

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF NOVEMBER 2014, 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
Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Matthew Woods	Director of Environmental Services

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:02 p.m.

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

Sr. Pastor Kim Kyung gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Presentation to Ad Art for their sole sponsorship of the Hometown Heroes Banner Program

This item was not heard.

2. Proclamation for Turkey Shootout Golf Tournament

Mark Behrens, Sheryl Pflaum, and Pat Cook accepted the proclamation.

E. PUBLIC PARTICIPATION

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

The following individuals requested consideration for a sound wall along the south right-of-way line of FM 1171 adjacent the north boundary of Lost Canyon Estates

Phase I:

- Debbie Pace, 7612 Emerson Lane, Flower Mound
- Angie Cox, 7616 Emerson Lane, Flower Mound
- Gayla Canant, 7708 Emerson Lane, Flower Mound
- Clark Canant, 7708 Emerson Lane, Flower Mound

Pam York, 5504 Lake Geneva Ct, Flower Mound

Ms. York requested consideration for guidelines regarding plugged or capped wells to have a plan to deal with abandoned gas wells in the future, further noting that the plan should include the wells being clearly marked, ensuring a monitoring plan is in place, as well as some setbacks.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie expressed interest in promoting shopping retail stores that are owned locally.

Rob Messett, 701 Ryans Place, and Don Staack, 709 Ryans Place, Flower Mound

Mr. Messette and Mr. Staack expressed concern related to the low chlorine water levels in the Shady Point Acres Subdivision and the associated safety concerns.

Aditya Iswara, Shruthika Kamat and Nikitha Vicas, 3317 Langley Ct, Flower Mound

The above referenced individuals announced an upcoming fundraiser for Make A Wish Foundation.

Si Simonson, 3104 Native Oak, Flower Mound, TX 75022

Mr. Simonson announced the Veterans Day ceremony scheduled for Sun., Nov. 9th.

F. ANNOUNCEMENTS

Councilmember Dixon encouraged residents to monitor their toilet supply lines in their homes to avoid future water damage due to old supply lines.

Mayor Hayden announced the Veterans Day Relay Run scheduled for November 11th.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos had the following report related to capital improvement projects:

- The boat ramp extension recently approved by Council has been complete and it has been well received by the public
 - Progress update on Rheudasil Park
- a. Discuss the possibility of constructing a sound wall on 1171 near High Rd.

Mr. Stathatos, Mayor Hayden, and Mr. Parr provided background information regarding the sound wall issue at this location.

Mr. Parr presented various options and associated timing with each should Council wish to pursue.

Mr. Parr responded to questions from Council as follows:

- Clarification regarding material and installation costs
- What was the feedback from residents regarding sharing some of the costs
- Why TxDOT is unable to conduct another sound study
- Whether the Town can conduct the sound study and report those findings to TxDOT for consideration
- What control has the Town had regarding the alignment
- When was the sound study done and what was the criteria elements at that time
- At what level have elected officials been involved

There was Council discussion relative to the precedence that would be set should construction of the sound move forward.

There was discussion regarding timing and how the project has already been let and the associated limitations.

There was also discussion about escalating the issue associated with the inability to conduct a secondary TxDOT study with the upcoming legislative session.

The direction from Council, in summary, was for staff to conduct additional research to explore other avenues to determine if the sound wall issue should come forward as a future agenda item, including:

- Clarification from TxDOT on the following points
 - Is it too late for TxDOT to conduct the study given the project has already been let?
 - Are the rules governed by federal regulations?
 - Sound study and predicted sounds used
 - What projections were used when the sound study was done in 1997, and if the Town has exceeding those projections does that qualify for a new sound study?
 - What flexibility exists, and if not, where is the inflexibility?
 - Find out availability of funding options from the state.
- Reach out to both state and federal representatives for assistance

2. Update and discussion on Economic Development projects.

No report.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The next Town Council meeting is a scheduled for November 17th.
2. Consider canceling the next Town Council work session scheduled for November 20th.

There was consensus of Council to not have a work session on Nov. 20th.

Town Council convened into closed session to consult with Town Attorney at 7:13 p.m. and reconvened into open session at 7:27 p.m.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on October 6, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on October 6, 2014.

2. Consider approval of the minutes from a regular meeting of the Town Council held on October 20, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on October 20, 2014.

3. 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 authorize the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and provide an effective date.

RESOLUTION NO. 18-14

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.

4. 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 adding speed limits for Lakeside Parkway with the following segments and speed limits: Between Long Prairie Road (FM 2499) to Sandy Lane (30 mph); Between south Town Limits and Sandy Lane (40 mph) and from FM 2499 to the east Town Limits (45 mph).

RECOMMENDATION: Move to approve amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, by adding speed limits for Lakeside Parkway with the following segments and speed limits: Between Long Prairie Road (FM 2499) to Sandy Lane (30 mph); Between south Town Limits and Sandy Lane (40 mph); and from FM 2499 to the east Town Limits (45 mph).

ORDINANCE NO. 58-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS; AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR CERTAIN PORTIONS OF STREETS WITHIN THE TOWN; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of Change Order No. 3, for the Town Wide Lift Station Auxiliary Power Upgrade project, amending the contract with METCO Engineering, Inc., for a decrease in the amount of \$28,101.35, final acceptance of the project and authorization of final payment to the contractor in the amount of \$61,737.85; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 3 for the Town Wide Lift Station Auxiliary Power Upgrade project, amending the contract with METCO Engineering, Inc., for a decrease in the amount of \$28,101.35, final acceptance of the project and authorization of final payment to the contractor in the amount of \$61,737.85; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of the Final and Change Order Number 6 for the 2013 Street Reconstruction Projects (Wood Creek Drive, Sheffield Court, and Colony Street) project, amending the contract with P & E Contractors, Inc., for a decrease in the amount of \$10,061.02; acceptance of the project and authorization of final payment to the contractor, in the amount of \$30,752.67; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Final and Change Order No. 6 for the 2013 Street Reconstruction Projects (Wood Creek Drive, Sheffield Court, and Colony Street) project, amending the contract with P & E Contractors, Inc., for a decrease in the amount of \$10,061.02, acceptance of the project and authorize final payment to the contractor, in the amount of \$30,752.67; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of a Professional Services Agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the

amount of \$75,000.00 annually, with a one year renewal option; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Move to approve a Professional Services Agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the amount of \$75,000.00 annually, with a one year renewal option; and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of the purchase of portable and mobile radios for the Flower Mound Police Department, Courts, Animal Services, and the Flower Mound Fire Department from Motorola at a cost of \$850,250.39.

RECOMMENDATION: Move to approve the purchase of portable and mobile radios for the Flower Mound Police Department, Courts, Animal Services and the Flower Mound Fire Department, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, from Motorola at a cost of \$850,250.39.

9. Consider approval of the purchase of a mobile video system for the Flower Mound Police Department from WatchGuard Video System at a cost of \$198,177.00.

RECOMMENDATION: Move to approve the purchase of a mobile video system for the Flower Mound Police Department, through the State of Texas Department of Information Resources (DIR), from WatchGuard Video System at a cost of \$198,177.00.

Mayor Pro Tem Levenick moved to approve by consent Items 1 – 9. Councilmember Dixon seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

J. REGULAR ITEMS

10. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2014, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.

Staff Presentation

John Martin, Southwest Securities, Bond Counsel

Mr. Martin gave a presentation identifying or noting:

- Outstanding bonds
- Savings projections
- Purpose of the item with respect to providing for the perimeters

ORDINANCE NO. 57-14

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED TOWN OFFICIAL.

Mayor Pro Tem Levenick moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2014A, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

11. Public Hearing to consider a request for a Master Plan Amendment (MPA14-0005 – Bunn Gourley East) to amend Section 1.0, Land Use Plan, Section 2.0, Area Plans, and Section 9.0, Wastewater Plan, of the Master Plan to change the current land use designation from Cross Timbers Conservation Development District to Medium Density Residential and Retail uses on approximately 152 acres of land, and to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road / FM 1171 and east of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its October 13, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photos of the site and vicinity
- Land use map and purpose of application
- Clarification regarding the policy issues for consideration

- Wastewater service area
- Wastewater Master Plan
- Retail/residential concept plan
- Enhanced notification
- Vicinity map
- SMARTGrowth criterion matrix
- Master Plan Vision
- 1982, 1986, 1994, and current Land use plan
- Master plan changes
- Application parcels – noting there are multiple applicants involved

Mr. Powell responded to questions from Council as follows:

- Clarification regarding the label of Tract 5 on the map presented
- Terminology clarification related to conservation district and the types of things that are currently allowed

Applicant Presentation (1)

Rob Paul, 1916 Reserve Ct, Flower Mound, Representing Toll Brothers

Mr. Paul gave a presentation identifying or noting:

- Process taken to date – Cross Timbers Conservation Development District (CTCDD)
- Land use
- Toll Brothers portion of the project and conceptual plan

Mr. Paul responded to questions from Council as follows:

- Why wouldn't you close the gas well if the application is denied
- If a commitment to closing the gas well could be made for low density residential
- What type of assurances could be offered that the gas well would be closed
- How would future homeowners be informed that a past well existed at the site

Mr. Matthew Woods or Mr. Meredith responded to questions from Council as follows:

- Current amount of wells at the site and how many additional wells could ultimately be asked for
- How long does it take to drill and frack a well
- What is the process for closing a well according to the Texas Railroad Commission and the Town's regulations

Applicant Presentation (2)

Aaron Ketchand, 750 High Willow Dr, Prosper, TX 75078 -, Mission Land Development

Mr. Ketchand gave a presentation identifying or noting:

- Request for consideration of medium residential
- Series of aerials (years 1940, 1953, 1965, 1972, 1984, 1995, 2008, & 2012)
- Property owners never allowed the opportunity to refuse to be in the conservation district

Mr. Ketchand responded to questions from Council as follows:

- Historically, how did the area become so heavily wooded

Applicant Presentation (3)

John Dickerson, Dickerson Development

Mr. Dickerson gave a presentation identifying or noting:

- Property he is representing and association boundary properties
- Past development projects
- Seller information and under contract
- Request for approval of single family medium density

Applicant Presentation (4)

Curtis Grant, 2013 Bosbury, Flower Mound, TX

Mr. Grant gave a presentation identifying or noting:

- Parcels they are responsible for development
- Family they are working with
- 3.3 acres and boundary properties
- Request for removal of this piece from the Cross Timbers

Applicant Presentation (5)

Bill Deacon, Deacon Investment, 213a West Hutchins St., Grapevine, TX

- Owner of Tract one
- 19 acres
- They are not under contract, however, participating in the effort
- Property was bought in 1959 and past use of the property
- Recent aerial
- Site analysis summary conducted by Retail Coach, including success factors for shopping centers and market approach for retail trade area
- Flower Mound major arterials
- Transportation Master Plan Jan. 2009
- Concept site plan
- View of specialty retail
- Existing view from intersection

Mayor Hayden opened the Public Hearing at 9:02 p.m.

Town Council recessed at 9:35pm and reconvened at 9:48 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item:

All of the following addresses are located in Flower Mound unless otherwise noted:

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
1. Rand Richard, 4200 Quail Run 2. Mary King, 4801 Quail Run 3. Dawn Reed, 4801 Quail Run 4. Lynn Rexroat, 3409 Lakewood Ln 5. Kathie Richard, 4200 Quail Run 6. Rebecca Richard, 4200 Quail Run 7. Wendell Elms, 1924 Canvasback Ln (especially for the lot labeled # 6 to be removed from the conservation district) 8. Don Shields, 3815 Cortadera Ct 9. Andrew Smith, 3705 Sarah Springs 10. Carol Kohankie, 4312 Lauren Way 11. Patsy Mizeur, 1821 Castle Ct 12. Jody Smith, 3907 Ridgecrest Dr	1. Melanie Emmel, 4012 Quail Run (comments are in exception to King property) 2. Jerry Emmel, 4012 Quail Run Quail Run 3. Kathy Blair, 5113 Forest Hill 4. Marilyn Jenkins, 6716 Raintree 5. Jeffrey Porter 4100 Equestrian Ct (items 1 & 3) 6. Fr. William E Blewitt, 6512 Country Oaks 7. Danna Swayden, 4000 Quail Run 8. Gerald Robinson, 6920 Hidden Valley Rd (1 & 3 – in favor of 6, 2, 4, & 5) 9. Michael Swayden, 4001 Quail Run 10. Pamela York, 5504 Lake Geneva Ct (but would approve 6) 11. Judith Collins, 1537 Simmons 12. Nicholas Strittmatter, 4816 Mesquite St (favor of 4,5,6 & opposed to 1, 2, and 3)	Gabrielle Schweikart, 3915 Raintree Drive. Did not wish to speak but wanted to express to “ <u>Not change the original Master Plan to homes on less than 1-2 A lots.</u> ”

Town Council recessed at 9:35pm and reconvened at 9:48 p.m.

13. Virginia Simonson, 3104 Native Oak Dr 14. Pat Lawson, 4808 Schooner Ct 15. Mark Glover, 140 Red Oak Ln	16. Rick Lust, 3805 Ridgecrest Dr 17. George Jenkins, 6716 Raintree 18. Marc Finley, 2600 Bourne Ln 19. Marsha Gavitt, 6501 Meadowcrest Ln (except for the King property) 20. Caroline Finley, 2600 Bourne Ln 21. John Todd, 5600 Wichita Trl 22. Sherillyn Flick 3220 Miracle Ln (but in favor of parcel 6) 23. Joel Lindsey, 4201 Huntwick Ln 24. Mike Redenbaugh, 2601 Driftwood	
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Mayor Hayden closed the Public Hearing at 11:04 p.m.

Council Discussion

There was Council discussion related to:

- whether the Town could support the additional retail prior to approving that element
- mitigation requirements associated with the Tree Ordinance
- the possibility of considering items 2, 4, and 5 for low density residential (keeping the same as Bunn Gourley West) and interest in seeing the associated companion piece to get low density to work
- the possibility of denying 1 and 3
- what the Cross Timbers Conservation District represents
- what type of retail fits the district
- acceptance of the change for parcel 6 and removing it from the district for medium density
- the value in having the gas well capped
- explanation of the Master Plan Review process

Councilmember Webb moved to approve to amend the Master Plan to change the land use designation of Tract 6 from Cross Timbers Conservation Development District to Medium Density Residential Use. Councilmember Dixon seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Mayor Pro Tem Levenick moved to deny the application to amend the Master Plan to change the land use designation on Tract 1 and 3 from the Cross Timbers Conservation Development District to Retail use without prejudice. Councilmember Webb seconded the motion.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

Motion passed.

Deputy Mayor Pro Tem Walker moved to approve low density residential development on tracts identified as number 2, 4, and 5. Councilmember Webb seconded the motion.

Council Discussion

There was council discussion regarding the option to postpone this item and wait for the applicants to come back with a companion piece (i.e. a replat or development plan) to allow for more clarity.

Mr. Powell and Mr. Meredith offered clarification of the normal flow of the plat and development plan.

Councilmember Webb inquired if Deputy Mayor Pro Tem Walker would accept an amendment to his original motion to reflect only tracts identified as 4 and 5, and allow those to move forward as low density at this time.

Mayor Hayden suggested having separate motions for each tract.

Councilmember Webb withdrew his second and Deputy Mayor Pro Tem withdrew his motion.

Deputy Mayor Pro Tem Walker moved to table the Master Plan amendment application for Tract 2 until such time as a companion zoning application is submitted and can be heard by the Council. Councilmember Webb seconded the motion.

Council Discussion

There was Council discussion regarding the possibility of amending the motion to include all three tracts (2, 4, and 5) so that they can be brought to Council at the same time in order to see a master plan for all pieces.

The applicants have heard what is being desired by Council for a future zoning application.

VOTE ON MOTION

AYES: Wise, Webb, Walker

NAYS: Dixon, Levenick

Administrative Note: Motion passed with a 3 to 2 vote because the motion is specifically to table the item and not for an amendment, which in that case would require a supermajority vote of 4.

Deputy Mayor Pro Tem Walker moved to table the Master Plan amendment application for Tract 4 until such time as a companion zoning application, inferring low density, is submitted and can be heard by the Council.

The motion failed due to lack of a second.

Councilmember Dixon moved to table Tracts 4 and 5 until a companion zoning application can be brought back before Planning and Zoning and subsequently Town Council. Councilmember Webb seconded the motion.

VOTE ON MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: Levenick

Motion passed.

Mayor Hayden summarized that Tracts 1 and 3 were denied, and Tract 6 was amended. Tracts 2, 4, and 5 were tabled to a time in the future where they would come back with a companion zoning application.

Deputy Mayor Pro Tem Walker moved to approve adding Tract 6 (specifically for the King property and referenced on the map as tract 6) to the Long Prairie Wastewater Service District Map. Councilmember Webb seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Councilmember Webb moved to table the wastewater master plan for properties identified as tracts 2, 4, and 5 to the Long Prairie Wastewater Service District Map. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: Levenick

Councilmember Webb moved to deny amending the wastewater plan to expand the boundary of the Long Prairie Wastewater Service District Map to include Tracts 1 and 3. Mayor Pro Tem Levenick seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: Levenick

Mayor Pro Tem Levenick clarified her nay vote by mentioning she unintentionally voted against the motion due to the late time and confusing nature of the wording.

ORDINANCE NO. 59-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, SECTION 2.0, AREA PLANS, AND SECTION 9.0, WASTEWATER PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT TO MEDIUM DENSITY RESIDENTIAL ON 4.331 ACRES OF LAND SITUATED IN THE W. GIBSON SURVEY, ABSTRACT NO. 461; TO REMOVE THE PROJECT AREA FROM THE CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT AREA PLAN MAP; AND TO ADD THE PROJECT AREA TO THE LONG PRAIRIE WASTEWATER SERVICE DISTRICT MAP; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

K. BOARDS/COMMISSIONS (Executive Conference Room)

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 12:08 a.m. on November 4, 2014, 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 economic development negotiations, real property, personnel, and consultation with attorney, and reconvened into an open meeting at 1:18 a.m. on Tuesday, November 4, 2014, to take action on the items as follows:

- a. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements. **No action taken.**
- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto. **No action taken.**
- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.

Mayor Pro Levenick moved to remove Emily Strittmatter, Planning and Zoning Commissioner, Place 6, effective immediately. Councilmember Webb seconded the motion.

Council Discussion

It was noted that the action to remove Ms. Strittmatter is as a result of the omission of her voter registration identification, which disqualified her at the time of appointment.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

- d. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Town Secretary.

Councilmember Webb moved to approve the matter relating to the Town Secretary as discussed in executive session. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

e. Consultation with Attorney as follows:

1. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
2. Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley
3. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
4. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs The Town of Flower Mound and The Flower Mound Oil and Gas Board of Appeals
5. U.S. Bank National Association, as Trustee for the Certificate Holders of Bank of America Funding 2008-FT-1 Trust Mortgage Pass-through Certificates, Series 2008-FT-1 v. Town Of Flower Mound, et al.

No action taken.

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 1:19 a.m. on Tuesday, November 4, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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