

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF MARCH, 2012, 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
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

Councilmember Stephenson reported there was a meeting of the Animal Services Board and although she was unable to attend she had a discussion with the Town Attorney to understand what happened. She indicated it's her understand they will revisit the urban chicken Ordinance at their next meeting in May.

Deputy Mayor Pro Tem Lyda indicated the Transportation Commission will meet next month.

Councilmember Wise reported there was a P & Z meeting last Monday which included a work session that provided a review of the Open Meetings Act and other statutes.

Councilmember Hayden reported the main topic discussed at the PALS Board meeting was the development of Orchard Flower in which a vote occurred to accept approximately \$250,000 of park dedication fees.

Councilmember Stephenson indicated she has received a number of questions relating to the Property Standards Committee and expressed interest in having an update from a representative from Council to provide some additional information regarding this group, along with any recommendations that might be forthcoming.

Mayor Pro Tem Filidoro indicated he and Councilmember Hayden started with the Property Standards Committee and he was involved up until the time that they started actually entertaining and writing recommendations. He indicated informing the group that because

the recommendations would eventually be coming to Council he didn't want to be involved since they were at that point. He indicated it's his understanding they met two or three times, they have a draft they are working on regarding some suggested changes to the property standards ordinance. He stated not having seen those changes, nor has he been part of that. He indicated that it's his understanding that there was a point in time in which Councilmember Hayden was substituted with Councilmember Stephenson and she is part of that committee.

Mayor Northern asked Ms. Scott to check with the Chair of the Property Standards Committee and see where they are and send out a communication to Council to let them know.

Ms. Scott responded she would do so.

2. Discuss Consent and Regular Items

No discussion.

3. Discuss Future Agenda Items

No discussion.

4. Discuss Council Communications

1. Guidance regarding the use of a School Crossing Guard index.

Mr. Jefferson reported that at the January 2011 Strategic Planning Session Council directed the Transportation Commission to provide feedback regarding the establishment of school crossing guards. The Commission went forward with the direction and started preparing a school crossing guard index and that information was provided in a recent council communication, offering a description of the index. Mr. Jefferson noted it's going to be one of many tools to make a decision regarding the need for school crossing guards at specific locations. He indicated the feedback received from Council is supportive of the index, largely because how thorough it is and the involvement of human intervention in the form of a public hearing before the Transportation Commission, and stated if there is no additional direction, staff will move forward with the implementation of the index.

Councilmember Stephenson stated she contacted some Transportation Commission members to make sure she understood, and as a result of that communication some individuals thought it was going to come back to them prior to coming before Council. She questioned if that was a misunderstanding or if in fact it had been fully vetted in front of the Transportation Commission.

Mr. Jefferson indicated he was of the understanding it had been fully vetted given there was a work session last May, and they've met since then and their recommendation was sent to Council. He noted it will come back to them when the Town evaluates specific intersections or crossing guard locations in relation to what the index shows and feedback would be given at that time. They are still involved in the process.

Deputy Mayor Pro Tem Lyda indicated that the action they took is to send a council communication with the recommendation for the crossing guard index with the hopes that Council would give them the direction to go ahead and vote on that to establish the index. In addition there will be a public process to vet the crossing guard locations in Town and

that process was discussed at length by the Transportation Commission over two – three meetings on this topic.

2. Select Consultants for an Economic Development Strategic Plan and Retail Feasibility Study

Mr. Jefferson noted this item coincides with a potential project staff identified to enhance the retail recruitment efforts of the Town, which was followed by a council communication on February 12th, and involves the use of the retail coach services. The council communication was discussed at a council meeting in January and also at the Strategic Planning Session in that same month, and later at a work session in February. Another council communication was sent in response to feedback from previous meetings in which sample documents were provided and feedback in the way of references collected and a proposal presented. This same process was done for TIP Strategies as well. He indicated that based on that feedback he received from Council the majority selected option two. He indicated staff recommends using the Town Manager's contingency budget to pay for the expenditures.

Councilmember Stephenson noted the process is to development an economic development strategy for the Town and believes this to be a key piece that Council is charged with. She believes a formal RFP process should be done to evaluate more than one vendor, especially given the significance of the \$100,000 consultant expenditure. In addition, she commented that the RFP process would work because it would bring this back to Council in June (after the election season given there are individuals on Council that may or not be there).

Councilmember Hayden asked Mr. Jefferson to review the costs associated in the council communication so the public is aware of the amount of money being discussed.

Mr. Jefferson responded \$35,000 for the Retail Coach and \$50,000 for TIP Strategies is what's presented to Council, and he identified the services that would be provided associated with those figures for each company.

Councilmember Hayden indicated there is not a congruent destination as to where we want to end up so until that time he stated it's a large expenditure to make and he's not in favor of spending the money to move forward.

Mr. Jefferson noted both proposals have a community and developer input component so they engage members of the community to get feedback as they go through the process.

Councilmember Hayden inquired couldn't we reach out and do that on our own through Town staff.

Mr. Jefferson noted that the Town has a strategy for getting general developer feedback, however, not on the level of retail development and enhancement.

Mayor Pro Tem Filidoro inquired about the other communities in which they've worked and questioned if a company like TIP Strategies has already come to their conclusions and waiting for the Town to initiate the study.

Mr. Jefferson listed cities in which both companies have worked in the past and noted references were checked with complimentary feedback was received from all that were contacted.

Mayor Pro Tem Filidoro stated the issue is Council wants to help the Economic Development (ED) Department as much as possible to make sure the right decisions are being made. He noted seeing this as a positive step in the evolution of ED Department.

Mr. Jefferson also noted the Town does not have the proprietary software to do the psychographic analysis that Retail Coach does. In response to the previous question he indicated there is not the belief that any reports are pre-written and serious work would not begin until the community involvement component took place.

The Retail Coach analysis has been asked about for a number of years in which it identifies how broad a circle in term of where certain retailers pull their customers from. This analysis can assist the Town in letting us know where the challenges are so time and energy is not exhausted in vain.

Mayor Pro Tem Filidoro noted that as far as retailers are concerned it's easy to throw out names, however, a quantitative study would help the Town know which retailers fit the demographics so efforts can be concentrated in doing the right things.

Mr. Jefferson pointed out that the Retail Coach is not strategic and they do the analysis. TIP Strategies staff is more strategic and that is where they match up desires, vision for the community with regard to how you should adjust strategies to accomplish those ideals and that is the reason for both companies.

Deputy Mayor Pro Tem Lyda indicated the Town is looking to basically get some kind of objective analysis as to what retail might work in this area and that's why a third party is being entertained. He pointed out some of the highlights mentioned by TIP Strategies at the January Strategic Planning Session.

Councilmember Stephenson asked for confirmation that this item will come before Council for a vote before the contract is let. Mr. Jefferson replied "yes".

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 6:27 p.m.

E. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Girl Scout Troop #8662 led the pledges.

G. PRESENTATIONS

1. Mayor Northern presented certificates of recognition to Eric Heim and Coach Torin Anderson, of Lamar Middle School, for their life-saving efforts on student Calvin West in performing the Heimlich maneuver.
2. Mayor Northern presented a certificate of achievement for Marcus Smart, Marcus High School, for being chosen to compete in the 2012 McDonald's All-American High School Basketball Game in Chicago on March 28th.

3. Mayor Northern read and presented Flower Mound Fire Chief Metzger a Proclamation in conjunction with Flood Safety Awareness Week.
4. Mayor Northern read and presented Girl Scout Troop 8662 with a Proclamation, on behalf of all Girl Scouts, acknowledging their 100 Year anniversary.

H. PUBLIC PARTICIPATION

Cindy Barnett, 5401 Park Place, Flower Mound, TX

Ms. Barnett expressed concern regarding land erosion in the area of Prairie Creek and questioned what steps the Town plans on taking to resolve the matter.

Steve Dixon, 4604 Wisdom Creek Ct, Flower Mound, TX 75022

Mr. Dixon announced he is running for Town Council and looks forward to a good exchange of ideas.

David Madigan, 1540 Superior Pl, Flower Mound, TX

Mr. Madigan expressed concern related to land erosion in the Prairie Creek area.

Heather Goolsby, 5416 Park Place, Flower Mound, TX

Ms. Goolsby expressed concern related to land erosion from the creek bed in the Prairie Creek area. She provided pictures of the neighborhood to the Town Secretary for Council.

Bryan Webb, 4112 High Rd, Flower Mound, TX

Mr. Webb announced he is a candidate for Place 2, Flower Mound Town Council and he outlined some thoughts in relation to his vision for the community.

I. ANNOUNCEMENTS

Councilmembers Hayden, Wise, and Mayor Pro Tem Filidoro reported attending the Fire Department banquet and expressed appreciation for their work.

Deputy Mayor Pro Tem Lyda recognized Town Attorney Terry Welch for his work with the Dallas oil and gas task force.

Mayor Pro Tem Filidoro announced the Summit Club Casino night was a success.

Councilmember Stephenson announced Flower Mound resident Lynn Stewart is involved with an organization called "Project Night Night", which is designed to help children who are either homeless or removed from their home, by providing them with a tote that contains books, stuffed animals, and blankets that are given to children that are taken away from their homes. She further added Ms. Stewart is accepting donations for these types of items and those interested in doing so can contact her at lynn_stewart@verizon.net.

Mayor Northern had the following announcements:

- Free Child Safety Seat Inspection
- Casino night for the Seniors in Motion
- Citizen's Police Academy 11 week course
- Tax assistance for seniors
- Community Activity Center Spring Break program
- Learn tomato growing tips

- Flower Mound Community Orchestra performance
 - Town of Flower Mound Father/Daughter Prom
 - Keep Flower Mound Beautiful Spring Trash Off and Green Fair
- Dates, times, and locations were provided on all of the above.

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported on the following road projects:

Morriss-Gerault Rd:

Mr. Jefferson announced the Morriss-Gerault project is entering into the final phases of construction with the following activity remaining until late June:

- 407 right hand turn lane on Morriss
- Irrigation systems
- Repair to concrete panels
- Signal work at Buckeye and Sagebrush
- and the flyover

Sagebrush Rd:

With regard to the Sagebrush reconstruction project between Yucca and Morriss, he reported the four lanes are now open, and the plantings in the median will be the final work for that project.

FM 407:

On FM 407 from Briarhill to Chinn Chapel, all the utility conflicts have been resolved and the contractor will soon resume construction work and the revised completion day is early spring 2013.

FM 1171 – Sections II and III (from Shiloh to 35W)

The Town continues to receive reports that there is a bid let day of May 2012 with construction to start in November of 2012, however, it is anticipated those dates will move because of right of way acquisition delays. Council will be notified once TxDOT has released a revised date.

Councilmember Hayden asked if the Flower Mound Stream Team could go out and test the water on Prairie Creek given there was a mention of pesticides.

Mr. Jefferson noted staff will share those comments with the Stream Team. He further explained the Town's procedure with regard to spraying for mosquitoes.

K. CONSENT ITEMS

Deputy Mayor Pro Tem Lyda made a motion to approve by consent Items 1 – 5. Mayor Pro Tem Filidoro 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 strategic planning session of the Town Council held on January 20 and 21, 2012.**

RECOMMENDATION: Move to approve the minutes from a strategic planning session of the Town Council held on January 20 and 21, 2012.

2. Consider approval of the minutes from a regular meeting of the Town Council and Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on February 6, 2012.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council and Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District special meeting; and Crime Control and Prevention District special meeting held on February 6, 2012.

3. Consider approval of Change Order No. 1 for an increase in the contract amount of \$7,165.54; final acceptance of Bid No. 45-11-B for the construction of the Shirley Voirin Social Senior Center; final payment to American Safety Casualty Insurance Company in the amount of \$31,965.22; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 1 for an increase in the contract amount of \$7,165.54; final acceptance of Bid No. 45-11-B for the construction of the Shirley Voirin Social Senior Center; final payment to American Safety Casualty Insurance Company in the amount of \$31,965.22; and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of Change Order No. 1 for a decrease in the contract amount of \$24,025.00; final acceptance of the Timber Creek Park - Creek Crossing Sewer Stabilization project; authorization for final payment to North Texas Contracting, Inc., in the amount of \$8,724.57; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 1 for a decrease in the contract amount of \$24,025.00; final acceptance of the Timber Creek Park - Creek Crossing Sewer Stabilization project; authorize the final payment to North Texas Contracting, Inc., in the amount of \$8,724.57; and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide design and construction phase services associated with the Braden-Bakersfield Park project, in the amount of \$49,900.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide design and construction phase services associated with the Braden-Bakersfield Park project, in the amount of \$49,900.00; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None.

L. REGULAR ITEMS

6. Charter Amendments

Public Hearing

Public Hearing to discuss and consider proposed Charter Amendments and adopt an ordinance ordering a special election for May 12, 2012, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions and manner of holding such election; and providing for the posting and publication of notice.

Charter Presentation

Charter Review Commission (CRC) member Dennis McKaige provided an overview of the 13 Charter amendment recommendations, as well as one other non-Charter related recommendations as approved by the CRC. He noting nothing has changed from the last presentation of recommendations that were presented to Council with the exception of a comma being replaced with the word "by" in Sections 6.02 and 7.02. He also mentioned this is the third reading on the subject.

Mayor Northern offered thanks to the Commission for their work, and she also thanked all of the residents who participated along the way. She noted being in favor of all of the recommendations with the exception of compensation, followed by her reasoning why she couldn't support that recommendation.

Mayor Pro Tem Filidoro commented that he was not in favor of the recommendation of compensation. He also talked about term limits and stated should he be elected to his third term in May, then he would not be a candidate for a fourth term and hoped that other people that are ready to step up would spend that time preparing themselves to get involved.

Councilmember Hayden questioned the recommendation of Public-Private-Partnerships (PPP) and the association in relation to economic development incentives and what would apply for being taken to the voters.

Mr. Welch indicated it is a very limited exception under the proposed Charter amendment – it's a commitment of Town funds for an economic development project and doesn't include any construction or maintenance of public improvements and the Town either has a joint ownership interest in it or enter into a lease of Town property in excess of one year in which the PPP provides an economic benefit to a private party. He noted there are some severe restrictions, meaning that once it goes through the Council, including a public hearing and if it gets approved, it goes to the voters for an election. It applies to anything the Town does, regardless of the location in Town. It's more on the matter of meeting the criteria. If the Council decided not to do the project, it's over, and if the Council decides to go forward, it goes to the voters.

Councilmember Hayden indicated it also talks about if the Town has an ownership or lease agreement. He gave the example of a situation in which a hotel developer would ask the Town to participate in a percentage of the costs associated with constructing the garage for a hotel. In that scenario the Town doesn't have an ownership in the garage and would be writing a check from the TIRZ District to do that, and he questioned if that would go before the voters.

Mr. Welch indicated "no" it would not.

Councilmember Hayden indicated he believed the intent was that in a situation such as that it should go to the voters, and believes that was missed in the Proposition.

Mr. McKaige indicated what's being referenced is more on the lines of creating an additional criteria for TIRZ instead of a PPP, and if what is being suggested related to significant financial decisions related to TIRZ dollars, and that's different.

Councilmember Hayden indicated it's not a matter of where the funds come from.

With regard to compensation Mr. McKaige said the CRC recognized there is a significant amount of time involved as Council members and discussions took place as to what can be done to make it somewhat less painful and that perhaps more of the expenses could be covered associated with your positions. He noted that it would be the fifth time a council has reserved to accept the idea of compensation.

Councilmember Stephenson indicated she feels differently in that it is a representative government position and mentioned that in speaking to a representative on the CRC she asked for that individual to find ways to make it less of a financial burden to run and then to be on council. She furthermore added she was approached by a person who wanted to be on Council, however, didn't have the financial means to pay the significant baby-sitting bills in the range of \$2,000 - \$3,000 a year which does hinder someone from being on council. For that reason she would be in support of leaving the compensation in and let the voters decide, and she also expressed appreciation for the future date in that it doesn't impact the current Council. She also mentioned that since she's been on Council she's often had words attributed to her that were never spoken. For that reason she wanted to clear the air in relation to the Oil and Gas Ordinance amendment. She stated that if there was ever a Charter Amendment in the Town of Flower Mound that people should understand and be able to evaluate themselves, this is it. She wanted to make sure everyone was clear, and this is something the voters want and she is appreciative of that. Furthermore, she wants everyone to understand the amendment is a double edge sword because it makes it harder to change and harder to improve.

Mr. McKaige indicated the CRC agreed that it rises to the level of needing a super majority.

Deputy Mayor Pro Tem Lyda noted that when you compare PPP's with economic development the Town protects itself by the means of a 380 Agreement and therefore we have a mechanism to make sure there is a return on investment, and over a fixed term. He gave the recent Agreement with the Tom Thumb as an example.

Councilmember Hayden indicated it wasn't so much about rebating or waiving fees. It's just the idea that to induce a business and the situation were to arise where the Town would want to write a check out of taxpayer money. He understands the idea of waiving impact fees but if you were going to write a check to someone to do something on their building that there is a difference between waiving an impact fee for something coming into our Town and that was the delineation he was trying to make.

Mr. McKaige offered his personal thanks to the CRC chair, commission members, and staff members involved.

Mayor Northern opened the Public Hearing at 7:46 p.m.

Public Participation

Steve Dixon, 4604 Wisdom Creek Ct, Flower Mound, TX

Mr. Dixon had the following comments:

- agreed with letting the voters have a say regarding the topic of compensation
- with regard to the supermajority on oil and gas, he stated being of the belief it would make it more difficult to make a change, however, he noted it's his hope that if a change some time in the future is recognized from the Council, that common sense would prevail and in-depth discussions would be made, followed by many public hearings
- in favor of figuring out a way to get more representation from the east side of Flower Mound on Town Council

Tammy Vajda, 2828 Lake Ville Ln, Flower Mound, TX

Ms. Vajda spoke in favor of the supermajority for the Oil and Gas Charter amendment item.

Eric Jellison, 2705 Lake Ville Ln, Flower Mound, TX

Mr. Jellison thanked the other CRC members, as well as the Town staff involved through the process.

Richard Scott, 2805 Lakemont, Flower Mound, TX

Mr. Scott had the following comments:

- stated that with regard to the PPPs he agreed that if you are going to spend taxpayer money the public needs to have a voice, however, you can't put every single item up for an election
- with regard to compensation he stated not having a problem with that as a citizen because he is grateful for the job being done and the time put into it.
- with regard to the supermajority, he stated it's important enough to put to a majority vote.

Cathy Pendola, 5309 Balmoral Ln, Flower Mound, TX

Ms. Pendola offered support for the supermajority of the oil and gas ordinance.

Mayor Northern closed the Public Hearing at 7:57 p.m.

Mayor Pro Tem Filidoro move to approve an ordinance ordering a special election for May 12, 2012, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions 1,2,4,5,6,7,8,9,10,11,12,13 and manner of holding such election; and providing for the posting and publication of notice. Deputy Mayor Pro Tem Lyda seconded the motion.

Council Deliberation

Councilmember Hayden indicated the voters should have the opportunity to vote on all of the items at the ballot box.

Deputy Mayor Pro Tem Lyda indicated he agreed to have the public have a say regarding compensation, however, he doesn't want to take responsibility for putting it on the ballot. He stated it gives him comfort to know someone is not running for a position on Council for the money.

Councilmember Stephenson commented there were more people participating in this single Charter review than the last two combined, and that is a good thing and everyone should be proud. She thanked the CRC for their time. With regard to the structure of Town Council, she recognized the CRC discussed it, however, there were several e-mails about the topic

and requested everyone keep an open mind about it going forward.

Councilmember Wise stated being in support of the motion as written, and for the same reasons that Deputy Mayor Pro Tem Lyda stated, and summarized why he maintains this position.

ORDINANCE NO. 09-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 12, 2012, FOR THE PURPOSE OF VOTING "YES" OR "NO" ON TWELVE (12) PROPOSED HOME-RULE CHARTER AMENDMENTS; PROVIDING FOR THE APPOINTMENT OF ELECTION OFFICERS; PROVIDING FOR THE DESIGNATION OF THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING POLLING PLACES; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

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

7. Z 03-11 - Rowlett Addition

Public Hearing

Public Hearing to consider a request for rezoning (Z 03-11 - Rowlett Addition) from Single-Family District-10 (SF-10) uses and Planned Development District-35 (PD-35) with Single-Family Detached (SFD) uses to Single-Family Estate (SF-E) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Flower Mound Road and west of Gerault Road. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 13, 2012, meeting.)***

Staff Presentation

Mr. Powell provided a presentation identifying the location of the project, land use, zoning, and pictures of the site. He further summarized the purpose of the rezoning and platting request from the applicant, and the reasoning for the item coming forward to Council. He noted both the applicant and property owner are available for questions.

Mayor Pro Tem Filidoro asked for clarification that the original project for this site was Rheudasil Farms. Mr. Powell stated that is correct.

Mayor Pro Tem Filidoro noted the project as presented would allow the majority of Mr. Rheudasil's land to retain the beauty and unique nature of the land. For that reason he would be in favor. Mayor Northern echoed those comments.

Mayor Northern opened the Public Hearing for Item 7 at 8:10 p.m.

Public Participation

No participation.

Mayor Northern closed the Public Hearing for Item 7 at 8:10 p.m.

Mayor Northern opened the Public Hearing for Item 8 at 8:11 p.m.

Public Participation

No participation.

Mayor Northern closed the Public Hearing for Item 8 at 8:11 p.m.

Mayor Pro Tem Filidoro moved to approve a request for rezoning (Z 03-11 - Rowlett Addition) from Single-Family District-10 (SF-10) uses and Planned Development District-35 (PD-35) with Single-Family Detached (SFD) uses to Single-Family Estate (SF-E) uses. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

8. RP 01-11 – Rowlett Addition Public Hearing

Public Hearing to consider a request for a Replat (RP 10-11 - Rowlett Addition) to create a residential subdivision, with an exception to Section 82-134, Residential access, of the Code of Ordinances. The property is generally located south of Flower Mound Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 13, 2012, meeting.)*

Mayor Pro Tem Filidoro moved to approve a request for a Replat (RP 10-11 - Rowlett Addition) to create a residential subdivision, with an exception to Section 82-134, Residential access, of the Code of Ordinances. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

9. SP 12-11 – First Security Bank, N.A. Public Hearing

Public Hearing to consider a request for a Site Plan (SP 12-11 - First Security Bank, N.A. Addition) to develop an office building addition with an exception to Section 90-311, Street design standards, as authorized by Section 90-301, Exception to street standards, of the Code of Ordinances, an exception to Section 82-302(2), Compatibility buffer, of the Code of Ordinances, an exception to Section 82-303, Compatibility setback, of the Code of Ordinances, and an exception to Section 90-423, Underground utilities, of the Code of Ordinances. The property is located at 1801 Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 13, 2012, meeting.)*

Staff Presentation

Mr. Powell provided a presentation which identified the location, noted it's an existing building, pointed out the land use is appropriate, and he provided pictures of the site. He walked through the site plan related to the details of the project, and further pointed out the exceptions that are being proposed in relation to the driveways and utilities. He noted there is a letter of agreement from an adjacent property owner indicating they do not object to the exceptions being requested.

Mayor Northern offered appreciation to First Security Bank for their growth. She noted that normally she would not be in favor of the exception regarding the utilities, however, noted that given the uniqueness involved she could be in favor of this exception.

Councilmember Wise inquired about the details associated with the issue referenced earlier in relation to the drive.

Mr. Powell noted the driveways are too close to the intersection and they would not normally be permitted, however, it is an existing condition and they can't be moved farther back.

Mayor Northern opened the Public Hearing at 8:22 p.m.

Public Participation

Jody Smith, 3705 Sarah Springs Rd, Flower Mound, TX
Ms. Smith spoke in support of the project.

Mayor Northern closed the Public Hearing at 8:23 p.m.

Mayor Pro Tem Filidoro stated that he was at the P & Z meeting when this item came forward, and that he later conducted a site visit. After this review he came to the conclusion that he doesn't have a problem with the exceptions because they work on this property. Her further noted it's a deviation from how he normally votes on these types of matters.

Councilmember Wise moved to approve a request for a Site Plan (SP 12-11 - First Security Bank, N.A. Addition) to develop an office building addition with an exception to Section 90-311, Street design standards, as authorized by Section 90-301, Exception to street standards, of the Code of Ordinances, an exception to Section 82-302(2), Compatibility buffer, of the Code of Ordinances, an exception to Section 82-303, Compatibility setback, of the Code of Ordinances, and an exception to Section 90-423, Underground utilities, of the Code of Ordinances. Deputy Mayor Pro Tem Lyda seconded the motion.

Deputy Mayor Pro Tem Lyda expressed his appreciation for First Security Bank coming forward with the expansion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern announced the next meeting is March 19, 2012.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:30 p.m. on March 5, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 9:11 p.m. on March 5, 2012, 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.

Deputy Mayor Pro Tem Lyda moved to approve the use of the power of eminent domain to acquire the easement from a property located on the east side of Long Prairie Rd/FM 2499 at Poplar Drive, Parcel ID R17376 for the purchase of the sanitary sewer easement from Minassian Properties Limited Corporation and in association with the upper Timber Creek Interceptor Phase I project. Councilmember Stephenson seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

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

Mayor Pro Tem Filidoro moved to appoint Councilmember Kendra Stephenson to the Animal Services Board as the municipal official in accordance with the Ordinance, with a term expiring May 25, 2013. Councilmember Hayden seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 9:14 p.m. on Monday, March 5, 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


MELISSA D. NORTHERN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY