

**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 5TH DAY OF AUGUST, 2013, 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:

Tom Hayden	Mayor
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Matt Woods	Director of Environmental Services
Tommy Dalton	Director of Strategic Planning

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:03 p.m.

**B. INVOCATION**

Chaplain Don Cone gave the invocation.

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

Mayor Hayden led the pledges.

**D. PRESENTATIONS**

**1. Special Recognition to Lori Walker, new Flower Mound Chamber President**

Mayor Hayden recognized Ms. Walker as the new Flower Mound Chamber President.

**2. Sergeant Colin Sullivan, Flower Mound Police Department, to provide an overview of the August 10th 'Community Conversation about Drugs'**

Ms. Kathy O'Keefe (Winning the Fight) and Sergeant Colin Sullivan, Flower Mound Police Department, gave a presentation related to issues and statistics associated with drug abuse in the community.

Deputy Mayor Pro Tem Webb announced the Community Conversation: Drugs is scheduled for Saturday, August 10<sup>th</sup> at Triesch Methodist Church starting at 9:00 a.m.

**3. Certificate of Achievement, Flower Mound Boys Lacrosse Team, Division 2 State Champions 2013**

*Recipients were unable to make it to meeting therefore the item was not heard.*

**4. Certificate of Appreciation; Town of Flower Mound volunteer, Rahi Nigam**

Mayor Hayden presented Rahi Nigam with a Certificate of Appreciation for his volunteer work with the Town of Flower Mound.

**E. PUBLIC PARTICIPATION**

No public participation.

**F. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

Mayor Hayden had the following announcements:

- He summarized some of the comments or concerns presented by those who attended the August 3<sup>rd</sup> Mornings with the Mayor event at Rheudasil Park. More specifically related to:
  - Health inspection schedules for restaurants
  - A request for being attentive to code enforcement issues and concerns related to boats and trailers in driveways, etc.
  - The need for a program to help aging neighborhoods with things such as entry monument signs, etc.
  - The condition of Forest Vista Road is poor
  - Greater police presence in the neighborhoods
  - Lighting along the sidewalk around Rheudasil Park
  - Dog owners are not picking up after their dogs and a request for signage related to enforcement

Councilmember Levenick indicated she recently had a conversation with the Town Manager related to code enforcement issues and noted the concerns are not limited to just this one neighborhood.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects.

**Code Enforcement:**

In response to the concerns related to code enforcement, that department is next on the list for operational analysis. It's definitely a balance because you want to be aggressive enough where people are required to take pride in their property and they don't do a disservice to the Town and to the neighbors by not following the laws. But we don't want people to be so afraid to where it's intimidating so we want to strike that balance, however, it sounds like we definitely have some room for improvement. Through that operational analysis we will find a way to do a better job. We'll make it a priority.

**Wichita Trail:** August 19<sup>th</sup> is the anticipated date for substantial completion.

**West Windsor:** Traffic signal finished and the road is open.

Levenick: Asked if a bigger sign for West Windsor is in the works.

Stathatos: They have been ordered and will be up by the end of the week.

**Senior Center:** Currently in the process of evaluating the construction manager at risk applications and that will be on the August 19<sup>th</sup> agenda. We're on track to break ground by the end of year.

2. Update and discussion on Economic Development projects.

**La Madeleine** is moving along in the process and having them locate here is a positive in sending a message to others wanting to locate here.

**Retail and Restaurant Survey:** Currently underway through September 17<sup>th</sup> and noted the Town uses this list as a tool to engage economic development priority targets. It helps the Town staff attract restaurants and retailers that the residents like.

**Headquarters Relocation:** A well-known global headquarters has selected Flower Mound for their new home. That information will hopefully be announced by the end of the week.

3. Presentation and discussion of the process for creating a Public Improvement District in Flower Mound.

Mr. Stathatos pointed out the purpose of the presentation is because the Public Improvement District (PID) is a significant issue. For that reason he asked Mr. Powell to discuss the process, next steps, and to make sure and address any misconceptions that might be out there about where we are and where we are going.

Mr. Powell gave a presentation outlining State and Charter regulations, pointing out this same information is available on the Town's website, which will continue to be updated as the project moves along.

His presentation is as follows:

## Public Improvement District(PID) Overview

- ▶ The creation of a PID in the Town is governed by two sets of regulations:
  1. Texas Local Government Code Chapter 372  
<http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.372.htm>
  2. The Town Charter  
<http://www.flower-mound.com/index.aspx?nid=335>
- ▶ The State statute mandates how PIDs are created by municipalities within the State.
- ▶ The Town Charter adds an additional procedural step, a public election.

## Next Steps

- ▶ August 19th
  - ▶ Resolution creating the PID
    - ▶ Service & Assessment Plan
    - ▶ Feasibility Study
  - ▶ Ordinance ordering a special election – Nov. 5, 2013
  - ▶ Development Agreement (DA)
    - ▶ Specifies PID is not valid until election results
    - ▶ Details on the timing and funding of the amenities
- ▶ November 5th
  - ▶ Validates or does not validate the creation of the PID

Mr. Powell pointed out that the PID dollars can only be used for public infrastructure. The applicant will get paid back for the improvements and use that money to do enhancements within the development, all of which will be outlined in the Development Agreement.

Stathatos: Pointed out he is aware there has been a petition circulated about calling an election and he wanted to make it known that the Town has not taken a stance (privately or publically) on this project. It might have been conveyed inaccurately to residents. Candidly, we might get to the end of our due diligence and realize that's it not a good decision to recommend an election.

Hayden: He has been receiving many calls related to what's taking so long and to get this going.

Other members of Council indicated they have been getting some calls as well.

4. Discussion of the process associated with forming a steering committee for the purpose of establishing a Farmer's Market.

Mr. Stathatos indicated feedback has been given and we've heard loud and clear that staff needs to make it a priority. He indicated Mr. Matt Woods will provide an update as to where we are now and Council will have the opportunity to provide any additional feedback or direction.

Mr. Woods gave a presentation noting or identifying:

- Farmers Market was discussed with two residents that showed interest
- The first meeting took place in mid to late April
- A Council Communication was drafted for feedback from Town Council to determine if a committee is desired, and that feedback was received in July to go forward with forming a committee
- A subsequent meeting took place on July 24<sup>th</sup> with those two residents, providing them with feedback received from Council and to discuss options
- Staff began to work with the Town Secretary's Office to understand how to advertise for this committee
- We're here tonight to say we have another meeting planned for this week on the 7<sup>th</sup> with the two residents and staff, and hope to embark on forming that committee

Hayden: I asked this to be on the agenda to understand where we are going. The two members that showed interest in this is our former Councilmember Mike Wallace and Chris Henry. I know both of them well. Mike is very logical and Chris is very creative. Together they make a good team. I think they need assistance from the Town but I'm not sure they need the leadership from the Town.

He pointed out that Lakeside DFW has offered space at their location for a Farmer's Market. I would suggest that if Mike or Chris need to form a committee let them find interested people.

He asked for input from Council on that suggestion.

Levenick: I thought that the committee was Mr. Wallace and Ms. Henry and we were putting it in their hands to work with staff to come up with the best solution for the Lakeside DFW property. I'm not sure how big of a committee is being talked about and how much longer it makes the process. That is not how I wanted it to work.

Stathatos: We would like for them to be a part of the committee, but we didn't know at that point how involved they wanted to be. The goal and hope is that they would both be involved and Chuck Dumas would be the staff member to help them, however, not run things. We definitely want Chris and Mike to be involved.

Levenick: Asked Mr. Woods if they are going to ask for a larger committee of residents to be part of this group for the Farmer's Market.

Woods: That was an option. Mike and Chris expressed interest.

Levenick: If they want to do it that way because we reached out to them to start the process, and they were willing to jump in and do, and if that's the way they want to run it we let them do it.

Hayden: Then if they need ten more people let them go out and find volunteers.

Webb: You're meeting with Chris and Mike later this week. At that time inquire with them how many people they want. If they have a good clear vision with the two of them, I'm comfortable with those two leading the charge and working with staff and coming forward with some recommendations and ideas. If they would like to have a couple more people there, great. I know Mike has worked within a committee structure. He knows at some point you get too big and you can't get anything happening. I'm assuming Chris knows that too. I would defer to them as to what is needed.

Wise: Asked for clarification as to what the committee would do, because we have the location identified at Lakeside, so what's involved in creating the Farmer's Market?

Woods: Part of it was location. There is a designated location that was discussed in Lakeside; however, I'm not certain if that is confirmed. Also, it has to do with structure of the Farmer's Market – who's managing it, whether it is a private or municipal operation, or is it a partnership. So it's questions like that, and also what is going to be sold there – does the Town limit what is going to be sold there, and to get feedback from a committee that they could present to Council in the near future was the objective.

Hayden: The main thing is trying to make it successful. Is it going to end up being Canton Trade Days or is it going to be a Farmer's Market. Initially we were talking

about Lakeside and letting that be the first location, and let them look into if it's a feasible alternative to see if it would work. The guys at Lakeside volunteered it. They are the first ones that stepped up, but there are things to be discussed about how you attract the farmers to come and the general management of it.

Wise: As far as the Town's involvement, is it something they would have to be permitted to do, such as what happens with food truck vendors? Would it be something similar?

Woods: Yes, they would receive a permit just like vendors at Independence Fest. They meet certain requirements and you can structure it many different ways such as one entity that coordinates all the vendors and they get a permit for the facility.

Hayden: Asked for input from Council relative to Lakeside as the first alternative.

Webb: It's the committee's job.

Stathatos: We will proceed and Matt will talk with Chris and Mike on Wednesday and we'll handle everything administratively. If they feel like they need more members we'll coordinate with the Town Secretary's Office to handle it. We'll keep Council updated; however, we'll help them in hitting the ground running.

Webb: The only other suggestion I would make is if they do decide they want some more members, they probably have been talking to some people who are interested.

Levenick: My only other comment is Lakeside DFW is where we've always talked about this. We've been talking about this for many months and in my mind I don't think there is another location for it because we've already agreed upon it when it was talked about a long time ago. That's what I would like them to focus on.

Hayden: Rather it be the Town looking into this, let's let Mike and Chris look into this and if they need help, let them decide. Let's see what they can do on their own.

## H. CONSENT ITEMS

Councilmember Levenick moved to approve by consent Items 1 – 6; 8 – 12. Councilmember Wise 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 special meeting of the Town Council held on July 13, 2013.

**RECOMMENDATION:** Move to approve the minutes from a special meeting of the Town Council held on July 13, 2013.

2. Consider approval of the minutes from a regular meeting of the Town Council held on July 15, 2013.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on July 15, 2013.

3. Consider approving waiver for penalty and interest on property tax account: 2032019DEN.

**RECOMMENDATION:** Move to approve a waiver for penalty and interest on property tax account: 2032019DEN.

4. Consider approval of an ordinance establishing the 2013 certified appraisal roll.

**RECOMMENDATION:** Move to approve an ordinance establishing the 2013 certified appraisal roll.

**ORDINANCE NO. 31-13**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2013 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

5. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

**RECOMMENDATION:** Move to approve the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

6. Consider accepting the submission of the notice of an effective tax rate of \$0.440855 per \$100 assessed valuation and a rollback tax rate of \$0.463671 per \$100 assessed valuation for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

**RECOMMENDATION:** Move to accept the submission of the notice of an effective tax rate of \$0.440855 per \$100 assessed valuation and a rollback tax rate of \$0.463671 per \$100 assessed valuation for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

*Item 7 pulled from Consent by Councilmember Walker.*

8. Consider proposing a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2013, and ending September 30, 2014; scheduling the August 19, 2013, public hearings on the budget and tax rate, September 3, 2013, public hearing on the tax rate, and scheduling the September 16, 2013, 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.

**RECOMMENDATION:** Move to propose a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2013, and ending September 30, 2014; scheduling the August 19, 2013, public hearings on the budget and tax rate, September 3, 2013, public hearing on the tax rate, and scheduling the September 16, 2013, 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.

9. **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 August 19, 2013, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 16, 2013, 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 August 19, 2013, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 16, 2013, 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.

10. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 19, 2013, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 16, 2013, 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 August 19, 2013, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 16, 2013, 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. **Consider approval of a resolution authorizing the adoption of the Program Year 2013 Action Plan for Housing and Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.**

**RECOMMENDATION:** Move to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2013, in the approximate amount of \$9,370,000 and resolving other matters incident and related thereto.

**RESOLUTION NO. 17-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2013 ACTION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE ACTION PLAN ON BEHALF OF THE TOWN AND SUBMIT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

12. Consider approval of ratification of emergency expenditures for the repair of the Chinn Chapel Soccer Complex irrigation well pump to J.L. Myers Company, Terrell, Texas in the amount of \$70,190.35.

**RECOMMENDATION:** Move to approve ratification of emergency expenditures for the repair of the Chinn Chapel irrigation well pump to J.L. Myers Company, Terrell, Texas in the amount of \$70,190.35.

*Items 13 and 14 pulled from Consent at the request of staff.*

**VOTE ON MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

**I. REGULAR ITEMS**

7. Consider adoption of the Town Council 2013 Strategic Visioning Session Report.

Walker: Pointed out he pulled the item because he didn't want to bury it in Consent because it is our strategic vision and wanted to elevate beyond housekeeping matters. He indicated having participated at the second session in February and asked Mr. Dalton to provide an overview. He noted the key thing he is interested in is that there is a series of recommendations at the back of the report and he would like to have a better understanding related to next steps as it compels Council to make a motion on a Resolution and staff executes those items. He requested some sense of time frame and next steps if approved.

Dalton: Gave an overview of the report, noting the purpose of the item is to officially adopt the goals listed in the document. Between now and what was agreed upon in November (the 1<sup>st</sup> meeting in Nov), staff is working on an execution plan to address each one of those goals and objectives to come up with a plan to get us to what that goal is. Part of that execution plan will contain an action plan that talks about any budget and operational impacts, and policy implications as well as timing. Once that is settled we will also discuss the performance measures, or the matrix of it. Staff will work with Council on the various iterations of that execution plan to make sure we're meeting Council's targets. Our goal would not be to bring a plan to Council and have it adopted without a discussion. Then that adopted plan is incorporated in the budget as we've been doing. Currently on the Town's website viewers can navigate to the budget, and they'll see the Town's current strategic

plan, including the objectives, goals, and performance measures at each department level. We've been doing this for quite some time and this brings it up to the forefront.

Walker: Encouraged everyone to read the report because there are a lot of items in there.

Councilmember Walker moved to adopt the Town Council 2013 Strategic Visioning Session Report. Deputy Mayor Pro Tem Webb seconded the motion.

#### **VOTE ON MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

- 13. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2013, in the approximate amount of \$9,370,000 and resolving other matters incident and related thereto.**

Mayor Hayden opened items 13 and 14 at the same time.

#### **Staff Presentation**

Boyd London, First Southwest, 325 N. Saint Paul St., Ste 800, Dallas, TX

Mr. London gave a presentation identifying or noting:

- Sold two series of debt
- Ratings were affirmed by S&P at "AA + " and Moody's at "Aa1"
- Historical rates since January 1, 1981
- Summary of certificates of obligation
- General obligation refunding bonds
- Ratings comparison

Webb: Asked for clarification that on the refunding bonds, where we're taking advantage of the lower rates, we're not extending those maturities out?

London: No, we're not; we're leaving it exactly the same and just lowering the rate.

Webb: We'll get down to zero at the same time we would have before, we're just going to pay less to get there.

Hayden: When you were talking with our rating agencies I was curious about where our ratios stack up, and I'm guessing they were at the high end of our rating if what you said is that we need to have further growth and diversify our revenue base. But if the Town was to decide to do things such as issuing debt to build amenities for the Town, we are within a very comfortable range of maintaining our ratings, meaning we would be in no jeopardy if we wanted to add additional amenities, which might be additional debt.

London: Yes, that is correct. As far as the ratings are concerned you are in a trading range and things would have to go very badly to lose your Aa1 and AA+ rating. It's not a debt question but more about how you are managing your Town.

Deputy Mayor Pro Tem Webb moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2013, in the approximate amount of \$9,370,000 and resolving other matters incident and related thereto. Councilmember Dixon seconded the motion.

*Administrative Note: For clarification purposes the actual amount to be refunded was determined to be \$3,315,000, which is less than the amount provided to the public related to this bond refunding.*

**ORD. NO. 29-13**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013"; SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE REDEMPTION OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AGREEMENT AND A SPECIAL ESCROW AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

14. **Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2013, in the amount of \$11,780,000 and resolving other matters incident and related thereto.**

Deputy Mayor Pro Tem Webb moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2013, in the amount of \$11,780,000 and resolving other matters incident and related thereto. Mayor Pro Tem Dixon seconded the motion.

**ORDINANCE NO. 30-13**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2013"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF**

THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Walker, Webb, Levenick, Dixon, Wise

**NAYS:** None

15. Consider approval of a resolution establishing a framework for community engagement for the review of the Town's Master Plan, authorizing the use of a committee process, if necessary, and providing an effective date.

**Staff Presentation**

Mr. Dalton gave a presentation noting:

- History that leads up to the reasons why there is a periodic review of the Master Plan
- The statutory authority related to Comprehensive Plans in Texas and what it's used for
- Relationship between Master Plan and Development Regulations (including the Town Charter and the Development Code)
- Defined what is a Land Use Plan
- Current Town Master Plan Statement
- A historical review of past master plan timing
- Current Master Plan (10 components)
- Addressed how the Master Plan gets amended
- Why Review the Plan (7 years since the last one)
- Community Engagement Process
- Communication (promotional plan to get information out to the public)
- Community engagement opportunities
- Focus areas
- Timeline/Next Steps

Levenick: Where would the community meetings take place?

Dalton: A relatively large venue and we're thinking about using Trietsch.

Levenick: For the audience polling it requires the use of smart phones. Would those devices be made available for those that don't have one so they can participate?

Dalton: There will be a hard copy survey available and feedback can be provided that way, or by phone, walk-ins, etc.

Levenick: She expressed appreciation for the use of nine different ways to communicate to the residents that this is going on.

Walker: This is a new departure for Flower Mound and the planning focus in general nationally. We're so used to having committees and sub-committees. He asked to spend a little time explaining what makes this the best way now to gather citizen input.

Dalton: It starts with what we're doing. Part of what you would put together a committee for is if you're looking at a complicated issue that needs a lot of research where people go and do that for a few weeks or months and then bring forward recommendations. We're not asking that to be the starting point. Our starting point is the vision is still applicable, and addresses how best we implement it. From that we can get some very focused conversation on ideas to review to implement.

Walker: Also, it was implied that there would be more interactions with the boards and commissions that would relate to a comprehensive plan that would allow them to comment on their components of the Master Plan in general.

Dalton: Once approval is obtained, next steps include visiting with those boards to let them know the process and how they get involved.

Walker: I was glad to see it's more than just the plan; it's also addressing the regulations to execute the plan.

Webb: With respect to process, has there been any consideration about doing community meetings next month and then public hearings in the fall, because it's a pretty aggressive timeline. I'm concerned that if along the way we see that we need a committee or panel that we could lose time from what has been proposed if we have to wait for a couple council meetings to determine a committee is needed, and asking them to give their recommendation in two weeks. Has any consideration been given about forming the committee and having them be there as part of the process with this focus on the community engagement side, and if we have them and need them they are ready to go?

Dalton: The opportunity to be flexible in this process to form a committee to address an issue would not slow down the overall effort to get us through this process or have it beholding to that process. If we did find an issue that warranted a committee review, it wouldn't need to be finished at the same time as the overall community process. At that point we've determined its two different starting points. As to whether or not we form one now, we can, but if we have something specific come up we don't want to be in a position where we're questioning if we have the right members to address whatever the issue might be. We're going to know pretty early in the meeting if a committee is needed.

Webb: I would expect we'll have a good idea after the first meeting.

Wise: Are the four focus areas going to be in parallel? Are all of them going to be discussed from the first meeting throughout?

Dalton: That's the intent. We're looking at making sure we've allowed for another meeting if we need to.

Wise: In looking at this process and for the focus area of Lakeside, for example, if we decide we want to have a committee for that area, how does it affect the other three?

Dalton: I don't think that it does because the other discussions continue on.

Wise: Then what if it's decided there needs to be two focus committees. Will it be two separate committees or the same one?

Dalton: Issues coming out of the focus areas are going to be vastly different from each other so would require a different committee.

Dixon: Offered appreciation for staff coming forward with recommendations that stemmed from this and previous Council's saying to bubble up the ideas. Staff lives this each and every day. Council members do not. One thing we did, as Council, is charged staff to give us your best opinion to best affirm the Master Plan in Flower Mound. Staff recognized that their opinion was asked for and they are offering it without being worried about saying the wrong thing.

Hayden: Do you think this will be wrapped up this year?

Dalton: That's the challenge. It's a major subject and I think we can keep this at a discussion level that makes sense to everyone and get some good feedback. The goal is to at least get it to a public hearing standpoint to P & Z and Council in November.

Councilmember Levenick moved to approve a resolution establishing a framework for community engagement for the review of the Town's Master Plan, authorizing the use of a committee process, if necessary, and providing an effective date. Mayor Pro Tem Dixon seconded the motion.

**RESOLUTION NO. 18-13**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ESTABLISHING A FRAMEWORK FOR COMMUNITY ENGAGEMENT FOR THE REVIEW OF THE TOWN'S MASTER PLAN; AUTHORIZING THE USE OF A COMMITTEE PROCESS, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: Wise, Dixon, Levenick, Webb, Walker**

**NAYS: None**

16. Public Hearing to consider a request for rezoning (ZPD 13-0004 - Ridge Bluff Estates) from Single-Family District-15 (SF-15) uses to Planned Development District-127 (PD-127) with Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Simmons Road and south of Holly Lane. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 22, 2013, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Property location
- Land use and zoning
- Photographs of the site
- What is before Council is part of the work with the Development Review Process Committee in that the Ordinance was changed to allow for some flexibility within the PD for the Town. In this case they are asking for some relief to the setbacks. This is the first one that has come through. He pointed out the subject areas and pointed out that they would like to change both the rear and front setbacks to be able to move the road over so they can stay away from the tree
- He pointed out the new plan before Council incorporates the P & Z discussion and recommendations
- Lot layout comparison as to what was proposed versus what is being proposed
- The reasoning for the change and how it's routine in the development process
- Existing neighbors did attend the P & Z meeting simply to make sure nothing has changed
- No one spoke at P & Z and no correspondence has been received.
- All three lots have a rear yard change, however, lot one doesn't have the front yard change

Mayor Hayden opened the Public Hearing at 7:53 p.m.

**Public Participation**

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 7:53 p.m.

Dixon: This is an example as to why we changed the Ordinance to allow flexibility. Because common sense has to be used when we are moving through the application process. I think it's safe to say there has never been development, whether large or small, that everything has been exact from start to finish. We needed that flexibility to allow the option for the developer to come back in and ask for a minor change for common sense reasons. I like the fact that we're getting away from that tree and that there was good participation at the P & Z hearings

and that they were actively involved. They understand what it means and that's why they are not here tonight.

Mayor Pro Tem Dixon moved to approve a request for rezoning (ZPD 13-0004 - Ridge Bluff Estates) from Single-Family District-15 (SF-15) uses to Planned Development District-127 (PD-127) with Single-Family District-15 (SF-15) uses, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Webb seconded the motion.

#### ORDINANCE NO.32-13

**AN ORDINANCE 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 ON APPROXIMATELY 9.714 ACRES OF LAND SITUATED IN THE M. BAKER SURVEY, ABSTRACT NO. 107 FROM SINGLE-FAMILY DISTRICT-15 (SF-15) USES TO PLANNED DEVELOPMENT DISTRICT NO. 127 (PD-127) WITH SINGLE-FAMILY DISTRICT-15 (SF-15) USES 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 FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

#### VOTE ON THE MOTION

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

17. Public Hearing to consider a request for rezoning (Z 13-0007 – West Windsor) from Agricultural District (A) uses to Office District (O) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road and south of West Windsor Drive. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 22, 2013, meeting.)*

#### Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- The Town is the applicant
- Site location
- Land use and zoning
- Photographs of the site
- Confirmed there is no impact to the park
- It is anticipated for pad sites on the 2499 side for retail, restaurant and office uses
- It is designed to match the zoning with the Master Plan
- Next stages is a site plan and building of the senior center
- Notices were sent and no responses were received

Mayor Hayden opened the Public Hearing at 7:58 p.m.

**Public Participation**

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 7:58 p.m.

Deputy Mayor Pro Tem Webb moved to approve a request for rezoning (Z 13-0007 – West Windsor) from Agricultural District (A) uses to Office District (O) uses, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

**ORDINANCE NO. 33-13**

**AN ORDINANCE 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 ON LOT 1R, BLOCK A, OF THE WEST WINDSOR ADDITION, FROM AGRICULTURAL DISTRICT (A) USES TO OFFICE DISTRICT (O) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

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

Mayor Hayden challenged staff to pursue options relative to a tennis center and other recreational fields, and the best way to pursue that.

**K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:00 p.m. on August 5, 2013, 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 10:05 p.m. on August 5, 2013, 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, 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.

No action taken.

- d. Performance review of Town Manager.

No action taken.

- e. Consultation with Town Attorney to receive legal advice related to recent amendments to Chapters 551 and 552 of the Texas Government Code, and all matters incident and related thereto.

No action taken.

**M. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 10:06 p.m. on Monday, August 5, 2013, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Thomas Hayden*

**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

*Theresa Scott*

**THERESA SCOTT, TOWN SECRETARY**

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