

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF NOVEMBER, 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

With the following members absent:

Jean Levenick	Councilmember Place 5
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constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Alan Lathrom	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

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:01 p.m.

B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Jonathan Bell gave the invocation and Eric Morris of Boy Scout Troop 709 led the pledges.

D. PRESENTATIONS

1. Certificate of Achievement, Eagle Scout, Eric Morris

Eric Morris of Troop 709 accepted a certificate of achievement.

2. Proclamation for Veterans Treatment Court

Judge David Garcia, Presider over Veterans Court, accepted the Proclamation for Veterans Treatment Court.

3. Progress report and update from Paul Stone, Chairman, Charter Review Commission

Mr. Stone provided an update on the progress of the Charter Review Commission by identifying and noting:

- Past and future meeting dates
- Publicity and community outreach
- Update on goals and how they are progressing

Officer Justin Buck provided details associated with the upcoming Santa Cops toy drive, including dates and toy drop off locations.

E. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke.

Steffani McQueen, 3313 Harris Rd, Flower Mound, TX

Ms. McQueen expressed concern related to the light and sound issue of the Flower Mound High School athletic fields. She pointed out that on March 4, 2013 LISD asked Council's approval for a sports complex. She noted there was an elevation discrepancy in what was put forward by LISD to the Council pertaining to the baseball field. The field is now been completed and because of the discrepancy the field is higher than proposed. Because of the discrepancy she and her neighbors are asking the Town Council to address the issue. She stated they would like for LISD to add more mature trees to shield them from the scoreboard and lights. In addition, they would like the height of the fence extended (make it taller). She indicated the request has been submitted to the Town's Building Official and he has spoken to Michael Perry with LISD. Mr. Perry stated he would not be interested in doing that. That said, she's coming to the Town for help.

Dixon: How much is the discrepancy with respect to elevation, and is it higher than what was expected from the plans?

McQueen: It went 8 feet up instead of down.

Hayden: Recollected when Mr. Perry was here and Council was asking him questions. At that time they were being asked various things and when questioned does it need to be put in writing he stated no, I'm telling you right here that I will do it. He recalled there was discussion to center the ball field to what the elevation would be to the top of the fence, and he recalled it was 18 feet, and noted he doesn't think it was quite 18 feet. Also, there is not really blinders on the lights that directs light downward so it doesn't illuminate across people's back yards.

McQueen: Encouraged Council to walk the neighborhood to see what she is talking about.

Todd Smith, 3624 Bonanza Ln, Flower Mound, TX 75022

Mr. Smith commented that with respect to Ms. McQueen's comments about the sports complex, and at that meeting Mr. Perry made many statements that were misrepresentations. One of those was that the center field elevation would be 8 feet below of the elevation of the property line directly to the north, thus you add a 10 foot fence and now its 18 feet. That is not correct. Just from looking at it you can tell, especially before they built the fence that surrounds the field. It would be great if the Town could go out there and do a survey and truly measure it because it's become detrimental to the neighbors just to the North. Michael

Perry even made the statement that you had to be 18 feet tall to see the scoreboard and I believe Ms. McQueen can see it from her living room. Also, I would like to bring up the blinders. Mr. Perry stated LISD has a history with the Town of Flower Mound regarding the lights and how they affect the neighbors, and he stated they put blinders on all of the lights. If you go to the Lewisville High School baseball field you can see that there are blinders on all of the lights. On the Flower Mound High School's new sports complex the baseball field has 55 bulbs, and there are blinders on 6 of them. That's 11%. With respect to the Town's light Ordinance, he indicated he was at the first test that LISD failed. Since that time LISD has put landscaping around the perimeter of the fence. He summarized the process associated with the light meter test, and other reading options. Without the landscaping they failed the test, but with the landscaping they passed the test. In reality LISD wasn't concerned about the neighbors, but only about passing the test. He would like to see the test updated and require that you have to pass the test with the light meter facing the light source and not laying down facing straight up. He noted the City of McKinney does their test this way. He also pointed out it was requested at the March 7th meeting that LISD invite the neighbors to Marcus to take a look at what the affect would be first hand. They have our names, phone numbers and emails, and they never called us.

Hayden: Summarized the light test process.

Gerald Robinson, 6920 Hidden Valley Rd, Flower Mound, TX

Mr. Robinson expressed concern related to the lack of public an expert input into the current Master Plan update process. He indicated he was one of the members of the 2005 – 2006 Master Plan steering committee. He summarized the process used at that time. He commented about being surprised when a portion of the update draft text included major updates to the Cross Timbers Conservation Development District, and noted he expressed his concerns at the P & Z meeting. He believes that Council should address the citizens and expert concerns over the cluster development portion of the Master Plan by establishing a special review committee that can study it with input from citizens, landowners, developers, and experts, and he offered a proposed time line for their work. He supports the cluster development, however, sees four major problems with the draft text. He asked the Council to be a Council that supports the first statement of the Master Plan vision, which is to preserve the country atmosphere, and the natural environment that makes Flower Mound a unique and desirable community, and asked Council to not be a Council that ignores its citizens.

Marsha Gavitt, 6501 Meadowcrest Ln, Flower Mound, TX 75022

Ms. Gavitt stated she shares Mr. Robinson's concern. She stated the latest Master Plan review process was extremely fast with no focus groups or a steering committee like in prior reviews, and she further described that process. She offered her observations in the areas of social media, understandings relative to changes in the Master Plan, potential implications and impacts associated with the proposed changes, rural conservation options, and urban flexibility.

She requested Council not go forward with a vote tonight given the many implications and unknowns, but instead appoint a team of affected area residents

to review the current language and implications so that residents can have a more participatory role in all new development.

Connie Smith, 2700 Pecan Leaf Ln, Flower Mound, TX

Ms. Smith provided an update on LISD accomplishments and achievements for Flower Mound schools.

Ron Newton, 2257 Shoreline Dr, Flower Mound, TX 75022

Mr. Newton expressed appreciation for Council action relative to not going forward with the dog park at the location of Green Acres Farm Memorial Park. He indicated his neighborhood would be in favor of having community meetings to discuss various ideas related to proposed uses within that park that would follow Mr. Davis's vision for that park.

Albert Picardi, 1525 Lindby, Flower Mound, TX 75028

Mr. Picardi provided background information related to when the Library was built in 2000 and commented that we are once again getting to a point where consideration is needed for a Library expansion.

Don McDaniel, 3821 Hide A Way Lane, Flower Mound, TX

Mr. McDaniel commented he also believes consideration needs to be given for a Library expansion. Also, he would like to see the Town buy the property directly adjacent to the Library, facilitate the expansion and create an arts and cultural district that ties the Library to that piece of land and allows the Town to preserve the trees and open space there. He summarized various ways he thought it would benefit the Town and identified the funding source to do so.

F. ANNOUNCEMENTS

Hayden: Provided statistics related to the Library such as card holders, annual visitors, and items checked out.

Hayden: This Thursday staff from Moore, Oklahoma will come to Flower Mound to visit with us about what they went through in Moore, Oklahoma and what we should do to be prepared.

Hayden: Asked Mr. Stathatos to provide an update as to what has been done to communicate with the residents through the Master Plan process.

Stathatos: The Town has gone above and beyond in the area of public outreach and he highlighted some of the publicity and communication resources that were utilized. Staff looked at whether to go with the committee our community approach, and staff recommended the community approach because instead of having just a 10 to 20 member committee we thought it was more advantageous in terms of getting public input to have an engaging process, and we have reached several hundred people that we can quantify that have been involved. Typically you do not reach that level of residents in terms of quantity. Staff is open to reviewing it to see what we can do better; however I can tell you that public outreach has not been a weakness in this process at all.

Hayden: This Thursday we will have proposals about a farmers market.

Dixon: Announced that the third item on the work session is talking about on-site solar on residential.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos offered the following capital improvement project updates:

- Wichita Trail should be finished by the end of the month. They are doing the final grading. They had some setbacks due to recent rains.
- The waterline along 1171 has been completed and we're doing the testing now

2. Update and discussion on Economic Development projects.

Mr. Stathatos offer the following economic development project updates:

- There is an item on the agenda tonight that proposes almost 1,000,000 square feet of corporate space that will add at least \$30 million in taxable value for just the buildings along, as well as additional jobs for the local economy.
- Shop Small Saturday is a new program designed to recognize small businesses that are having an impact on the Town every day. It's an extension of the National Small Business Saturday program that kicks off November 30. He outlined the structure of the program and how businesses and the public can participate.

Hayden: I had a resident contact me about cell service along Wichita. I recall in the last year or so we voted to improve the cell signal services in that area with the DAS system. Also, for Lakeside DFW area there is no cell service. This is something we should look into.

Stathatos: I will get an update on that.

Wise: It allowed for multiple providers.

Dixon: Pointed out the locations of the DAS System on Wichita Trail. He recalled having recommended to staff five or six years ago to work with a couple of the site selectors to go out and find the best location for cell towers. We don't have it very much anymore, but for several years between 2004 and 2008 the Town approved several cell towers. Anytime some of the site selector experts for the cell towers came in they would say the optimum placement of these is important for coverage. My point to staff at that time was to try and work with those site selectors to pick out the best area where we don't have redundancy and towers. I didn't follow up to know where we are on that but there are places in Flower Mound that do not have very good cell service and just like with anything else, neighborhoods speak their peace and they don't want it near them. I would not want to see a tower in my backyard either so I can empathize. There can be some locations in Town, especially along Wichita Trail, that we may be able to put up a cell tower, especially now since we have a very large park out there, as

well as in some specific areas of Town, namely the West side, where we can find some locations where we don't have too many cell towers and the people who have cell phones could perhaps get some better service.

Hayden: Asked the Town Manager to have staff look into another location for a dog park.

Stathatos: Staff is looking into it and will report back to Council.

H. CONSENT ITEMS

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 11. Deputy Mayor Pro Tem 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 Joint Town Council/Planning and Zoning work session held on October 17, 2013.**

RECOMMENDATION: Move to approve the minutes from a Joint Town Council/Planning and Zoning work session held on October 17, 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 21, 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 21, 2013.

3. **Consider approval of an Ordinance canvassing and declaring the results of a Special Election held on November 5, 2013, for the purpose of voting "for" or "against" the creation of the River Walk Public Improvement District No. 1 and authorization to issue up to \$16 million in bonds for public improvements, and all matters incident and related thereto.**

RECOMMENDATION: Move to approve an ordinance canvassing returns and declaring results of a Special Election held November 5, 2013, for the purpose of voting "for" or "against" the creation of the River Walk Public Improvement District No. 1 and authorization to issue up to \$16 million in bonds for public improvements, and all matters incident and related thereto.

ORDINANCE NO. 57-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING AND CERTIFYING THE ELECTION RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS, AND DECLARING RESULTS OF A SPECIAL ELECTION HELD ON NOVEMBER 5, 2013, FOR THE PURPOSE OF AUTHORIZING THE CREATION OF THE RIVER WALK PUBLIC IMPROVEMENT DISTRICT NO. 1 AND THE ISSUANCE OF UP TO \$16 MILLION IN BONDS FOR PUBLIC IMPROVEMENTS IN SAID DISTRICT; MAKING FINDINGS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

4. Consider approval of the purchase of infield renovation products and services for Gerault Park, from MasterTurf Products and Services, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$67,385.00.

RECOMMENDATION: Recommend approval of the purchase of infield renovation products and services for Gerault Park, from MasterTurf Products and Services, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$67,385.00.

5. Consider approval of the purchase of Self-Contained Breathing Apparatus from Municipal Emergency Services, Inc., through City of Fort Worth Contract #11-0343, in the amount of \$433,985.21.

RECOMMENDATION: Move to approve the purchase of Self-Contained Breathing Apparatus from Municipal Emergency Services, Inc., through City of Fort Worth Contract #11-0343, in the amount of \$433,985.21.

6. Consider approval of the purchase of five cardiac monitors for the Fire and Emergency Services Department from Southeastern Emergency Equipment, in the amount of \$86,371, through the H-GAC purchasing cooperative.

RECOMMENDATION: Move to approve the purchase of five cardiac monitors for the Fire and Emergency Services Department from Southeastern Emergency Equipment, in the amount of \$86,371, through the H-GAC purchasing cooperative.

7. Consider approval of the purchase of one PUC Pumper truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$574,382; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the purchase of one PUC pumper truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$574,382; and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide traffic signal design services associated with the FM 1171 at Forums traffic signal project, in the amount of \$19,000.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide traffic signal design services associated with the FM 1171 at Forums traffic signal project, in the amount of \$19,000.00; and authorize the Mayor to execute same on behalf of the Town.

9. **Consider approval of a Professional Services Agreement with Wade Trim, Inc., to provide professional engineering services for the Raintree 12-inch Water Line (Ridgecrest to Shiloh) project, in the amount of \$57,463.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Wade Trim, Inc., to provide professional engineering services for the Raintree 12-inch Water Line (Ridgecrest to Shiloh) project, in the amount of \$57,463.00; and authorize the Mayor to execute same on behalf of the Town.

10. **Consider approval of the award of Bid No. 2013-92-B, to 3D Paving and Contracting, LLC, for the construction of FM 2499 at Silveron Intersection Improvement project, in the amount of \$131,130.05; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve the award of Bid No. 2013-92-B, to 3D Paving and Contracting, LLC, for the construction of the FM 2499 at Silveron Intersection Improvement project, in the amount of \$131,130.05; and authorize the Mayor to execute same on behalf of the Town.

11. **Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, by amending an existing reduced speed 20 mph school zone for Sterling Parkway with the new limits of: Bruton Orand Boulevard to approximately 400 feet east of Dwyer Lane.**

RECOMMENDATION: Move to approve amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, by amending an existing reduced speed 20 mph school zone for Sterling Parkway with the new limits of: Bruton Orand Boulevard to approximately

400 feet east of Dwyer Lane, and adopt an ordinance providing for said amendment.

ORDINANCE NO. 58-13

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 CHAPTER 66 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES," SECTION 66-214, ENTITLED "ENUMERATION FOR SPECIFIC STREETS," TO MODIFY THE SPEED LIMIT FOR A PORTION OF STERLING PARKWAY WHEN SCHOOL IS IN SESSION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: None

ABSENT: Levenick

I. REGULAR ITEMS

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 eight (8) 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 6 - 0 at its November 5, 2013, meeting). (This item was postponed at the October 21, 2013, Town Council meeting.)***

Staff Presentation

Mr. Powell gave a presentation for items 12 and 13 identifying or noting:

- Site location
- Land use and zoning
- Revised plan that changed the orientation demonstrating the separation between the built and side yards of the homes
- It went from seven to eight trees at the ECC meeting
- It still does not provide for a trail, and in essence it's not in the Town's trails plan
- The revised plan addresses many of the concerns and questions brought up previously such as getting the lots and cul-de-sac streets away from the bank
- Photographs of the site
- No comments have been received since the last Council meeting

Hayden: Inquired about the actual ability to put a trail in.

Powell: Even if you could build the trail, it wouldn't go anywhere because a bridge would be needed, and that would be costly.

Hayden: Inquired if the \$211,347 park dedication fees will be paid in lieu of land.

Powell: Yes.

Hayden: Summarized the funding that goes towards the trails.

Webb: Asked exactly what changed with the site plan from when it was presented previously.

Powell: Pointed out the changes on the map and noted back in the cul de sacs by the open space will create a nice effect and thereby along the creek you have the side of the houses – you don't have the streets back off of it. The northern point access points stay the same.

Applicant Presentation

Kyle Hogue, G & A Consulting, 111 Hillside Dr, Lewisville, TX

Mr. Hogue gave a presentation identifying or noting:

- Pointed out that previously there were two issues identified by Council that needed to be addressed. 1)for them to go back to the ECC and present the actual trees being removed instead of swapping back and forth at the podium, and 2) work with staff on a new layout that everyone would find more desirable, and especially the public works department and the proximity of the roads and the public infrastructure to the floodplain
- original plan
- 1st revision which addresses the concerns that were presented related to the floodplain and it demonstrates their attempt to back the road off of the floodplain
- The major concern with the floodplain and public works and infrastructure was the cul-de-sac was still sitting right on the hundred year floodplain so they gave themselves more room in various locations (as identified on a map) and now we are at 45 feet from the floodplain and the edge of right away with a 10 foot buffer and 20 foot buffer in another area.
- They went back to ECC on November 5 and got a recommendation for approval
- The focus from here out was the Southern property line (not the building line, their pad, etc. but to the extent of the lot to the south)
- Various site photos to demonstrate the distance from the erosion concern areas near the edge of the hundred year floodplain

Webb: Asked for clarification on a few pictures and what the various colors represent and commented that on one of the pictures (# 3) it seemed to have a significant fall of two thirds up from the bottom of the slide. What kind of vertical drop is that or is it all perspective.

Hogue: It's all perspective as the trees made it difficult to show the lines. It's basically the same elevation along that South line.

Webb: From the top of that drop off to the property line, what is the distance?

Hogue: It goes from about 8 feet down on the East end to probably within 5 feet of it on the West end.

Webb: This black line that is on the plat is the hundred year flood line but the actual cliff (drop off area) is right next to the property line.

Hogue: Correct, but if we wanted to maintain that rock out cropping and look over towards the creek that would be great, but we could also come all the way down to the 100 year flood and take that out cropping out and a 4 to 1 slopes back to the North. So we have several options once we get to the design and grading plan.

Walker: Asked for confirmation of the distances based on the first plan and now the revised so Council can see the changes.

Hogue: The first revision had the actual pavement right on the floodplain and in another area they were 15 feet from the edge of the road and in the new one they backed off an additional 15 to 20 feet so basically from 0 to 15 feet in the slimmest point and from 10 – 15 feet to 35 to 40 feet in the other area.

Webb: Did lot numbers 17, 18, and 26 move?

Hogue: Yes, for 17 and 18 we did move that South line. It actually translated through all these lots. We just pinched them down.

Webb: So did the southern edge of them move north?

Hogue: Yes.

Webb: How far?

Hogue: On lot 17 and 18 within the 10 foot range, for lot 26 about 10 feet and lot 27 10 to 15 feet.

Webb: That was the concern I had at the last meeting.

Powell: This is unusual as usually at the develop plan we don't have this information and they really don't have all the topos, but there was all this discussion last time about can we fit the trail in there, which started this whole discussion. The applicant has done a great job at trying to show the plan. They still have to come back and do the engineering, which would be part of the final plat. So we're still not through with the process.

Mayor Hayden opened the Public Hearing for items 12 and 13 at 7:35 p.m.

Public Hearing Participation

Scott Plumley, 1809 Crooked Creek Ct, Flower Mound, TX

Mr. Plumley stated his property is along the edge of the Edgewood development (their eastern border). He indicated he has had a few opportunities to speak with Jack and Kyle and is of the belief they have a pretty good plan in place to develop that property. He spoke in favor of the development and spoke highly of the builder of Ashton Woods.

Hayden: Asked Mr. Plumley if, to his knowledge, were his neighbors that previously had concerns now satisfied.

Plumley: Yes they are. Several of the neighbors spoke with Jack last Friday and they are all in agreement.

Mayor Hayden closed the Public Hearing for items 12 and 13 at 7:37 p.m.

Council Deliberation

Walker: Offered his appreciation for the applicant taking the comments that were previously made, spending a little more time and money, and then coming back again. We are trying to be accommodating but not lose the sensitivity of the drainage area as was made known to us and maintaining that natural look. He indicated being happy with the outcome.

Councilmember Walker moved to approve the requested permit for the removal of for the removal of eight (8) specimen trees on property proposed for development as Edgewood. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: None

ABSENT: Levenick

- 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.) (This item was postponed at the October 21, 2013, Town Council meeting.)***

Councilmember Walker moved to approve a request for a Development Plan (DP 13-0005 - Edgewood) to develop a residential subdivision, and acceptance of cash in lieu of land in the amount of \$211,347 in place of the otherwise required Parkland Dedication and Park Development Fees in the amount of \$70,788 to satisfy the requirements of the Park Land Dedication Ordinance. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: None

ABSENT: Levenick

Mayor Hayden opened items 14 and 15 at the same time.

- 14. Public Hearing to consider an application for a tree removal permit for the removal of sixteen (16) specimen trees on property proposed for development as the DFW Airport North Distribution Center. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. (*The Environmental Conservation Commission recommended approval by a vote of 5 - 1 at its November 5, 2013, meeting*).**

Staff Presentation

Mr. Powell gave a presentation for items 14 and 15 identifying or noting:

- site location
- land use and zoning
- adjacent sites
- trees that are coming out are consistent with what the previous property owner requested
- building elevations
- no correspondence has been received
- the only reason you are seeing this item is because of the tree removal

Mayor Hayden opened the Public Hearing for items 14 and 15 at 7:44 p.m.

Public Hearing Participation

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie pointed out she is on the ECC Board. The tree ordinance has not been changed in many years. I also understand there is protection put in for the Lakeside Business District. She expressed disappointment that at that meeting 30 special trees were authorized to be removed. Yes, they will grow back but it will take a long time to get that canopy back. As a citizen something needs to be done. We are a tree city. We need to step up to the plate and protect the trees more. I'm delighted at what we're doing but it's not enough.

Mayor Hayden closed the Public Hearing for items 14 and 15 at 7:46 p.m.

Walker: Asked if the applicant had any additional visuals they could offer.

Applicant Presentation

Mike Meinhardt, Architect, 2828 Hood, Dallas

Mr. Meinhardt commented that the only additional visuals they could offer would be some photographs demonstrating what they intend to use for screening along Spinks and the property line to the west.

Webb: I understand where Ms. Kohankie is coming from. Years ago the Town identified this part of our Town for industrial use. And once we came to an agreement that this is what we are going to do here, those tree's days became numbered because you can't shift around a 400,000 to 600,000 square foot building to save some trees. You just can't do it. We're going to plant some more trees around the perimeter, buffering, landscaping, etc. But because this is the land use that we have identified for this part of Town, the trees aren't compatible with a 600,000 square foot building.

Hayden: There are other areas of Town and we need to look at what can be done to preserve trees in those areas.

Webb: We're having that discussion now with the Cross Timbers.

Deputy Mayor Pro Tem Webb moved to approve the requested permit for the removal of for the removal of sixteen (16) specimen trees on property proposed for development as DFW Airport North Distribution Center. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: None

ABSENT: Levenick

Mayor Hayden opened items 15 and 16 at the same time.

15. **Consider a request for a Site Plan (SP13-0010 – DFW North Distribution Center) to develop a warehouse/distribution building, with an exception to Section 82-302(2), Compatibility buffer, of the Code of Ordinances. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 11, 2013, meeting.*)**

Staff Presentation

Mr. Powell gave a presentation for items 15 and 16 identifying or noting:

- site location
- site plan
- trees being requested for removal and those that will be left in their natural state
- building elevations
- no correspondence has been received on the application

Hayden: In looking at the building he thought it would make an outstanding corporate headquarters. As was mentioned earlier this is adding almost a million square feet of office space. He asked if the amount of jobs could be calculated based on that square footage.

Woods: I would be confident to say for these types of buildings, and based on what is in Lakeside today, you could have 160 jobs per building and it could be 500 – 600 jobs, depending on the use.

Deputy Mayor Pro Tem Webb moved to approve a request for a Site Plan (SP13-0010 – DFW North Distribution Center) to develop a warehouse/distribution building, with an exception to Section 82-302(2), Compatibility buffer, of the Code of Ordinances. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: None

ABSENT: Levenick

- 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 Lakeside Ridge. The property is generally located south of Lakeside Parkway and west of Gerault Road. *(The Environmental Conservation Commission recommended approval by a vote of 4 - 2 at its November 5, 2013, meeting).***

Mayor Hayden opened the Public Hearing for items 15 and 16 at 7:56 p.m.

Public Hearing Participation

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing for items 15 and 16 at 7:56 p.m.

Dixon: Indicated he would like to hear from the applicant as to what their vision is for the area on the southwest corner where all the trees are. He also asked if there will be any areas for access for the people who come to work at those 3 buildings on a daily basis. It would be a good opportunity to put in some walking trails so they can enjoy the natural area.

Applicant Presentation

Will Munding, 3819 Maple Ave, Dallas, TX

Mr. Munding responded that for that portion of the site there is a significant drop off that runs from the edge of their development down to the creek on the southwest corner. We consider that open space to be an amenity, but it's a bit dangerous in some spots because of the drop off.

Dixon: Assuming this passes tonight, when you are prepping the site if you see the areas with large drop offs - I think of scenic overviews. I'm not asking you to put in a trail where it's dangerous but if you see the opportunity to clear out some underbrush to create better visuals with lines of site that would be very beneficial.

Munding: That's an easy thing to do and a great idea.

Councilmember Walker moved to approve the request for the removal of two (2) specimen trees on property proposed for development as Lakeside Ridge. Deputy Mayor Pro Tem Webb seconded the motion

VOTE ON THE MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: None

ABSENT: Levenick

17. **Consider a request for a Site Plan (SP13-0012 – Lakeside Ridge) to develop three warehouse/distribution buildings, with a request for additional height pursuant to Section 98-1031(d), "Additional height," of the Code of Ordinances. The property is generally located south of Lakeside Parkway and west of Gerault Road. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 11, 2013, meeting.*)**

Mayor Pro Tem Dixon moved to approve a request for a Site Plan (SP13-0012 – Lakeside Ridge) to develop three warehouse/distribution buildings, with a request for additional height pursuant to Section 98-1031(d), "Additional height," of the Code of Ordinances. Deputy Mayor Pro Tem Webb seconded the motion

There was Council discussion relative to the significant economic benefit for the community that this project will bring.

VOTE ON THE MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: None

ABSENT: Levenick

18. Consider a request for a Development Plan (DP13-0007 - Reserve at Saddle Oaks) to develop a residential subdivision. The property is generally located north of Cross Timbers Road (FM 1171) and west of Trotter Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 11, 2013, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- site location
- land use and zoning
- site layout – which includes a lot of landscaping along 1171, and on the backside a trail, and he demonstrated on a map the connection to the equestrian trail
- open space and trails to be managed by the HOA
- no correspondence since zoning has been received

Applicant Presentation

Jeff Crannell, Crannell Engineering

Mr. Crannell gave a presentation identifying or noting:

- they are excited to get things going
- it is exactly like you saw several iterations ago
- they will be taking down the barn in the center and the area will be used for an internal trail for those residents, and there will be trails around the site

Hayden: Do you have a builder yet?

Crannell: There are discussions with builders at this time.

Hayden: In looking at the design it's nice how you left the open space along the road.

Crannell: That was our fundamental starting point. It was a view corridor and we had a nice arching curve at 1171 and with a lot of trees. We gave our center folks some open space and some widening gaps in the back.

Dixon: As residents drive down 1171 when will they see the first evidence of the development starting?

Crannell: Estimated March of 2014 for excavation.

Hayden: There is a large drainage of water that comes through Saddle Oaks. I recall a year or so ago someone had to make some improvements to their yard due to all the water. Where does that go through on this piece of property and what are you doing to address that.

Crannell: We're in the design phase right now for the drainage ditch because we have discovered there is a significant amount of water coming across Lusk Lane. We will have a detention pond on our site to mitigate the increase, but there is still a lot of water that comes down. We have explained to the two neighbors that share that ditch that we will come back to them on velocity mitigation issues. We have to cut the velocity. That will minimize erosion. I can't stop it but I can minimize or greatly improve what is going on there now.

Walker: With respect to reclamation, what will you be doing once the structure is removed? Grading it to level?

Crannell: Native grasses and a 3-4 foot retaining wall that may or may not stay, and a pass through trail with benches perhaps.

Councilmember Wise moved to approve a request for a Development Plan (DP13-0007 - Reserve at Saddle Oaks) to develop a residential subdivision, and acceptance of cash in lieu of land in the amount of \$123,480.00 in place of the otherwise required Parkland Dedication and Park Development Fees in the amount of \$68,012.00 to satisfy the requirements of the Park Land Dedication Ordinance. Councilmember Walker seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: None

ABSENT: Levenick

19. **Consider a request for a Site Plan (SP13-0009 - Cross Timbers Village Addition-Bank of America) to develop an office building, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. The property is generally located south of Cross Timbers Road and east of Bruton Orand Boulevard. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 11, 2013, meeting.*)**

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- site location
- photographs of the site
- site layout
 - a lot of discussion took place at P & Z relative to the building of the wall adjacent to Regency Park Phase II
 - building elevations
 - parking standards and how the Town's code allows flexibility
- no correspondence has received on the project

Hayden: Is this a Direct Development project?

Powell: Yes.

Hayden: Complemented the work of Erik Sykes with Direct Development for the quality of work with two recent developments of Market Street and where La Madeleine is going, as well as the Tom Thumb out west.

Walker: Commented that in the staff report for P & Z it states "therefore the extra parking provided for by the bank could be used for overflow parking for the other buildings."

Powell: Yes, what happens with these multiuse developments there are cross access agreements and shared parking arrangements so there is the ability to share the parking.

Walker: I understand the ability to park across the property, but when reading the staff report it states the extra parking provided by the bank, and at the same time we are trying to make a parking exception for the 40 spaces. It could be confusing.

Dixon: This was on the agenda and we've all known about it for a while. I just touched base with the Chase Bank in the same development across Bruton Orand. I spoke to the bank manager and she said they are hitting it out of the ballpark on their projections. They have been very successful based on their own measures so I would anticipate that, even though someone will say we're working on getting another bank down there, and we will get comments about that. They have been extremely successful so were allowing an opportunity for a competitive bank to move in there and be just as successful.

Deputy Mayor Pro Tem Webb moved to approve a request for a Site Plan (SP13-0009 - Cross Timbers Village Addition-Bank of America) to develop an office building, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: None

ABSENT: Levenick

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Hayden announced there is a work session this Thursday and he will not be in attendance at that meeting. He also indicated there will be a retreat coming up in January so it's time to start talking about suggestions and ideas for that.

Stathatos: Staff will be talking with Council whether or not the retreat is needed because traditionally what has happened is it seems like every six months some of the focal points could possibly change in terms of the Council's goals. In terms of the Council approving the goals recently, staff will be bringing an execution plan in on December 2 and we will have to talk about whether or not that retreat

would be as effective as it was in the past because there is such an emphasis on the goals previously set. A formal communication will be coming to gauge everyone's interests.

Walker: We're out of sync now because there was the July effort and now we're catching up and it got slowed down because of the Master Plan review. I agree with you that what we can talk about so to speak when we're soon to be getting the results of that strategy. I would like to make sure that our boards and commissions have the opportunity before we start 2014 if there is anything that they feel needs to be adjusted, such as a wish list of anything they feel that is important to bring up. I know in the past we've had policy discussions about increasing the mission statement and on the lines of an internal review. We can encourage them to come forward with the staff support present and present the Town Council. They would have the opportunity bring up the issues for 2014 so that we could get a dialogue at that point to create some energy down the road. I would encourage that to be considered

Hayden: We were having joint meetings with our boards and commissions and I'm not sure we're still doing that but that seemed effective. For example, for ECC they have worked really hard to put together this sustainability policy and now what. Council spends a lot of time setting goals, but not a lot of time setting implementation. I don't mind having the January work session. The one we had previously seemed abbreviated. We started going to two because there were many times where you had newly elected officials come in after May. So previously you would have to wait nine months before you have this planning and goal setting session. Perhaps you postpone until after May but the thrust definitely needs to be implementation.

Stathatos: On December 2 there will be an implementation plan.

Walker: For example, when I was involved in the Transportation Commission at that time Council wanted us to go and validate our existing mission statement. I know there were a lot of interests at that time about trail connectivity. At least we identified where there are these gaps in the trails, and where the Town had the ability to connect the Town went into a connection program. Another area was the smart streets area and the work that was done with that. The reason I bring it up is that is something the commission at the end of the year went through - where they had a big list of items and we sent 5 to 10 forward to Council and at that time Council did or didn't validate and we got to working on those items. From a commission member's perspective it gave you something to do and it also looked like people knew you existed.

Stathatos: That is great feedback and we will work on it.

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:26 p.m. on November 18, 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 9:48 p.m. on November 18, 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.

- 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 Attorney.

No action taken.

M. ADJOURN REGULAR MEETING

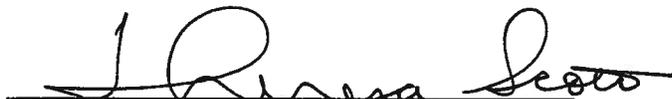
Mayor Hayden adjourned the meeting at 9:49 p.m. on Monday, November 18, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

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