Order No. 4, for the construction of the Flower Mound Road project with Mario Sinacola & Sons Excavating, Inc., for an increase in the amount of \$22,147.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 4, for the construction of the Flower Mound Road project with Mario Sinacola & Sons Excavating, Inc., for an increase in the amount of \$22,147.00; and authorize the Mayor to execute same on behalf of the Town.

15. Consider approval of an ordinance vacating and abandoning the northern 7.5 feet (65 feet from the east fence line, westward) of the existing 15-foot-wide drainage and utility easement located along the southern property line of Lot 6, Block C, Adams Estates, which lot is more commonly known as 3105 Gremer Street, thereby reducing the width of said easement upon and across this lot to a 7.5-foot-wide drainage and utility easement.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the northern 7.5 feet (65 feet from the east fence line, westward) of the existing 15-foot-wide drainage and utility easement located along the southern property line of Lot 6, Block C, Adams Estates, which lot is more commonly known as 3105 Gremer Street, thereby reducing the width of said easement upon and across this lot to a 7.5-foot-wide drainage and utility easement.

ORD. 44-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE NORTHERN 7.5 FEET (65 FEET FROM THE EAST FENCE LINE, WESTWARD) OF THE EXISTING 15-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE SOUTHERN PROPERTY LINE AND WITHIN THE BACK YARD OF LOT 6, BLOCK C, ADAMS ESTATES, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 3105 GREMAR STREET THEREBY REDUCING THE WIDTH OF THAT EASEMENT UPON AND ACROSS SAID LOT TO A 7.5-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THAT PORTION OF SAID EASEMENT TO BE VACATED AND ABANDONED, AS DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

L. REGULAR ITEMS

Items 2, 3, 4, and 5 were moved from consent to regular items, with a request for one presentation for all items.

2. Consider approval of an ordinance establishing the 2011 certified appraisal roll.

Staff Presentation

Mr. Springer indicated the items are required by state law and it's a procedure used for the purpose of passing the Town's budget and tax rate.

Item two establishes the certified appraisal rolls from the appraisal districts.

Item three falls under the same requirement in that there is a need for an estimated certified collection rate based on historical collections.

Item four is needed because state law requires the Town to calculate two tax rates going into the budget process. The first one is called the effective tax rate and it's trying to get at what tax rate would raise the same amount of money as the prior year, excluding new value. He noted the effective rate this year is slightly above the Town's current and proposed tax rate and its 45.02 cents (effective tax rate). The Town also is required to calculate a rollback tax rate, which is the maximum tax rate that can be adopted prior to the citizens having the ability to roll taxes back to that rate. It's generally about 1.08% above the effective tax rate. That rate is .4676. He further added item four is basically the Town Council accepting those rates.

Item five is also required by state law in that Council needs to adopt a maximum tax rate that will be considered for the budget year and is related to the calculations presented, as well as some public hearing requirements on the tax rate, depending on the rate that is adopted. Staff has recommended that the

Council set that maximum rate to be the current tax rate, which is \$0.4497 cents.

Questions and answers from governing body.

Questions	Answers
Mayor Northern inquired how long has the .4497 tax rate been in effect for the Town of Flower Mound	Mr. Jefferson indicated it was around 2001 or 2002 when it was reduced to the current level and it was around 1991 since the Town increased this tax rate.
Councilmember Hayden commented about being pleased that revenues in total have stabilized. He inquired about how much money the Tax Increment Reinvestment Zone (TIRZ) will generate this year, and noted he came up with about \$2.1 million.	Mr. Springer indicated that he used last years figures and estimates about \$1.7 million. He added this figure will change once property owners have gone through the protest process.

Mayor Pro Tem Filidoro moved to approve an ordinance establishing the 2011 certified appraisal roll. Deputy Mayor Pro Tem Lyda seconded the motion.

ORD. 38-11

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2011 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

3. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2011, and ending September 30, 2012.

Councilmember Hayden moved to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2011, and ending September 30, 2012. Mayor Pro Tem Filidoro seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None.

4. Consider accepting the submission of the notice of an effective tax rate of \$0.4502 per \$100 assessed valuation and a rollback tax rate of \$0.4676 per \$100 assessed valuation for the fiscal year beginning October 1, 2011, and ending September 30, 2012.

Mayor Pro Tem Filidoro moved to accept the submission of the notice of an effective tax rate of \$0.4502 per \$100 assessed valuation and a rollback tax rate of \$0.4676 per \$100 assessed valuation for the fiscal year beginning October 1, 2011, and ending September 30, 2012. Councilmember Hayden seconded the motion.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

5. Consider proposing a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2011, and ending September 30, 2012; and scheduling the September 6, 2011, public hearing on the budget, and scheduling the September 19, 2011, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

Councilmember Wise moved to propose a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2011, and ending September 30, 2012; and scheduling September 6, 2011, public hearing on the budget, and scheduling the September 19, 2011, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road. Mayor Pro Tem Filidoro seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

Mayor Northern opened items 16, 17, 18, and 19 at the same time.

16. Public Hearing to consider a request to amend Section 1.0, Land Use Plan (MPA 01-11 - Wellington Manor), of the Master Plan to change the current land use on the Land Use Plan Map from Retail to Medium Density Residential, and to consider adopting an ordinance providing for said amendment. The property is generally located along the northeast quadrant of Bruton Orand Boulevard and Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 25, 2011, meeting.)*

Staff Presentation:

Mr. Dalton offered a presentation that identified:

- site location
- development plan
- current zoning
- use change request by the applicant
- the location for the tree removal permit
- comments from residents

Applicant presentation:

Matthew Alexander, Dowdey, Anderson & Associates, Inc., 5225 Village Creek Drive, Plano, TX 75093.

Mr. Alexander provided a presentation identifying:

- the location of the project
- adjacent lot size information (60 x 115) and noted the typical proposed lot size in this development is 80 x 130
- trees that will be preserved as well as the one requested for removal
- site plan details
- development access
- screening and landscape buffering
- setbacks
- various site features
- fencing
- trail access

David Vanderslice, Area President, K. Hovnanian Homes, 5808 W Plano Pkwy, Plano, TX 75093

Mr. Vanderslice provided a presentation identifying:

- background of the company
- proposed homes they plan to build:
 - range from 2,900 – 4,000 square feet
 - price point of \$440,000 - \$490,000
 - mix of one and two story plans, all with three-car garages
 - energy efficient design
- a summary of their visits with many of the neighboring homeowners
- building elevations and floor plans

Questions and answers from governing body

<p>Councilmember Hayden inquired if utilities would be buried.</p>	<p>Mr. Dalton responded that by Town Ordinance all new utilities are required to be underground.</p>
<p>Mayor Northern asked if they plan on being a part of Wellington Homeowners Association, and if so, are they planning on using that HOAs architectural standards?</p>	<p>Mr. Vanderslice stated yes for both questions.</p>
<p>Councilmember Hayden asked what is the distance between the houses going to be?</p>	<p>Mr. Vanderslice responded 10 feet side yards on each lot.</p>
<p>Councilmember Wise asked about the type of fence being used between the school and the east properties.</p>	<p>Mr. Alexander responded it's a wood fence, and it would be similar to where the day care is currently. He further identified locations for fencing with variations of masonry, wood, and iron.</p>

Mayor Northern asked if the property was going to be age restricted (since the original intent for the property was slated for such).

Mr. Alexander replied no.

Mayor Northern opened the Public Hearing for items 16, 17, and 19 at 6:54 pm.

Name and Address	Spoke in Opposition or Support of the Development.	Response
<p>Russell Schmidt, 3509 Dresage Ct., Flower Mound, TX 75022</p>	<p>Mr. Schmidt inquired if there was going to be median cut-ins on Flower Mound Rd. given the traffic impact as well as cross access from the day care.</p> <p>He also recollected a mention of two trees being removed, along with the potential of a 3rd tree removal option.</p> <p>Subsequently, he inquired about equal caliper trees to be planted to replace the ones being taken out.</p>	<p>Mr. Dalton responded that in terms of the median cuts, there is a cut proposed at the Bruton Orand entrance, however, there is not a cut proposed on Flower Mound Rd at the entrance. In addition, if the neighborhood gets built, there would not be cross traffic between the day care and neighborhood.</p> <p>Mr. Martin indicated the developer is required to mitigate two times the caliper inches for the removal of specimen trees, and with 82 caliper inches of specimen trees being removed in this project they need to replace 164 caliper inches, which is roughly 54-55 trees, and that has been incorporated in their landscape plan.</p>

Mayor Northern closed the Public Hearing for items 16, 17, and 19 at 7:31 pm.

Council Deliberation

Councilmember Hayden inquired about the timing of the project going forward.

Mr. Alexander indicated they would submit construction and development plans by the end of this year, with the hope of starting in January, with a six to eight months construction time frame.

Councilmember Hayden commented that he believed the product fits the character that currently exists in that area, and the comments received from residents, including the Wellington Homeowners Association, demonstrates the acceptance of the development.

Mayor Northern and Mayor Pro Tem Filidoro both indicated they are normally not in favor of changing zoning from retail to residential. They both indicated this development is different given the history of the property, the efforts that have been made by the developer, and the support of the neighboring residents.

Mayor Pro Tem Filidoro moved to approve a request to amend Section 1.0, Land Use Plan (MPA 01-11 - Wellington Manor), of the Master Plan to change the current land use on the Land Use Plan Map from Retail to Medium Density Residential, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORD. 40-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0 LAND USE PLAN OF THE MASTER PLAN, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM RETAIL USES TO MEDIUM DENSITY RESIDENTIAL USES ON APPROXIMATELY 12.0 ACRES OF LAND IN THE J. GIBSON SURVEY, ABSTRACT NO. 459, AND THE H. MURPHY SURVEY, ABSTRACT NO. 822; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

17. **Public Hearing to consider a request for rezoning (ZPD 03-11 – Wellington Manor) from Planned Development District-81 (PD-81) with Retail District-2 (R-2) uses to Planned Development District-117 (PD-117) with Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located along the northeast quadrant of Bruton Orand Boulevard and Flower Mound Road. (*The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 25, 2011, meeting.*)**

Councilmember Wise moved to approve a request for rezoning (ZPD 03-11 - Wellington Manor) from Planned Development District-81 (PD-81) with Retail District-2 (R-2) uses to Planned Development District-117 (PD-117) with Single-Family District-10 (SF-10) uses, and adopt an ordinance providing for said amendment. Councilmember Hayden seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

18. **Consider a request for a Development Plan (DP 03-11 – Wellington Manor) to develop a residential subdivision. The property is generally located along the**

northeast quadrant of Bruton Orand Boulevard and Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 25, 2011, meeting.)*

Mayor Pro Tem Filidoro moved to approve a Development Plan (DP 03-11 - Wellington Manor) to develop a residential subdivision, and acceptance of Park Development Fees in the amount of \$ 43,028.00 and cash in lieu of land in the amount of \$70,998.49 to satisfy the requirements of the Park Land Dedication Ordinance. Councilmember Wise seconded the motion.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

19. Public Hearing to consider an application for a tree removal permit for the removal of two specimen trees on property proposed for development as Wellington Manor. The property is generally located north of Flower Mound Road and east of Bruton Orand Boulevard.

Councilmember Wise moved to approve a tree removal permit for the removal of two specimen trees on property proposed for development as Wellington Manor. The property is generally located north of Flower Mound Road and east of Bruton Orand Boulevard Boulevard. Councilmember Hayden seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

Mayor Northern opened items 20 and 21 at the same time.

20. Public Hearing to consider a request for rezoning (ZPD 04-11 – Caddis Partners Medical Office Building) from Agricultural District (A) uses to Planned Development District-118 (PD-118) for Office District (O) uses together with a Specific Use Permit (SUP 399-11) for a Pharmacy and a Specific Use Permit (SUP 400-11) for a Medical Laboratory, 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, of the Code of Ordinances, 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 located at 4001 Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 25, 2011, meeting.)*

Waivers and Exceptions: The applicant is requesting exceptions to the following: 1) the access management policy and criteria, regarding driveway spacing, as it relates to their proposed access onto Long Prairie Road; 2) Section 82-302(1) which requires construction of a brick or masonry wall along the northern and southern property lines; 3) Section 82-302(2) which requires a 25-foot landscape buffer along the northern and southern property lines; and 4) Section 82-303(a)

which requires a 60-foot setback along the northern property line. These exceptions are discussed in the applicant’s Letter of Intent (Attachment A(2)).

Staff Presentation:

Mr. Dalton provided a presentation which identified or included:

- location of the property
- exceptions and specific use permit (pharmacy) being requested
- comments from neighboring businesses regarding compatibility waiver requests

Questions and answers from governing body.

Questions	Answers
Mayor Northern inquired if the building meets the pitched roof requirements.	Mr. Dalton replied that the Town’s Master Plan indicates buildings that are 15,000 square feet or more can have a flat roof, however, they need to have some variation on the wall plane and none of the rooftop equipment can be visible from the street. Since the building is 42,000 square feet, it does not have to have a pitched roof but they still need to cover HVACs, etc.
Mayor Northern inquired if Planning & Zoning had concerns regarding the design plans.	Mr. Dalton indicated there was one comment from Commissioner Whitaker, who had seen the previous plan, and he stated the new plan was superior.
Mayor Northern inquired as to the compatibility buffer and the distance from 2499 to the parking spaces.	Mr. Smith replied 25 feet.
Deputy Mayor Pro Tem Lyda inquired if the building is single or multi-tenant.	Mr. Smith replied multi-tenant. Some tenants may be connected with a common corridor. They anticipate up to 16 tenants.
Councilmember Hayden asked how much of the building is leased.	Mr. Signor responded they are fifty percent leased.
Councilmember Hayden stated that based on the square footage of the building, the development will bring about 100 jobs.	Mr. Signor commented that actually that sounds a little low as it’s typically 1,500 square foot per physician, and employing five people.

<p>Councilmember Hayden commented he doesn't want to vote to change zoning for a project that won't happen.</p>	<p>Mr. Signor provided a background of Caddis Partners and their success record, identified other area projects they have completed, indicated approval plans and financing are in place, and it is their hope to break ground in October, with clinics opening within 8-10 months thereafter.</p>
<p>Deputy Mayor Pro Tem Lyda inquired about the comment from the property owner to the north given the layout of the building in relation to that property.</p>	<p>Mr. Dalton indicated that the letter from the adjacent property owner is in the packet and indicates they agree to the request for a waiver.</p>

Applicant presentation:

Keith Smith (Senior Vice President of Construction) and Jason Signor (Chief Executive Officer/Partner), Caddis Partners, 9330 Amberton Pkwy, Dallas, TX 75243

Mr. Smith pointed out:

- location of the property
- retention pond locations within site plan
- access lanes
- building architecture history
- specimen trees being saved
- specific use permit request (2,000 square foot pharmacy)

Mayor Northern opened the Public Hearing for items 20 and 21 at 7:44 p.m.

None spoke in support or opposition of the project.

Mayor Northern closed the Public Hearing for items 20 and 21 at 7:44 p.m.

Council Deliberation

None.

Mayor Pro Tem Filidoro moved to approve a request for rezoning ZPD 04-11 - Caddis Partners Medical Office Building from Agricultural District (A) uses to Planned Development District-118 (PD-118) for Office District (O) uses together with a Specific Use Permit (SUP 399-11) for a Pharmacy, 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, of the Code of Ordinances, and an exception to Section 82-303, Compatibility setback, of the Code of Ordinances, and adopt an ordinance providing for said amendment, subject to the following conditions: a. The attached concept plans 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 once a site plan application has been submitted. b. If a building permit application has not been submitted to the

Town's Building Inspections Division for consideration of a building permit within one year 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. c. The Pharmacy that is the subject of this Specific Use Permit shall not exceed 2,000 square feet in area. Deputy Mayor Pro Tem Lyda seconded the motion.

ORD. 42-11

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 CHANGING THE ZONING FROM

AGRICULTURAL DISTRICT (A) USES TO PLANNED DEVELOPMENT DISTRICT NO. 118 (PD-118) FOR OFFICE DISTRICT (O) USES AND A SPECIFIC USE PERMIT (SUP 399-11) FOR A PHARMACY, ON APPROXIMATELY 5.0 ACRES IN THE J. T. STEWART SURVEY, ABSTRACT NO. 1161, SAID LAND BEING LOT 9, JOHN G. YOUNG SUBDIVISION, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

21. Public Hearing to consider an application for a tree removal permit for the removal of three specimen trees on property proposed for development as Caddis Partners Medical Office Building. The property is generally located north of Cross Timbers Road and west of Long Prairie Road. (The Environmental Conservation Commission recommended approval by a vote of 3 to 0 at its July 5, 2011, meeting).

Deputy Mayor Pro Tem Lyda moved to approve a tree removal permit for the removal of three specimen trees on property proposed for development as Caddis Partners Medical Office Building. The property is generally located north of Cross Timbers Road and west of Long Prairie Road. Councilmember Wise seconded the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

22. Consider approval of an ordinance amending Chapter 2 of the Code of Ordinances, entitled "Administration" through the amendment of Article III, "Boards, Committees, Commissions" through the amendment of Division 6, entitled "Animal Services Board" by the replacement of Section 2-202, also

entitled "Organization of the Animal Services Board" with a new section 2-202, also entitled "Organization of the Animal Services Board" by the amendment of Paragraph B of Section 2-203, entitled "Meetings" by amending the first paragraph of Section 2-204, entitled "Officers and Procedures" by the replacement of Section 2-205, entitled "Powers and Duties" with a new Section 2-205, also entitled "Powers and Duties" and by the addition of a new Section 2-206, entitled "Staff Liaison", and providing an effective date.

Staff Presentation

Mr. Brooker provided background information related to the Animal Services Board and noted the amendments being brought forward are in accordance to requests that were identified during a Town Council Work Session in July. More specifically:

- a staff member would not serve as chair of the Animal Services Board
- additional powers and duties

Council Discussion

Mayor Pro Tem Filidoro indicated the item comes from conversations with the Animal Services board chair during the board and commission quarterly chair and vice chair meetings. It was identified there was a need for a larger board as they frequently experienced a lack of a quorum. For this reason it is being proposed to shift from five members to seven, with two alternates. He also stated there was a need for this board to function similar to that of other boards and commissions.

Mr. Welch stated the Ordinance is drafted for seven members, with four alternates based on how other boards this size are structured. He asked for clarification regarding the request to change from four to seven. Mayor Pro Tem Filidoro responded seven is correct.

Councilmember Hayden inquired about the potential of this board having input regarding the off-leash dog park proposed for the Wilson Carmel park in the future.

Mayor Pro Tem Filidoro stated it would be a recommending body so could participate in providing input for Wilson Carmel, as well as other animal related topics.

Councilmember Hayden asked for clarification regarding the staff member's position on the board. Mayor Pro Tem Filidoro indicated the staff member (the individual that runs the shelter) would be a regular voting member of the board as state law dictates they are needed on the board.

Councilmember Hayden inquired as to what is the down side in doing this. Mayor Pro Tem Filidoro indicated there isn't a down side as it provides additional input and allows the board to take on additional duties.

Councilmember Stephenson inquired from Chief Brooker and Ms. Hastings as to if they had any input or thoughts regarding expanding the board.

Chief Brooker indicated in 2001 there were nine members on the board so it's gone back and forth over the years.

Ms. Hastings indicated it's her understanding that there were problems in the past when there were nine members on the board, however, she wasn't there at the time so doesn't know what those problems were.

Ms. Hastings indicated there hasn't been a problem with a quorum in the past where they had to cancel meetings because of not having a quorum.

Councilmember Stephenson commented that there will be times when the board is considering recommendations that will impact animal services and asked that staff assists by identifying impacts relating to items being brought forward.

Deputy Mayor Pro Tem Lyda indicated he views the additional board members as an added layer of public participation.

There was some discussion regarding the amount of members needed for the board and deliberation between nine and eleven members.

Mr. Welch confirmed that what is being proposed is to add two additional at-large board members and two at-large alternates, equating to a total of nine members.

Mayor Pro Tem Filidoro moved to approve an ordinance amending Chapter 2 of the Code of Ordinances, entitled "Administration" through the amendment of Article III, "Boards, Committees, Commissions" through the amendment of Division 6, entitled "Animal Services Board" by the replacement of Section 2-202, also entitled "Organization of the Animal Services Board" with a new section 2-202, also entitled "Organization of the Animal Services Board" by the amendment of Paragraph B of Section 2-203, entitled "Meetings" by amending the first paragraph of Section 2-204, entitled "Officers and Procedures" by the replacement of Section 2-205, entitled "Powers and Duties" with a new Section 2-205, also entitled "Powers and Duties" and by the addition of a new Section 2-206, entitled "Staff Liaison", and provide an effective date. Councilmember Hayden seconded the motion.

ORD. 43-11

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 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" THROUGH THE AMENDMENT OF ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS" THROUGH THE AMENDMENT OF DIVISION 6, ENTITLED "ANIMAL SERVICES BOARD," BY THE REPLACEMENT OF SECTION 2-202, ENTITLED "ORGANIZATION OF THE ANIMAL SERVICES BOARD" WITH A NEW SECTION 2-202, ALSO ENTITLED "ORGANIZATION OF THE ANIMAL SERVICES BOARD"; BY THE AMENDMENT OF PARAGRAPH (b) OF SECTION 2-203, ENTITLED "MEETINGS" BY AMENDING THE FIRST PARAGRAPH OF SECTION 2-204, ENTITLED "OFFICERS AND PROCEDURES"; BY THE REPLACEMENT OF SECTION 2-205, ENTITLED "POWERS AND DUTIES" WITH A NEW SECTION 2-205, ALSO ENTITLED "POWERS AND DUTIES"; AND BY THE ADDITION OF A NEW SECTION 2-206, ENTITLED "STAFF LIAISON"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

23. Consider approval of a resolution adopting an Economic Development Incentive Policy for the Town of Flower Mound, and providing for an effective date.

Staff Presentation

Mr. Springer provided a presentation outlining:

- background information in the Master Plan related to the Economic Development Program
- performance measures
- incentive policy information related to history, requirements, and components
- comparison cities summary
- new businesses within the Tax Increment Reinvestment Zone (TIRZ) and historical and projections related to the TIRZ
- new Lakeside businesses
- Lakeside Business District occupancy rates
- tax base per capita
- assessed valuation comparison
- general fund sales tax per capita
- Town employment data
- site selection factors
- quality of life factors

Councilmember Hayden requested a copy of the presentation.

Deputy Mayor Pro Tem Lyda moved to approve a resolution adopting an Economic Development Incentive Policy for the Town of Flower Mound, and providing for an effective date. Mayor Pro Tem Filidoro seconded the motion.

RES. 20-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AN ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE TOWN OF FLOWER MOUND; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

- M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

CLOSED/OPEN MEETING

N./O. The Town Council convened into a closed meeting at 9:10 p.m. on August 15, 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 9:55 p.m. on August 15, 2011, to take action on the items as follows:

- a. Discuss and consider deployment of security personnel and implementation of devices.

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.

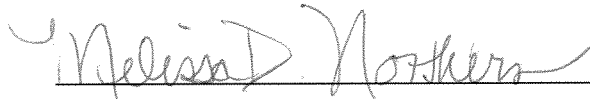
- d. Discuss and consider appointments to the Animal Services Board, Board of Adjustment/Oil and Gas Board of Appeals, Community Development Corporation, Environmental Services Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning, SMART Growth Commission Board, and Transportation Commission.

No action taken.

P. ADJOURN REGULAR AND SPECIAL MEETING

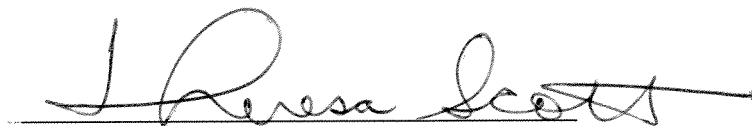
Mayor Northern adjourned the regular meeting as well as the fire control, prevention, and emergency medical services district special meeting, and the crime control and prevention district special meeting at 9:56 p.m.

TOWN OF FLOWER MOUND, TEXAS



MELISSA D. NORTHERN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY