

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF OCTOBER, 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 (arrived at 6:36 p.m.)
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1 (arrived at 7:40 p.m.)
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
James Hoefert	Environmental Review Analyst
Ken Parr	Director of Public Works
Mark Wood	Director of Economic Development

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Dixon called the regular meeting to order at 6:02 p.m.

B. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Mayor Pro Tem Dixon led the pledges.

D. PRESENTATIONS

1. Proclamation for Arbor Day & Tree Recognition Program

Matthew Woods & James Hoefert accepted the Arbor Day Proclamation and awarded the following residents with "Tree Recognition" certificates:

- 1) Winner of the largest American elm **and** the Largest Tree (2 awards) – McGeorge Family
- 2) Winner of the largest Post oak – Monte & Karen Boyd

- 3) Winner of the largest Loblolly pine – Janet & James Garrett (property has now been sold)
- 4) Winner of the largest Hackberry – Mark Ratcliff
- 5) Winner of a unique tree (Golden Deodar cedar) – Bill Garcia
- 6) Winner of a unique tree (Post oak) – Emmett & Beth Richardson

Environmental Conservation Commission members assisted in the presentation.

2. 'National Night Out' neighborhood winner award presentation

Officer Justin Buck and Melissa Hammerquist presented John Pittman, representing Stone Creek Addition III, with a neighborhood sign for winning the National Night Out neighborhood award.

3. Proclamation designating November as Flower Mound Arts Month

Sue Ridnour, Ron Miller, Sweetie Bowman, Gloria Jones and Dave Gary accepted the Proclamation designating November as Flower Mound Arts Month.

E. PUBLIC PARTICIPATION

Jonathan Aldis, 3151 Trails End, Flower Mound, TX

Mr. Aldis offered appreciation for the responsiveness of Mr. Stathatos and Town staff. He noted he doesn't oppose the Pink Evening Primrose Trail extension project, however based on what he's seeing from the preliminary proposal from the consulting engineering firm, he's concerned because the nature trail is shown actually cutting through his back yard. He requested Council to encourage staff to continue to work with him as there are other solutions. The Master Plan has indicated the trail on the west and southern side of Timber Creek. He noted he is bordered by Timber Creek on his western southern side and by agricultural property on the north side. He stated the original alignment shows that trail clearly off the edges of his property, which he stated makes sense because the Town already owns easements for everything just described on the western and southern side of the creek. There is a sanitary sewer line, and a power line, and the area is somewhat cleared already. For that reason he stated being surprised the plan varied from that. He stated he's willing to work towards other solutions that don't compromise the very reason he moved to Flower Mound.

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

Mr. Stone requested Council postpone or deny Item 13 (development plan) as there has not been a new development plan that works out some of the issues previously identified.

Mike Wallace, 2913 Trailwood Ln, Flower Mound, TX

Mr. Wallace expressed appreciation for Mayor Hayden's recent visit to Temple Baptist Church.

Constable Tim Burch, 217 N Oak St, Roanoke, TX

Constable Burch stated they addressed the squatter issue in the Town from a while ago. He noted they had put some things in place at his office and they monitor those applications closely, and in talking with the district attorney's office most of those applications are turned down. No applications have been turned in for Flower Mound.

With regards to the new chief, he stated he's known him for 15 years and he's a friend and a good hire for the Town.

Ron Newton, 2257 Shoreline Dr, Flower Mound, TX

Mr. Newton expressed concern for various issues raised related to the selected location of Green Acres Farms for the dog park. He referenced having read past minutes and watched the Council meeting video. While many of the concerns he raised were mentioned, he felt there was one area lacking. That being an appreciation for where the neighborhood is (Twin Coves Estates and the two other neighborhoods that adjoin Hide A Way are concerned about the public safety of the use of Hide A Way lane as the sole access to Green Acres Farm Memorial Park. He provided background information related to previous Town action related to the use of Hide A Way Lane for an access for this park. He recited excerpts from the minutes of the Town Council meeting of May of 2007 which referenced a Master Plan for this park. He pointed out there were Council concerns at that time related to access to the park being solely via Hide A Way Lane. He pointed out nothing has changed since that time and asked the Council to consider what was agreed upon in 2007. He questioned how has the public safety element changed since that time. He also referenced a news article that states the Park Board agreed with residents that access to the 13.35 acre park from Wichita Trail is needed if this park is to serve the entire community. He noted that the access to Wichita Trail is needed prior to developing this park. He also pointed out that several of his neighbors share his same concerns. He requested the Town reconsider its vote and honor the integrity of the agreement that was made with their neighborhood from 2007.

Hayden: If we wanted to improve Hide A Away sometime in the future, would you not be in favor of that?

Newton: I interviewed two of the Town engineers in 2007 when this subject came up because I wanted to find out whether it could be done.

Hayden: If we could proceed in a way that would improve the road but wouldn't damage the trees, is that something you would be for?

Newton: I am for anything that improves public safety.

Hayden: How about public access?

Newton: Or public access, either one, although, be it known that our road is classified by the Town as a local conservation or rural development street. It is not a feeder road. It's a dead end road. That road leads one place, and that's past my door and to others. The Town Engineer cannot identify the variances in the right of way along Hide A Way Lane. This road was brought in to the Town in an unincorporated capacity. He expressed concerns related to the weight that the culvert on Hide A Way can handle with the introduction of construction vehicles to pave a parking lot.

F. ANNOUNCEMENTS

Wise: Announced that early voting started today and he recited the early voting schedule.

Dixon: Announced that he voted today and the lines are manageable.

Levenick: Announced the Charter Review Commission upcoming meeting schedule.

Webb: Offered appreciation for Mr. Stone Chairing the Charter Review Commission. He also announced the Flower Mound Rotary Club had their first Rotary Fest and he outlined some of the festivities and reported it was well attended.

Hayden: Gave a brief explanation related to the ballot item for the Public Improvement District, noting the River Walk has already been approved, the zoning was approved in 2007/2008, and what residents are voting on at this point is if you want to create a district which will allow a levy to be placed against that area to new residents moving into that area to help provide for the infrastructure. If that is done, the developer said he would then put in other amenities such as a chapel, \$4 – 5 million of art and fountains, a bell tower, a 3,000 seat amphitheater, and other extra amenities along the river. You're not voting whether or not you want the River Walk to go forward, and it's not for or against apartments (all of that has already been determined). There is no recourse to the Town, there are no financial implications to the Town of Flower Mound, and to either you personally or to the Town, only to new residents that move into the district in the future.

G. TOWN MANAGER'S REPORT

Hayden: Asked Mr. Stathatos to address some of the concerns related to Hide A Way Lane such as access from Wichita Trail.

Stathatos: Provided clarification related to what was presented as a Master Plan at that time wasn't equivalent to something like a Land Use Master Plan, as it was a product of a steering committee. He provided background information related to the site location search for the dog park and the reasons that resulted in Green Acres being the recommended site. He pointed out some of the challenges associated with access and options that are being discussed related to access to the park. He stated an agreement for the design will be forthcoming.

Hayden: Pointed out the Town will monitor access if there is high traffic along Hide A Way Lane, and we will look at ways in the future for easier access to the road.

Stathatos: Yes. The consultant has recommended we add 50 parking spaces. We're planning on it being a great amenity that is properly utilized, but it's not going to be something that is going to add a ton of extra traffic.

1. Update and status report related to capital improvement projects

Mr. Stathatos reported on the following capital improvement projects:

- For the Senior Center, a rendering of the center was unveiled at the October 10th meeting with the seniors. Staff is anticipating being able to break ground by the end of this year. The project is expected to take 10 – 12 months.

Dixon: For the new senior center he requested staff look into the audio/visual needs in the large room. He pointed out a recent Chamber event at Trietsch where there was a lot of A/V problems, due in part to the internet connection or trunk line not being up to par of what the simulcast needed. I would like staff to look into, and use that simulcast Leadership for Chick-Fil-A event as a benchmark to make sure that we have that capability where the Town would be able to host something like that, should the Town wish to do so.

2. Update and discussion on economic development projects.

Mr. Stathatos reported on the following economic development projects:

- Modmarket has announced that they're coming in front of Academy
- There will soon be another announcement about a restaurant that ranked high on the recent survey
- Academy is now open
- La Madeleine and Market Street should be open by the end of November
- In looking at the economic development announcements for just 2013, we have attracted over 750 new jobs and we have a few different corporations we're short listed on

Dixon: Stated he's had several people ask where La Madeleine & Mellow Mushroom is going to be located and inquired if there will be signage stating they are coming soon for the benefit of the public.

Stathatos: I don't know, but staff will look into it.

3. Introduction of new Town of Flower Mound Police Chief, Andy Kancel.

Mr. Stathatos introduced the new police chief Andy Kancel and announced he will start work on November 4th. He summarized the recruitment process and noted candidates were interviewed from all over the country.

Kancel: Expressed appreciation for the opportunity to serve the Town as the next police chief. He expressed his commitment with the Town to ensure we maintain the best Town in Texas. In a few weeks when I am sworn in I will do everything in my power and am dedicated and committed to bringing you a Police Department that will be professional and reaches out to the community with an overarching theme of serving the community.

Stathatos: On November 12 from 5 to 6:30 there will be a formal meet and greet to welcome Chief Kancel to the community

H. CONSENT ITEMS

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 9. Councilmember Webb 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; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on September 16, 2013.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on September 16, 2013.

2. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on October 7, 2013.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on October 7, 2013.

3. 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.

ORDINANCE NO. 51-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM 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; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

4. Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

RECOMMENDATION: Move to approve a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

RESOLUTION NO. 27-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

5. Consider acceptance of grant funds from the Texas State Library and Archives Commission to provide a mobile app for the Library and execution of an agreement with vendor to provide same; and authorization for the Mayor to execute said agreement on behalf of the Town.

RECOMMENDATION: Move to approve acceptance of grant funds from the Texas State Library and Archives Commission to provide a mobile app for the Library and execution of an agreement with vendor to provide same; and authorization for the Mayor to execute said agreement on behalf of the Town.

6. Consider approval of vacating and abandoning three blanket water line easements that were dedicated to the Town of Flower Mound by T. M. Dye (Exhibit A) and Edward S. Marcus/Betty B. Marcus (Exhibit B & C) on August 23, 1965, and August 30, 1965, respectively, and authorizing the Mayor to execute on behalf of the Town. The said easements are situated within and about the development identified as The River Walk at Central Park in the Town of Flower Mound. The River Walk at Central Park is generally located in a stretch of land that is bounded by College Parkway to the North, Morriss Road to the East, Cross Timbers Road to the South, and Long Prairie Road to the West.

RECOMMENDATION: Move to approve vacating and abandoning three blanket water line easements that were dedicated to the Town of Flower Mound by T. M. Dye (Exhibit A) and Edward S. Marcus/Betty B. Marcus (Exhibit B & C) on August 23, 1965, and August 30, 1965, respectively, and authorizing the Mayor to execute on behalf of the Town. The said easements are situated within and about the development identified as The River Walk at Central Park in the Town of Flower Mound. The River Walk at Central Park is generally located in a stretch of land that is bounded by College Parkway to the North, Morriss Road to the East, Cross Timbers Road to the South, and Long Prairie Road to the West.

7. Consider approval of a Pro-Rata Agreement with Mr. and Mrs. Joel Hutton, for the construction of 210 linear feet of an eight-inch sanitary sewer line and 206 linear feet of a six-inch water line and associated appurtenances on Dogwood Street in the Pecan Acres Addition and authorization for the Mayor to execute on behalf of the Town.

RECOMMENDATION: Move to approve a Pro-Rata Agreement with Mr. and Mrs. Joel Hutton, for the construction of 210 linear feet of an eight-inch sanitary sewer line and 206 linear feet of a six-inch water line and associated appurtenances on Dogwood Street in the Pecan Acres Addition and authorization for the Mayor to execute on behalf of the Town.

8. Consider approval of Change Order No. 2 for the Timber Creek Reconstruction project, amending the contract with Jet Underground Utilities, Inc., for an increase of \$20,000.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 2 for the Timber Creek Reconstruction project, amending the contract with Jet Underground Utilities, Inc., for an increase of \$20,000.00, and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of the purchase of furnishings for the Operations and Maintenance (O&M) Facility project, from Texas Furniture Source, through a Texas Multiple Award Schedule contract, in the amount of \$107,506.45.

RECOMMENDATION: Move to approve the purchase of furnishings for the Operations and Maintenance (O&M) Facility project, from Texas Furniture Source, through a Texas Multiple Award Schedule contract, in the amount of \$107,506.45.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb

NAYS: None

ABSENT: Walker

I. REGULAR ITEMS

Mayor Hayden opened items 10 and 11 at the same time.

10. Public Hearing to consider an application for a tree removal permit for the removal of one (1) specimen tree on property proposed for development as Wellington North. The property is generally located east of Auburn Drive and north of Peters Colony Road. *(The Environmental Conservation Commission recommended approval by a vote of 6 – 0 at its October 1, 2013, meeting). (This item was postponed at the October 7, 2013, Town Council meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- site location
- land use and zoning
- the development plan was talked about two weeks ago
- presented a new plan (not in the packet) which shows the roadway that connects to the south the developer has worked to align it with the internal street
- the applicant is continuing to work on improving the plan
- At the last meeting there were two things you wanted to review
 - 1) How does the property to the south, going all the way to Peters Colony, develop. That is a hard discussion because we don't control the property, nor does the applicant, so how does that work. We do think it can work and this stub street is important to have that connectivity and ability for the property to develop.

- 2) The intersection of Peters Colony and Auburn. This development doesn't touch upon that street and it really doesn't affect that intersection in terms of the number of lots, but we understand it is a concern, so we have worked with staff and the Town Manager. Right now we are going to ask our consultants to look at options for that intersection improvement and then take that to the Transportation Commission next month and have them come back with a recommendation. It would require an amendment to the CIP, but again we know that the issue is really outside of this development application. We are going to move forward to try and get that worked on.

Applicant Presentation

Mark Howe, Howe/Wood & Company, 6617 Precinct Line Rd, Ste 200, North Richland Hills, TX

Mr. Howe gave a presentation identifying or noting:

- home building pads and road alignments
- they couldn't get it situated where it would miss the tree
- proposed detention location
- utility plan and accessibility
- the lots are 84 feet wide and the building pads are 60' x 80' deep
- this is a subdivision that we will be building \$6-\$800,000 homes in so the building pads are sizable to fit that
- where the tree would be located in the right-of-way and it shows where we had a building pad there, and it would encroach on the edge of that tree we would really have to work around that tree to get it saved
- what is intended for the entry and the open space with a pond and trees surrounding it for a nice view when you enter into the subdivision off of Auburn

Dixon: At the last meeting I voiced some reservations. I am much more comfortable with the new road alignment that runs north and south on this one than the last one because it eliminates the potential of confusion for the other drivers at the intersection. The second concern I had was at the intersection of Peters Colony and Auburn. I have talked with staff several times over the last two weeks and I'm satisfied now that as we go forward on this my concerns will be alleviated at that driveway. In addition, you have moved traffic away from the area of egress and ingress. Lastly, there are concerns about the neighboring land (infill area); however, I recognize that's beyond the control of the applicant. What is before us is land that you do have control of and I need to focus on that instead of someone else's property. For the three things I was hesitant on last time I am now satisfied.

Howe: Pointed out an area where a street was moved and created a larger open space that will allow for additional landscaping. In addition, there will be trees planted in the front and rear yards and noted some of the lots are up to 25,000 square feet.

Mayor Hayden opened the Public Hearing at 7:22 p.m.

Public Participation

Steven Warren, 3720 Auburn Dr, Flower Mound, TX

Mr. Warren commented he also owns property to the south at 3700 Peters Colony Road that comes out to the church. He expressed appreciation for the communication he has had with the developer. He noted the development abuts his rear and southern boundary in full. The land has been vacant for years and we have to make sure we give everyone equal opportunity to do what needs to be done. He noted the lots are larger than what is required. He stated being in support of the project. He noted he has been here for 16 years. He provided background information related to how the land alignment came about from past conversations with Mr. Rembert.

Mayor Hayden closed the Public Hearing at 7:29 p.m.

Town Council convened into closed session to consult with the Town Attorney at 7:30 p.m. and reconvened at 7:34 p.m.

Deputy Mayor Pro Tem Webb moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as Wellington North. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Webb, Levenick, Dixon, Wise

NAYS: None

ABSENT: Walker

- 11. Consider a request for a Development Plan (DP13-0006 – Wellington North) to develop a residential subdivision, 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. The property is generally located east of Auburn Drive and north of Peters Colony Road. (*Planning and Zoning Commission recommended approval by a vote of 6-0 at its September 9, 2013, meeting.*) (*This item was postponed at the October 7, 2013, Town Council meeting.*)**

Mayor Pro Tem Dixon moved to approve a Development Plan (DP 13-0006 – Wellington North) to develop a residential subdivision, 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, and acceptance of cash in lieu of land in the amount of \$36,557 in place of the otherwise required Parkland Dedication and Park Development Fees in the amount of \$22,208 to satisfy the requirements of the Park Land Dedication Ordinance. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb

NAYS: None

ABSENT: Walker

Mayor Hayden opened items 12 and 13 at the same time.

12. **Public Hearing to consider an application for a tree removal permit for the removal of seven (7) specimen trees on property proposed for development as Edgewood. The property is generally located south of FM 3040 (Flower Mound Road) and east of Gerault Road. *(The Environmental Conservation Commission recommended approval by a vote of 4 - 0 at its September 4, 2013, meeting). (This item was postponed at the October 7, 2013, Town Council meeting.)***

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- site location
- land use and zoning
- two issues that came up
 - a desire by some to put a trail north of the creek so that was one issue that could not be resolved at the meeting
 - on the eastern property line, whether or not those trees would be disturbed, specifically since there is overhead electric line and that overhead can be relocated to serve just the one lot
 - the issue about what happens on the property line - it is hard for the Town to impose any kind of easement that the future property owners would have to abide by to not remove any underbrush or trees
 - so we are down to what happens along the creek
 - this is a new plan that was developed after the applicant met with staff and we are trying to show you a few things. The road has been moved back off the creek so these lots back up to the creek, because there is a concern, not that you couldn't put a trail on the north side of the creek, but even this street running along the creek might be problematic. So they came up with this new plan that we got after the packet went out.
 - What is also highlighted is where there are two specimen trees that now will be able to be saved. This new plan will create the need to remove two additional specimen trees so it's two trees saved for two new trees taken out.
 - He showed on a map a blue line that depicts the FEMA flood plain and what happens as it relates to this. The concern and the discussion has been what happens at the top of the bank where there are some steep slopes along the edge of the creek. We don't think there can be a trail without losing lots. There is still the question of the improvements that are being made and how close they are to this creek. He provided an aerial of the topography showing Bakers

Branch. When Baker's branch platted they have a 75 foot X slot that they set off from their property line but the creek is not even in that. So the majority of the creek is on the subject property and there really isn't much of a set back and they're pretty steep topos on the back of those houses and in that roadway. He provided an overlay to demonstrate how some of the area gets really tight.

Applicant Presentation

Kyle Hogue, G & A Consultants, 111 Hillside Drive, Lewisville, TX

Mr. Hogue gave a presentation identifying and noting:

- have had meetings with staff since the last presentation
- provided a map of the original layout alongside the floodplain and noted the information they weren't armed with the last time is they had not had an opportunity to meet with engineering about the floodplain, and there was some discrepancy as to what was permitted within the Town and FEMA floodplain. Since that time we have met the staff engineer in charge of reviewing our project and the Town's floodplain administrator Mr. Perry, and got that crystal clear on Wednesday of last week. We quickly went to work to try and develop an alternate plan that is beneficial for all.
- he demonstrated on a map the previous plan and the trail concept, and with this illustration he demonstrated the 30 foot wide area that has been requested by concerned parties, along with the trail through the middle. Marked in red are lots that would be lost with this alignment, but also this red piece of the trail on the west end, as you come off of Gerault. The critical part about that is, as Mr. Perry described to us, this piece (pointed to a line on the map) is what FEMA recognizes as the actual FEMA floodplain. Mr. Powell referred to the FEMA floodplain that we have actually identified per the terrain that is on the ground. We have actually gone out there and field verified the elevations and that line represents the actual elevations of that study channel and the on the ground topography and the existing floodplain. At first we thought this would be beneficial. We would have more room to work with here. But what Mr. Perry described to us is this FEMA floodplain identified here is what is mapped. Anything that we do within that floodplain recognized by FEMA requires a map revision, which is a 6 - 9 month process and a significant amount in fees to have all of that reviewed. Then we started turning our focus towards concerns of the Town and maintenance issues and things like the road adjacent to the floodplain, and also a trail. As we discussed, if we didn't give this 30 foot swath through here you will be in a handrail situation and some kind of wall to support it, and possibly a big drop off there. As we weighed all of that Mr. Powell and Mr. Pegg asked us to look at the specific areas and show them what the topography is so everyone can see where the actual steep faces are here. As you can see we get pretty close to the streets on the east end. On the west it's not ideal, but all of it is doable without going through the FEMA process. He identified the area of Town floodplain and they understand the process they will have to go through once engineering agrees and then it will go back to Council as it will still be an exception to the Ordinance.
- Went back to the drawing board and looked at the actual layout that has

been presented where we pulled that road away from the floodplain. The lot count stays the same. Neither one of these are any closer to the floodplain as far as whether it is lots or roads, it's just the backs of these roads or lots that are backing up to that floodplain, as opposed to the road coming through. Even if we were building the road we would be required by Town standards to analyze that creek that is coming through there and if it requires a 10 foot retaining wall and other design standards. Then we would have to come back and ask for a variance from Council to actually do that cut/fill analysis within the floodplain. We feel like this does a lot of things on or end as well because it adds an amenity to these lots of seclusion and privacy.

- I'll go back to our tie-in point and why our hands are tied as to what we can do with this road as it ties into Gerault. What we are trying to do is lineup with the existing median cut. Once we come in from that median cut we are required to have a perpendicular tangent piece of 100 feet or so and we have to follow Town standards on how quickly we can separate from that floodplain. We don't have the flexibility to do it before we make that 90° turn or continue our road down there. That is basically our pinch point - whether it is the road or the trail or anything else that we can make happen there where we have the 90° bend.

- I know the tree removal permit is also on the agenda and we have a separate presentation for that.

- Some things that have been added to their presentation include pictures, illustration of the 15 foot tree preservation easement that we are proposing along that East property line. Our proposal, when we were here last time, was to put it in some type of easement, right it in the HOA documents, right it in the dedication of the plat that would preserve that underbrush because it really doesn't have an impact on our site. There were some concerns about how you actually word that in the documents. We are willing to do whatever it takes in the final plat stage to preserve that. It doesn't make a big difference to us.

- He showed photographs where the power line is and indicated they had everything flagged and met with Mr. Howard with Co-Serv to find out exactly what that line was serving. All it was serving was the barn on our property, the existing house, and the last lot on the southwest corner of Fallbrook Estates. We will be able to leave all of her electrical facilities on site and simply charge it from our internal system so that the overhead line can come all the way down to 3040. Our intent there is to take that overhead line down and we have agreed to work through that issue.

- We walked the site today at the actual floodplain and the only way we had the comparison of where (these sheer faces that everybody is concerned about) was where you are looking at the tree survey. He pointed out they are not sheer rock faces like they have found down in the flood way. It is actually within the floodplain. These are 2 to 1 or 3 to 1 slopes. They are fairly steep but we feel they are manageable. You get down to the bottom before you get to the floodway and then there is pretty consistently 40 to 50 feet wide fairly flat meadow before you drop into the floodway, and have the more sheer faces that most people are concerned about.

- If any additional requirements are necessary to support the cul de sac the way that we have it shown in our current plan, its real close. We may still even be able to get it out it's just that we put this together over the last couple of days and got out there to verify a few issues and look how it affected the trees and everything else. Again this is a Town process to have this improvement in the Town floodplain and not the FEMA floodplain to address the trail request that was not presented or requested by the actual PALS Board, nor is it shown on any of the city maps.

Webb: Do you have the new layout with the topography detail?

Hogue: I do not but I will tell you this cul-de-sac itself hasn't moved a lot.

Webb: my concern is the visible elevation change coming right up to those lots and within the building pad sites themselves. I don't think that this is a long-term good solution for the layout. I think there needs to be some more separation between that severe elevation change and a pad site.

Powell: This is the development plan. It is the first stage in the planning process. We don't have all of the engineering and detail when the development plan comes through. What is shown in blue is what we always thought when reviewing this property - where is the floodplain and where the water is going. He pointed out the area where the FEMA floodplain really is and that was done because of the issue with the trail. Now that it has come up, this is representative of two issues that we are not resolving at the development plan stage. One issue is now we have a plan that is going to do one or two things - either require an exception to do work in the floodplain or are we going to have roads, houses, or whatever that are on the bank of an erodible cliff or they're going to have to put up walls, and the Town's policy is to build naturally and not to put up walls. We are trying to avoid that, and by design, we are almost setting ourselves up for that. Another thing is this green easement. I didn't realize the applicant was still proposing this, but especially in these small lots, what these dotted lines are is not the building but the building envelope. What it shows is these people's back yards is going to be nothing but can't touch a tree, so if they want to build a pool they can't take down a tree. It will be a challenge to tell these people they can't touch a tree in their backyard. We are setting ourselves up for issues down the road. For the history on the trails, it wasn't a PALS recommendation, it's not on the Town's trails plan, but after the PALS board meeting, prior to P & Z, this issue came up. It is not an issue that is a recommendation from the PALS board, but we do have the chairman of the PALS board who spoke in support of that.

Dixon: Let's say these two items are approved tonight at Council, please walk us through a little bit of the engineering and what you would do from this point further. You said several times that you don't have the engineering because we're at the development plan. What will you be doing to get the measurements where if this thing comes back? What are you going to be presenting to Council and through the development process of Flower Mound?

Hogue: The next stage is to do the full topography and then look at the design of the road, and this wall portion will involve our hydrologist, including looking into the characteristics of the stream and more than just the actual elevations in the floodplain.

Dixon: That next step that will come back before Council will be the record plat. If it was a commercial development it would be site plan. That is when they will come back to Council with a lot of the measurements and details on engineering. There could be a situation where they go through all of this expense in doing engineering and they come back and say it's not what we thought it was. We were anticipating this to be less dramatic of a drop off, or more dramatic of a drop off, because at that point they will have engineering. They may come back to Council and say we have to revise our plan because we've now done the studies and it won't fit. Right now the unfortunate reality is they are not spending a ton of engineering time and effort in giving us the stuff that we are asking about. They are at a conceptual stage by saying we believe it will, and we would like for council to give us the approval for us to be able to release the consultants to do the engineering.

Levenick: For the 15 foot tree preservation easement, I appreciate you trying to work with neighbors on that, but if it was on those people's property that is a different story, but this is not even on their property. I would prefer that it is not there and let people decide how they want their own backyard to be instead of someone mandating what they can and can't do with their backyard.

Dixon: From the last meeting I was under the impression that you all were going to remove that also. I recall the neighbors to the east came in and actually showed some photos about their backyard and those trees are on the other property. If I were going to move in to one of these lots that was on the east side of this, and I did want to improve my own backyard, now I can't. I also understand that the neighbors on the east side enjoy the trees on the other person's property.

Hogue: At the last meeting we weren't sure about that overhead power line. The issue there is if that power line has to stay where it is within the easement, and we have to bury it, all of those trees are coming out anyway. We weren't sure whether we had the ability to preserve them are not. It's a direct request from the neighbor and it doesn't make any difference to us, and we would like to have the opportunity to talk to them again before it's off the table.

Webb: Two weeks ago when we were talking about this I raised the issue I don't know how we can dictate to the new homebuyer what they can do in their backyard.

Levenick: I have a sewer easement going through my backyard. When I bought my house I knew about the easement and I can't build anything on it. I understand all of those things, but it's a sewer easement, it's not somebody else's tree. My neighbor can come in and cut down any trees that they want to in their backyard and I can't tell them they can't do that. I don't know how you would enforce that. I

can see people coming to us wanting an exception so they can put a pool in their backyard because of this preservation easement. I have just never heard of us doing anything like that before. My suggestion would be to put in the landscaping that's desired if they want that look.

Webb: I understand what Mr. Dixon was saying as far as the difference between development plan and record plat. We were hoping two weeks would buy enough time to where we could take a look and see if there was feasibility for some type of trail. I don't see a whole lot of progress there. I see significant concerns from my perspective for two of these lots being very close to the high elevation areas. I know all of this gets cleaned up, but I think we need to slow this one down. We have some things we need answered before I'm comparable saying move forward even at this early stage.

Wise: It was mentioned there was a lot of stabilization in the past and there are issues with the water there. Is that all taken care of? Is there any concern in the near future that something needs to be done there?

Powell: No, not on this property on that stretch of Baker's Branch.

Wise: Is all of that stabilization you talked about complete?

Powell: There has been work in the past and I believe that to be true but I'm not sure.

Parr: I think during the design phase they can come back and address our concerns but there is probably going to need to be some additional stabilization where the two cul-de-sacs are so close to the edge of the floodway.

Wise: What about where the four properties are?

Parr: I think the same thing is going to apply. When reviewing the plans we can determine if additional stabilization is needed at that location.

Webb: What does additional stabilization mean?

Parr: It could be a retaining wall. There are other options such as reinforced concrete that they could look at.

Webb: The concern I have is if it's running water and opposing earth, rock, stone, or dirt, running water always wins. It's just a matter of time. Take a look at the Grand Canyon I have seen too many areas in our community, and other communities, who had to spend a whole lot of money to go in and try to shore something up because of no foresight.

Parr: We can address it during design and then eliminating that one east - west street and shifting everything back to the north has addressed the majority of our concerns. The rest of it we can address during design.

Stathatos: It would benefit staff to have a little more time due to the new submittal. For that reason I would recommend the Council consider postponing the item.

Walker: Is the Council concern really the slope mitigation and Council would like to see better attempted engineering on those lots that would have the greatest degree of potential slope failure in the back?

Webb: Reiterated his concern is with those three lots on the southeastern side running east to west and close to the creek. Prior slides showed significant elevation changes going into the lots and into the building envelope, and I think we need to spend a little more time. We need more information. If those three lots weren't part of the plan and we had that additional space between the stream, and the first houses, I would be okay, but we don't. We're right there on the edge.

Walker: It sounds like the tree preservation easement is not something everybody is in favor of either.

Webb: Last time we tabled this, we tabled the trees also because if in fact something changed, we would have saved them another trip to ECC is we still had it open. I would suggest if we're going to table this for a couple weeks, we leave the trees open too.

Walker: So ECCs involvement or an additional PALS review is not something we're considering at this point.

Stathatos: I don't know that it's merited unless Council so chooses.

Walker: The genesis is a harder look at the engineering for the slope issue.

Stathatos: That and just the overall plan to give it a little more time because of the short amount of review time we had.

Dixon: When did you submit this plan to the Town?

Hogue: This past Friday.

Dixon: So Town staff has had this for 8 hours at the most.

Hogue: What we discussed with some of the staff members prior to our meeting with Mr. Perry is that this was our game plan. We already sketched it out in theory and it made sense. This is the way we wanted to present it and get the actual stipulations and what would require FEMA.

Levenick: If it is postponed are you all going to be okay with just two weeks?

Hogue: Questioned what is desired to be evaluated in two weeks. We have done everything that the Ordinance says to do for a development plan checklist. The actual floodplain that we have identified is not part of the development plan checklist. We did this in anticipation of it moving forward. If we didn't even identify these lines and we just strictly honored the FEMA floodplain, we wouldn't even be discussing this.

Dixon: We'll let the Town Manager answer that because he suggested a little more time to review.

Stathatos: One of the things I've heard is there might be different trees that are impacted. With that revelation it would trigger it back to ECC. With the limited amount of time we have had to review it, I would rather take a little extra time to make sure that we can recommend approval. It almost feels like we're developing on the fly.

Hogue: My point is it has been through staff review. We ended up here after the staff review process. From my understanding in an email we received back from environmental was only Council had the ability to go ahead and approve the changing of our tree removal permit, without it going back to ECC. I would like Ron to have the ability to do his presentation so you can see how close the tree removal is.

Welch: If there are two new trees that haven't been considered, they have to go back through ECC with a public hearing with a recommendation to Council to remove those two new trees. We can't swap trees out tonight. It has to go back through the process.

Dixon: That's why we can't hear Ron's presentation. We can't take action on it. Save that for when we can.

Hogue: Then that begs the question is it possible to approve the development plan without the tree removal permit approval.

Welch: We can't because we are now swapping trees that have to be removed in order to have a development plan.

Powell: We would normally not have this information at this point in time. What I am trying to work through is there have been some concerns raised about this design (now that we know what we know). If the development plan was approved, notwithstanding the trees tonight, that means they would have the go ahead to spend a lot of money on engineering and come back to you in three months with an exception, only at that time to be told no. Now that we know what we know, really the applicants should spend a little more time to try and get everyone comfortable at the conceptual plan because when they come back, after doing all the engineering work, and then to ask for an exception to develop in the floodplain, do they think it's better off having that discussion now then after spending all of that money. If it's a foregone conclusion that you guys are going to approve it,

then maybe they should go forward. But I've heard of a lot of discussion tonight about how it's going to work.

Hogue: Requested a recess so he could talk to the developer for just a couple minutes.

Town Council recessed at 8:24 p.m. and reconvened at p.m. and reconvened at 8:34 p.m.

Hogue: Our position is the same. If the issue still stands that we can't get the ECC recommendation changed with a motion tonight, and we can't get the development plan approved so we can be turned loose on the actual construction plans and record plat, we don't prefer it, but if that is Council's preference to take a few more weeks to look at it, were happy to do so. Our request is the same and what specific issues are we being requested to look at?

Levenick: Those two trees have to go back to ECC, and in looking at a development plan that is contingent upon a tree removal, I would prefer it goes back to ECC before coming back to us.

Walker: I understand your concern about the delay in meeting the requirements of the development plan, however, I think we're saving time in the long run if we can address some of these issues earlier to make sure we don't come back at a later date and sit down and say, have you thought about slope deterioration or something like that. I would like you to get a "to do" list to address the areas where we have issues.

Webb: What I think we need to do, and I know it's outside of what we normally would have at this stage, but because of the close proximity to the extreme elevation changes on those three are for lots, I think we need to take the time while at wraps through ECC again and let staff come back to us. When it comes back to us there needs to be an understanding of what the impacts will be for those four lots and whatever is needed for those lots.

Wise: I agree with what has been said. Take the time and do it right the first time.

Mayor Pro Tem Dixon opened the Public Hearing at 8:37 p.m.

Public Participation

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

Mr. Stone commented that with the revised development plan the PALS Board did not have a chance to look at it. At P & Z and Council he stated he was in favor of the zoning and master plan change because the developer appeared to have a willingness to work with the community on developing a park, trail etc. At this time I would almost like to retract my support of the master plan and zoning. What I would like to touch on is with this new development plan the PALS board did not have an opportunity to look at it when they made their recommendation for park land our fees in lieu of. He noted there are five houses that prohibit the benefit of

green space, as a road has now been put in. In addition, we have also cut it up by putting a road over the gas easement, which could have also been an access to the north to the retail zone, which would have made a good connection. It's all about access and open space. He appreciated Deputy Mayor Pro Tem Webb's concern related to the potential of flooding. He encouraged Council to walk the creek bed. It's a beautiful asset. Let's slow it up a bit and do the right thing.

Mayor Pro Tem Dixon closed the Public Hearing at 8:41 p.m.

VOTE ON THE MOTION

Deputy Mayor Pro Tem Webb moved to postpone items 12 and 13 to the November 18, 2013 Town Council meeting. Councilmember wise seconded the motion.

Walker: I just want to make sure the applicant understands what our issues are since he had asked for us to be specific.

Dixon: Asked for confirmation from Mr. Hogue.

Hogue: The only thing that I have received is that we're going back to ECC. As far as looking at the concerns, would you like us to do more field topography? Would you like us to do more hydraulic calculations? Would you like us to have a structural engineer write a letter? These are just suggestions I have. I just want to make sure we get it down.

Dixon: I don't know if anyone sitting here on Council is qualified. I'm not a professional engineer so I can't give you that great of detail.

Webb: My goal is that staff will take some time to review the information that has been provided to them late last week, be able to do some additional due diligence on their part, converse with you, and be able to come back to Council in November 18 with some indication as to what kind of work is going to be required on those creek facing lots, if any work.

Walker: I would like to have the staff affirm that they agree with that statement.

Stathatos: We do.

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

13. Consider a request for a Development Plan (DP 13-0005 - Edgewood) to develop a residential subdivision. The property is generally located south of FM 3040 (Flower Mound Road) and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 3 to 2 at its September 23, 2013, meeting.) (This item was postponed at the October 7, 2013, Town Council meeting.)*

Mayor Pro Tem Dixon opened items 14 and 15 at the same time.

14. **Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road.**

Staff Presentation (Items 14 and 15)

Mr. Mark Wood gave a presentation identifying or noting:

- developers and owners of the property
- plan to construct a 401,600 square foot building within the Lakeside Business District for warehouse and distribution use
- site location - North of Lakeside Pkwy., South of Spinks, and West of Gerault road
- the project will add approximately \$12M to the commercial tax base and the land is currently receiving agriculture exemption so the Town will now receive the benefit of it being taxable and we will also receive rollback taxes for the previous five years
- structure of the proposed tax abatement agreement
- cost benefit analysis
- this agreement is in line with other agreements done in Lakeside

Mayor Hayden opened the Public Hearing at 8:48 p.m.

Public Participation

No one spoke in support or opposition

Mayor Hayden closed the Public Hearing at 8:48 p.m.

Councilmember Wise moved to approve an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road. Deputy Mayor Pro Tem Webb seconded the motion.

ORDINANCE NO. 52-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-WAREHOUSE TAX ABATEMENT, WITHIN THE TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

15. **Public Hearing to consider approval of a Tax Abatement Agreement with Amstar HIP TX II, LLC for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.**

Deputy Mayor Pro Tem Webb moved to approve a Tax Abatement Agreement with Amstar HIP TX II, LLC for the economic development of Flower Mound, and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

16. **Public Hearing to consider an application for a tree removal permit for the removal of two (2) specimen trees on property proposed for development as Terracina, Phase II. The property is generally located along the east side of Jernigan Road and north of Justin Road (F.M. 407). *(The Environmental Conservation Commission recommended approval by a vote of 6 - 0 at its October 1, 2013, meeting).***

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- property location
- general layout
- zoning
- applicant is requesting to remove two out of nine specimen trees identified within the second phase of development and mitigation is required for the removal of the trees
- general area for the tree removal requests
- condition and size of the trees being requested to be removed

Mayor Hayden opened the Public Hearing at 8:55 p.m.

Public Participation

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 8:55 p.m.

Councilmember Levenick moved to approve the requested permit for the removal of two (2) specimen trees on property proposed for development as Terracina, Phase II. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

17. **Public Hearing to consider an amendment to the Land Development Regulations (LDR13-0001) by amending Section 90-31 (Purpose and applicability of article provisions) to eliminate the requirement of obtaining an approved development plan prior to the submission of a record plat for non-residential development in those instances where the non-residential development is being platted in conformity to a previously approved concept plan, and to consider adopting an ordinance providing for said amendment. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 14, 2013, meeting.*)**

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- explanation of what a development plan is and that process
- how the Town's regulations differ
- how residential differs from commercial
- this provision alleviates duplicate work
- no comments have been received since this item was posted

Mayor Hayden opened the Public Hearing at 9:03 p.m.

Public Participation

No one spoke in support or opposition.

Mayor Hayden closed the public hearing at 9:03 p.m.

Councilmember Walker moved to approve an amendment to the Land Development Regulations (LDR13-0001) by amending Section 90-31 (Purpose and applicability of article provisions) to eliminate the requirement of obtaining an approved development plan prior to the submission of a record plat for non-residential development in those instances where the non-residential development is being platted in conformity to a previously approved concept plan, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 53-13

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 B, OF THE CODE OF ORDINANCES THROUGH THE AMENDMENT OF CHAPTER 90, ENTITLED "SUBDIVISIONS," BY AMENDING SECTION 90-31, "PURPOSE AND APPLICABILITY OF ARTICLE PROVISIONS," TO ELIMINATE THE

DEVELOPMENT PLAN REQUIREMENT FOR NON-RESIDENTIAL DEVELOPMENT THAT IS BEING RECORD PLATTED IN CONFORMITY TO A PREVIOUSLY APPROVED CONCEPT PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS; 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

- 18. Discuss, consider, and provide direction to Town staff regarding the use of 4B sales tax funds and overall park priorities.**

Staff Presentation

Mr. Sims gave a presentation identifying or noting:

- park phasing recommendations
- parks and trails master plan that was adopted in May 2010
- staff worked with the PALS board to organize the recommendations, which included a priority process
- improvements were grouped to minimize individual costs
- recommendations were grouped based on funding capacity
- the majority of the improvements are park benches, additional shade, and picnic tables
- summarized what has been completed already, noting quite a few of them have been accomplished
- park tours and inspections were conducted
- the CIP process and the four phases and the elements associated with each
- projects are generally grouped for 200,000 per year

Hayden: Asked Mr. Stathatos or Ms. Wallace to talk about the balance in the 4B funds.

Stathatos: We have a balance of around \$2,386,000 and we have approximately \$300,000 that is identified for Twin Coves design.

Hayden: Of that \$2 million remaining, is that money that has been encumbered in any way for future projects or anything else? It's just a balance of \$2 million sitting in the account. What do you and Debra feel is a reasonable rainy day fund to keep in the 4B?

Wallace: A minimum of \$200,000, an amount that can cover the O & M.

Hayden: There are a couple things that we can do. If we are going to continue to accumulate money, then perhaps in 2016 we could pay cash for Twin Coves Park. The other option is we are reducing the Town's debt by approximately \$6 million a year. Twin Coves is going to cost about \$3 million. We could issue debt as the plan

that was brought forward says that the revenues from Twin Coves Park will exceed what the cost is going to be. It would be a self-funding project and we could get it done much sooner. He asked Council if they would like to move forward in issuing debt for Twin Coves Park or if they would rather wait a year or two and pay cash for. Also, if we were to not go the route to pay cash we have a balance of \$2 million sitting in this account. As Gary was just laying out the plans there are parks that need news slides, there are maintenance issues that need to be taken care of at our parks. They have this 5 - 6 year plan where a little bit will be done each year. What about taking the balance that is sitting here and reinvest it into the parks.

Walker: That is something we should entertain because it looks like our 4B is growing, maybe even slightly ahead of expectations with the new development coming. I would like to see us accelerate what I call the O & M side, the maintenance, the improvements, and the long list of things. If we have a \$2 million plus, let's start attacking those things and knocking those out. Absolutely, I would entertain self-funding any improvements to Twin Coves. It's going to more than meet expectations as an income producing facility. I think the extinguishing of debt should be thought about.

Hayden: Also, it doesn't really stress the Town's budget because were retiring \$6 million a year of debt, plus our revenue is growing so our debt service capability is also increasing.

Walker: Twin Coves is a well-known facility and we would love a waiting list where we're turning people away.

Wise: I would also like to see a focus more on the O & M issues that we have. Take care of what we have and make what we have look good and then move forward with the other things. For Twin Coves Park I like that idea, however I do need to think about it more.

Hayden: I wouldn't think it was such a great idea if interest rates were at a much higher level, but the fact that the Town can probably issue I'm guessing a 25 year debt, based on what we typically do, and annual costs would probably be around 4% a year. For the items listed, what was the total expenditures if we were to accelerate the maintenance?

Sims: \$875,000, and note the PALS board has only been through year three, so there may be some things that they recommend come off the list, and there may be some things that get added to the list.

Hayden: I believe you will come forward in the next month or so with design plans for Twin Coves Park, and part of the 4B balance will be used for design plans. That would leave \$2 million and we're talking about approximately \$900,000, so that would still leave the balance of 1,100,000. What I was going to suggest is to go back to the PALS board and see what their priorities are, and then come forward with their suggestions. I am interested in having more sports fields for kids to play

on, and just to the east of the CAC I think there is a field there that could be turned into a sports field. I was also told there is 5 acres at Bakersfield Park that is considered multi use fields that could be very easily turned into two sports fields.

Stathatos: As long as Council is on board with the \$200,000 fund balance contingency, the \$875,000 really wouldn't require any additional staff and a lot of it might be things like extra trash cans, etc.; but for the ball fields are staff is really maxed out and I know a lot of communities use 4B for maintenance staff as long as they are maintaining items that can legally be built by the 4B. We will come back with recommendations, but if we are going to have extra fields it might make sense to do that. When you look at the fact that we set aside \$200,000 each year for future parking improvements, if we are able to knock all of those out in one swoop, that would free up money for the future and to help pay for any staff.

Hayden: Our sales tax revenue is growing. At the last CDC meeting Debra estimated that our 4B next year was going to be about \$2.3 million. That is up substantially from where it's been in the last several years. I think it would be reasonable to have all the O & M for the facilities that we have to come out of the 4B money. So would you actually hire Town personnel or would it be contract services?

Stathatos: It would be either contract or personnel, with the transfer to the general fund, but it would be specifically tied to the dollar amount.

Hayden: Asked for clarification that at Bakersfield there is room for four fields.

Sims: Four youth soccer fields as well as a cricket field.

Hayden: What about football fields? In the spring, because of Lacrosse, there is no place for kids to play football.

There was some discussion about the orientation of fields to accommodate various sports, noting it was designed for multipurpose and could fit a lot of different groups. Mr. Sims pointed out that staff gets the most request for practice fields.

Hayden: How would Council feel about Mr. Stathatos coming back with a proposal that we issue debt to move forward with Twin Coves Park so we can do it sooner than later.

Webb: I am happy to have that conversation. I think some research is needed on it as to what it's going to take to do it, and what the debt service is going to be. It makes sense to entertain that, as well as what type of debt funding we are talking about. With regards to our existing parks and going through that list, yes please get it to PALS and get a prioritization. Let's get that moving. If we're going to have to prioritize something upfront, prioritize those things that improve the usability of it, such as things like shade; and functional shade structures for when they are needed the most.

Hayden: Asked for confirmation from Councilmember Levenick if she was acceptable to using the fund balance to accelerate the maintenance on our parks.

Levenick: Yes, I have been saying that for a while. One of the comments I made when we were talking about the dog park is that we have parks that are need of repair. There are things we have been talking about doing, and she gave the example of Jake's Hilltop Park taking 15 years to get paved. Those are the kind of things that I want to do - bring the parks we have up to par with the new ones we are building. That is my preference.

Hayden: Suggested Councilmembers provide feedback to Mr. Sims regarding their preferences. Mayor Hayden inquired if Mr. Dixon was okay with this plan.

Dixon: I was okay six months ago.

Hayden: Summarized that the consensus of Council is to go back to the PALS board and see about using the 4B money to accelerate the maintenance and come back with a proposal for the Twin Coves Park. What about also considering a tennis facility in the near future?

Levenick: Where would you put something like that?

Hayden: That is a good question and I don't know the answer but I think if we could find a way to pay for it, we could probably find a place to put it.

Webb: Asked Mr. Stathatos to put some numbers together on that at the same time he comes back to us with Twin Coves. Put it on the agenda so we can talk about it, as well as if staff has some potential locations.

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. Discuss and consider cancelation of Thursday, December 19, 2013, Work Session.

There was consensus of Council to cancel the December 19 work session.

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:39 p.m. on Monday, October 21, 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 10:33 p.m. on Monday, October 21, 2013, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

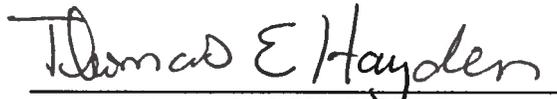
- b. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

No action taken.

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:34 p.m. on October 21, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

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