

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16th DAY OF JULY 2012, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

The Town Council met in a regular meeting with the following members present:

Tom Hayden	Mayor
Kendra Stephenson	Mayor Pro Tem
Mark Wise	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Steve Dixon	Councilmember Place 4
Jean Levenick	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Matt Woods	Director of Environmental Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Hayden called the briefing session to order at 6:03 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee/Liaison Reports

Mayor Pro Tem Stephenson reported attending two Planning & Zoning commission meetings, as well as an Animal Services board meeting.

Mayor Hayden reported attending the Environmental Conservation Commission (ECC) meeting on July 5th.

2. Discuss Consent and Regular Items

Councilmember Levenick requested Item 5 be pulled.

3. Request Future Agenda Items

Councilmember Levenick requested to have a future discussion about code enforcement.

Mayor Pro Tem Stephenson requested the Aug 4th Town Council work session be

a joint meeting with Parks, Arts, and Library Services (PALS) as they have expressed some concerns to both herself and Deputy Mayor Pro Tem Wise in the area of structure and other things.

C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER

Mayor Hayden adjourned the briefing session and called the regular meeting to order at 6:13 p.m.

E. INVOCATION

Chaplain Mike Liles gave the invocation.

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

Mayor Hayden led the pledges.

G. PUBLIC PARTICIPATION

Patrick Hill, Mister Softee, 4018 Windron Drive, Irving, TX

Mr. Hill provided background information about his company and expressed interest in having the opportunity to operate ice cream trucks in Flower Mound.

Cindy Barnett, 5401 Park Place, Flower Mound, TX 75028

Ms. Barnett announced she is here today to talk about private property rights. She stated Amendment V in the Constitution addresses such and she gave each Councilmember a pocket Constitution for their use.

Jan Rugg, Atmos Energy, 1400 Patton Place, Carrollton, TX

Ms. Rugg introduced herself to the new Council and indicated she is available to answer any questions or concerns.

Sally Hawkins, 1001 Cross Timbers Rd, Ste 1200, Flower Mound, TX

Ms. Hawkins, on behalf of Jesse James Fitness, urged Council to "reconsider or possibly consider our needs in the relocation or the possible relocation of the City – the town offices from the Atrium to Parker Square." She spoke highly of Reggie Investments and his staff and indicated Jesse James Fitness has benefitted greatly from the city offices being at the Atrium.

Rene Cassar, 2212 Fort Worth Dr, Denton, TX

Mr Cassar: I've been the owner of the Atrium since April 2003. I'm here to respond to comments and a proposal discussion in your Council meeting on June 18th in regard to the renewal of the lease at the Atrium. The comments made at the Council Meeting were not favorable to the renewal of the lease although Mr. Springer has indicated that everything was just fine and in good condition. The Atrium Building is a famous landmark with its unique design and we have received many compliments through the years including members of your staff and employees. As to the lease premises, the existing floor plan was designed by

the town staff. Furthermore, at the renewal in 2007 I contributed \$50,000 toward the finish out to satisfy your needs. I respect Mayor Hayden's decision to study the possibility of contributing to Parker Square resurgence by looking at the possibility of relocating there. However, I only hope that Mr. Hayden and the Council will also give the same consideration to the Atrium which is also part of the Flower Mound community. Among the existing tenants who are benefiting from the presence of the town in the building to name a few: Flower Mound Pharmacy, Medical Services and Lab, and Jesse James Fitness Center. In fact, most of the businesses in the Atrium are also benefiting from the presence of the town offices and they would be very disappointed if the town moved. And of particular importance, Half & Associates, who is an engineering consulting firm which does business with the town and other developments in Flower Mound. They located to the building in order to be in close proximity to the town offices. Furthermore, given the moving costs and interruption of the business, how would it benefit the town and the taxpayer? Throughout the years I believe that we have built an excellent relationship and I have always done my best to consider the town needs. Just recently your staff requested a larger lease space in the building for storage of your permanent files. I was able to provide the space at no extra charge from your existing lease space until the Town Council could approve the renewal of your lease. I am hopeful that you will consider all of these factors in making the decision concerning the renewal of your lease and all that you can continue this extraordinary relationship in the future.

Dennis Song, 4505 Morning Star Drive, Flower Mound, TX

Mr. Song: I've been a resident of Flower Mound for 26 years and have a business: Flower Mound Herbal Pharmacy which has been in Flower Mound for 14 years. And I'd like to speak in behalf of Reggie Investments and the Atrium Mall to urge the Council to consider remaining at the mall, Atrium Mall. A couple of reasons: Number one would be parking. As a business owner I've considered leasing at Parker Square. And the biggest impediment was the parking-- the lack of retail and employee parking. The other main reason for remaining at the Atrium Mall is the ownership. When I chose the lease agreement with the Atrium based on how well the property would be kept up and who was the owner/landlord (which Rene is both). He takes a lot of pride in what he does. He has revitalized the Mall, in that it went from Berry's Beer & Wine to Flower Mound Pharmacy, so the whole face of it has changed. There are medical services in there. There's professional and business services and I think the town would benefit greatly from remaining there.

Lois Irvin, 5001 Dogwood, Flower Mound, TX

Ms. Irvin: "We've lived in Flower Mound since '91. Back in '96 we had got all the utilities to -- we own four lots. So there were utility poles that went through -- we're two and two. Utilities wanted to split our four lots. So in 1996 we went through and got all the utilities to surrender the easement. We thought it was all taken care of. Now, we're getting ready to retire and move and we were just told that the final step of the easement abandonment wasn't done. And so when we go to the City they said we have to get all new utilities and it would take three months. Well, we have a buyer for two of the lots. And it's already

been postponed for a month because they want to build on the two lots. And they have to re-plat it to make a half acre instead of two quarter acres. And so we just really want – you know, long-time residents, we just want it to go through quickly because we're trying to get to Abilene to take care of our parents."

Mayor Hayden commented he received her e-mail recently and indicated at that time asked the town manager, and the town attorney to look into it. He noted he would have an answer for them within 72 hours and that he would give them a call back and to let her know exactly where we are.

H. ANNOUNCEMENTS

Mayor Hayden had the following announcements:

- With regard to the speakers about the Atrium, "the Town has had their development offices and other things in the Atrium for the last five years. That lease is up at the end of September. And the Council's considering whether to renew the lease or not." He stated "sometime we're going to have a new town hall and we're going to bring all the staff together under one roof - not sure when that will be, but it will happen at some point. And at this time we're considering what's in the best long term interest for the town and the employees that will serve everyone's best interest."
- Offered condolences on the passing of Double Oak Mayor, Tom Paddick.
- Reminded residents to take precautions for the West Nile virus
- Offered a reminder about the Fort Wildflower community playground build days on September 11 – 15th and he encouraged residents to come out and help, as almost 1,500 people are needed. He also announced fundraising efforts are underway for bricks and pickets

Councilmember Dixon had the following announcements:

- Highlighted some of the activities that occurred at Independence Fest and thanked the Town staff for a great job. He pointed out one of the big hits this year was that there was a tent for people to sit under in the shade and enjoy some of the food and beverage that was offered from the vendors. He mentioned the dunking booth was a success by raising somewhere between \$800- \$900 dollars for Fort Wildflower, and some Town Council members and dignitaries participated in those efforts.

Mayor Pro Tem Stephenson announced that "since she's been on Council having received a couple of questions about the Waste Management bins and that some people would find them hard to manage because they're so big." She indicated having talked with a Waste Management representative and he mentioned they have a service that if you're unable to get your garbage cans to the curb you can put them outside your garage, and their people will actually come up your driveway and get the bins and empty them and then put them back outside of your garage. She pointed out if you need help arranging that, you can call the Town's 539-SERV line.

I. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Twin Coves Waste Water Improvement Project

Mr. Jefferson: We opened bids last week. We received six bids total. They range in price from \$121,000 to \$234,000. The engineer's estimate was \$162,000, so it's a little bit over \$40,000 under the Engineer's estimate for the base bid. We'll have the item on your August 6th agenda for you to consider for award. And that's going to allow us to replace the facility we have on site and actually be able to start servicing the RV's and begin to look at other phases of the park in terms of improvement.

Morriss/Gerault Road Improvement Project

Mr. Jefferson: We're looking at sometime in mid-August for the ribbon cutting project. We recently opened the northbound lane on 2499 - the dedicated right turn onto Gerault, which will improve traffic operations in the area. The two remaining major components are putting the stone and brick on the four columns of the fly over and then the monument itself. It's been delayed because of foundation issues which will involve a redesign, and it won't be available at the ribbon cutting.

West Nile Virus (mosquitos)

Mr. Jefferson: We've had questions in terms of currently what we do. "We have a balanced approach which starts with surveillance and includes capturing, trapping mosquitoes - adult mosquitoes and testing those to see if they are infected with the West Nile virus. Secondly, educational programs through mosquito control, tips on the website, FMTV, as well as media outlets. Thirdly, we address standing water or stagnant water problems throughout the town with larvicide to try to prevent mosquitoes from ever becoming adult, and limit the overall population of them." He noted "this program follows the guidelines of the CDC as well as the U.S. Public Health Service area."

He pointed out one facet of that is mosquito spraying. "I know we have questions about that whenever we move into an area. So, when does the town spray? We try to avoid it unless we have a confirmed case from the surveillance and trapping and testing of an adult mosquito that has the West Nile virus or if there's a cluster of individuals who've contracted the virus as well. So, if you have two individuals or more in a neighborhood, then that's considered a cluster and that would trigger the actual spraying as we did last week. And then, why do we take this balanced approach? We really try to balance risk as well as benefits. We are certainly concerned about the amount of chemicals that we put into the environment in terms of a public health risk. So, once we confirm there's a public health risk, then that's when we move to the actual spraying. We attempt to reduce the overall chemicals that we put in the environment in general. We also have a concern that mosquitoes can become resistant to the spraying - the

chemicals that we use. So we're concerned about that. And then the unintended consequences on species that we're not interested in eradicating could be impacted. And then we use a private contractor to spray as well. The chemicals that we use are at ultra-low levels. It actually breaks down pretty quickly and the spraying is normally done between 10:00 p.m. and 6:00 a.m. when most individuals are not out and about. And of course there's a lot of notification involved."

Mayor Pro Tem Stephenson commented that the environmental health services department is good about coming out and helping residents understand when there is mosquito larva in the pond and helping to identify the right insecticides to use.

Mr. Jefferson: "A few years ago when foreclosures were at a peak, there was a lot of concerns about pools and water becoming stagnant and during that time Matt and his department was very active in trying to deal with those challenges."

Councilmember Dixon: "For the last couple of months, we've been using a service to spray an organic chrysanthemum based product in our backyard. And I didn't know if there was an organic alternative to when we spray or not. But if there is, I would like to see it. I'm sure Council would like to see that alternative also."

Mr. Jefferson: "We'll look into that."

Councilmember Levenick asked what is the procedure in a situation where there is a retention pond that has stagnant water.

Mr. Jefferson: "If someone notifies us, we'll look into it. If it's public property, then we'll address it. If it's private property then we'll deal with the property owner and make sure the matter is addressed. And we start with testing. And from there we determine if there's actually a problem - If we need to use larvaside. Someone can call 539-SERV and it will be investigated."

Councilmember Webb: When the spraying takes place, is it a truck sprayer that just sprays as it drives down the street? Or does it actually go into maybe some of the ravine areas where there may be some stagnant pools or things like that?

Mr. Jefferson: "I think we use the truck sprayers now. But there are individuals who use backpacks to go into those areas you just described and spray as well. But ours is primarily truck spraying now. And I would suspect it depends on the area as well. If there's challenging areas that we suspect. There's an area in a ravine that is producing a large amount of mosquitoes."

Mayor Hayden: Either tonight or at the next meeting, could you update us on where we are with the Prairie Creek erosion control?

Mr. Jefferson: "We're in the middle of the design for the program we've put together. It was discovered that it's going to require more grading than we had

originally anticipated, so the project is being redesigned and we're evaluating whether or not we should have a contractor do a portion of it or the majority of the project because of the extensive amount of grading that's involved. At that point staff could still supplement their activities. So we suspect that is going to be anywhere from two to three months before the project gets started and one month total in construction time."

For the Morriss/Gerault Road project, Mayor Pro Tem Stephenson asked Mr. Jefferson to talk about the fly over and if vehicles will be arriving at the stop light in the area where you cross into Grapevine.

Mr. Jefferson: "I think you're referring to the signal at Lakeside Apartments and Grapevine. We've been in conversations with TxDOT staff for quite some time about that signal. I've met with individuals from the Tarrant District Office over 18 months ago and they were puzzled how that was ever approved for that location. So they weren't very supportive of it. But they have been supportive of some alternatives we proposed: to take one leg out of operation - the southbound traffic out of Flower Mound. That would involve using the median for residents at the apartment to transition to the 2499 traffic going southbound. Note, TxDOT is not as open to funding the project. So what we've looked at is possibly amending our agreement that we have with the State and the Regional Transportation Counsel to allow us to use any savings we have in the project as well as any interest we've accrued to date, which is over \$140,000 to implement the solutions that we've been discussing with TxDOT. So, we think within the next four to six weeks they should be able to give us some answers and we'll be able to get back with you. But at the time the fly over is scheduled to open, we'll still have the current situation, configuration that we have today where the traffic will arrive at the signal. But we will continue to work on a solution. Hopefully, we'll have one soon."

2. Discuss Council Communications

Waketon Elevated Storage Tank

Mr. Jefferson: Three options were presented:

Option A is the one that received the majority of feedback from Council which involves replacing the current Marcus logo with the new Marcus logo (the one that you see on the stadium). For the public benefit, the Town is currently rehabbing the elevated storage tank, which involves repainting it, and installing a new logo. Currently the budget allows for Option A and that is to re-install the new logo as opposed to the current one. We received feedback from the administrators at LISD to support this option as well.

Option B is to use the new logo, the "M" with listing the championships they currently have in a red band, which we're concerned might not be as visible.

And Option C would be to go with the Flower Mound logo, similar to the Bruton Orand tank.

Mayor Hayden confirmed that school board member Carol Kyer and Dr. Waddell, LISD superintendent of schools, were both in favor of just the school name.

J. CONSENT ITEMS

Councilmember Levenick made a motion to approve by consent Items 1 – 4 and 6 – 9. Councilmember Dixon seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. Consider approval of the minutes from a special meeting and work session of the Town Council held on May 29, 2012.
2. Consider approval of the minutes from a special meeting of the Town Council held on May 31, 2012.
3. Consider approval of the minutes from a regular meeting and work session of the Town Council held on June 4, 2012.
4. Consider approval of Change Order No.1 for a contract reduction of \$960.00; final acceptance of the landscaping and irrigation improvements for the Flower Mound Road project; authorization of final payment to American Landscape Systems Inc., in the amount of \$24,386.94; and authorization for the Mayor to execute same on behalf of the Town.

Item 5 pulled from Consent by Councilmember Levenick

6. Consider approval of the 1st Amendment to Professional Services Agreement with Gateway Planning Group, Inc., to provide consultant services regarding mixed-use developments in the amount not-to-exceed \$15,000.00; and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval of the engagement letter with Pattillo, Brown & Hill, L.L.P., to perform external auditing services for the fiscal year ending September 30, 2012; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of the 1st Amendment to Professional Services Agreement with Gateway Planning Group, Inc., to provide consultant services regarding mixed-use developments in the amount not-to-exceed \$15,000.00; and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Levenick, Webb, Stephenson, Dixon, Wise

NAYS: None.

K. REGULAR ITEMS

Item 5 pulled from Consent by Councilmember Levenick

5. Consider approval of the award of Bid No. 65-12-B, to Gridline Skateparks, Inc., for the construction of skate park project, in the amount of \$282,750.52; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Sims gave a presentation which included background information, as well as the proposed location of the park. He noted originally the skate park was planned to be located adjacent to the Community Activity Center (CAC) and it was included in the 2002 bond election. The project was postponed because of some cost overruns for the CAC - there wasn't enough funding in order to do the skate park along with the CAC at that time. The project was also opposed by the Seniors in Motion as they were concerned about having a skate park located adjacent to the Senior Center. In addition, the Bakers Branch Homeowners Association had also expressed some reservations about the location of the park. The skate park went silent until 2009 when the Town engaged Dunaway & Associates to develop the town's 10-year Parks and Trails Master Plan. As part of the master plan, there was a citizen survey conducted, and the skate park was the fifth most popular item that was requested by the citizens of Flower Mound in the telephone survey. The telephone survey is considered an industry standard and statistically valid plus or minus 5%. Prior to the adoption of the trails master plan, we had an opportunity to submit a grant application through the Texas Parks & Wildlife Department. In order for a project to be eligible for consideration, it has to be listed on your master plan. And the skate park wasn't at that time. So we made sure that it was identified, along with a potential location for the park in what's now Heritage Park. The skate park was recommended for the grant application, and later submitted. It was not funded. It was supposed to have been located just north of Fire Station No. 5 according to the schematic that we had.

Deputy Mayor Pro Tem Wise asked Mr. Sims to note the location where Fort Wildflower is going to be.

Mr. Sims pointed out the original location, noting this is a large open area with no trees and in December of 2011 the steering committee asked that we consider moving the playground to another area with trees to take advantage of the shade, and at that time there was a recommendation to move the skate park. This was presented to the PALS Board at their January meeting, followed by a field trip on January 28th. And after walking the entire area there were no comments about

the location.

Then we came back on February 2nd and the PALS Board held a work session to review the projects that they were going to recommend to the Community Development Corporation, and current projects were also discussed. And again, there were no negative comments about relocating the park.

There were several design considerations when we talked about moving the skate park to the open location. One was to minimize taking out any additional trees. We were also concerned about maintenance issues. Because on a skate park you don't want a lot of leaves and debris falling into the skate park. Other considerations are proximity to restrooms. When you have a lot of young people using those facilities, you want to make the restrooms are conveniently located.

We also wanted to be sure that it was conveniently located to the hike and bike trails because a lot of the children (young adults that are going to be using this) will get there by bicycle or they'll come by skate board or walk to the location. We wanted also to be sensitive to the geographic density of Flower Mound so it would necessarily be located on the west side of town. And parking was another big concern for those individuals that will require their parents to bring them to the site. Noise consideration: We were trying to be very sensitive to the adjacent neighbors and make sure that we took the possibility of noise pollution into consideration.

On March 1st the PALS Board held a work session and had 14 young kids participate in the design. And their input was taken by our consultant and incorporated into the design. A follow up meeting took place on June 6th for an additional review by the PALS Board and it was unanimously approved to locate the park in this location. He provided an artist rendering of what the skate park would look like, noting it's about 14,000 square feet. He noted it's a mild skate park. It's not competitive. It's has a lot of challenges in it. It has almost all of the components that the kids asked for. It will have a black chain link fence around it so that we can secure the park. And it's not used beyond the hours as set by PALS Board and Council.

The recommendation to Council is that the skate park has been designed and the bids are ready for award. The skate park could be left in the proposed location, or Council can recommend relocating it to the area back to the location north of the Fire Station, however, it will require a slight modification of the design and removal of several trees. And it would also require some additional funding to accommodate that redesign - moving the playground. The third option would be Council to direct staff to stop the project and then direct the PALS Board to look for an entirely different location for the skate park.

Councilmember Levenick offered her reasoning for pulling the item is because she questioned if the proposed site within Heritage is the best location for the skate park, and pointed out "we only get one chance to make this right." She questioned the need for a more central location that would be more accessible for park patrons such as bicyclists or walkers. In addition, she questioned the

appropriateness of having a 14,000 square foot concrete skate park surrounded by a chain link fence within close proximity of the pavilion, and how that might not be in line with the intent for the Heritage Park. She noted it is her recommendation to remand this item back to the PALS Board with a request for them to research another park that might be more centrally located. She noted one location option might be Gaston Park.

Mayor Hayden: "Thought needs to be given that the Town did a bond issuance, and what type of message it sends if Council doesn't follow through with it." He questioned when the PALS Board was considering this, instead of just considering different locations within Heritage Park; did they consider other locations in Town?

Mr. Sims: "No, they were trying to stay true to what was proposed in the bond election and keep it in the Gerault park area."

Mayor Hayden: "I think Councilmember Levenick brings up a good point. When we originally did this we believed that because that bond election it had to be here, and actually in retrospect, it could be anywhere throughout Flower Mound just as long as we follow through."

Deputy Mayor Pro Tem Wise: "I had the same concern. It seems if you're of age (16 and below seems like the age for skateboarding), it seems like it's a location where three quarters of the kids can't even get there without Mom and Dad taking them, so it seems like it would be better suited, in a more centrally located (more populace area). I'm not sure which park that would be." He asked what's the full capacity of the park?"

Mr. Sims: "We have parking for over 150 cars."

Deputy Mayor Pro Tem Wise: "I mean how many skaters?"

Mr. Sims: "Probably about 15 - 20 at a time."

Deputy Mayor Pro Tem Wise: "...Because that plays into the equation of should it be there or not. If it's going to go in the big park where there's going to be a lot of people, it would seem that there might be a lot more kids may want to get in there at the same time, whereas if it were more centrally located, that might not be because they might be at other functions there. You had mentioned that in 2009 it was the 5th most popular item on the survey? What was it for the 2011 survey?"

Mr. Sims: "We only do this once every 10 years and from that survey we get a lot of projects that are put on the Capital Improvement Program (CIP) and then we start working off that list, starting with the top 10 most requested projects."

Deputy Mayor Pro Tem Wise: "The concern I have is if something was very popular and wanted back in 2002, in that it was voted on and approved by the

majority, is it still relevant today (10 – 12 years later).”

Mayor Hayden: I would just raise the suggestion that if the Council decided that it should be reconsidered, whether it be done at all, that an amendment to the bond package should be put to the voters.

Mayor Pro Tem Stephenson: “Can you talk about some of the other plans in the vicinity of the site?”

Mr. Sims: He pointed out the picnic pavilion (which seats over 100), restroom facility, skate park, community built playground, parking, and the amphitheater.

Mayor Pro Tem Stephenson: “Are we anticipating any kind of noise conflict associated with the use of the skate park, picnic pavilion or the amphitheater?”

Mr. Sims: “I can’t guarantee there won’t be some noise from that. But with the type of skate park we’re designing, this is primarily designed for kids that are 12 to about 15 years of age. Once they get 16 and get a driver’s license, if they’re really into skating – I mean skate parks, they’re going to go over to Railroad Park in Lewisville or up to Grand Prairie, the facility they have there.”

Mayor Hayden: “Where are the botanical gardens going to be on this?”

Mr. Sims pointed out the location on the map a little farther north.

Mayor Hayden: “How does the skate park fit in with the serenity of the gardens?”

Mr. Sims: “We were trying to stay true to what was in the bond election with the location of this, but you make a very valid point.”

Councilmember Webb: “What is the distance between the picnic area and the skate park?”

Mr. Sims: About 60 to 70 feet.

Councilmember Webb: Confirming the statement made earlier about “The Railway Street Park in Lewisville being a more challenging park, and it’s a regional type park. It’s a city wide draw for them from what I understand. I had a conversation with one of their city Councilmembers last week on the subject. In fact, he told me they had 75 youths there Thursday night at closing time. And that struck me as interesting because Railroad Street Park is not convenient to much of anything. After hearing that I got a little less concerned about this being somewhat remote. And then when he mentioned that as they went through their design and location process they looked at areas in neighborhood parks and they were concerned about having a city wide draw located in a neighborhood park. Did the PALS Board talk about that at all?”

Mr. Sims: "At the time, no. Because again, we were trying to stay true to what it was when it was funded in the bond election, to keep the skate park in the Gerault Park, overall plat."

Councilmember Webb: "Is that something you would want to talk about as far as taking a town wide amenity to a more local neighborhood area. Would that be something you would need to talk about?"

Mr. Sims: "It's definitely something we could and probably should, as we've got to find someplace it won't impact the surrounding neighborhood and those four or five elements that are on this list, I'm making sure this is convenient to restrooms. If you don't provide that facility you're going to have problems. And making sure that there's adequate parking and also we've got quite a few parks that don't have trees. So finding an area that doesn't have trees is not going to be a big problem. But, conveniently located next to trails, which adds a little bit more of a challenge, but it's not to say it can't be done."

Councilmember Webb: "Where I'm at on it is that it's a 10 year old bond issue. Voters said 10 years ago they wanted it. And just a few years ago it's still on their top five list of amenities that they want. I'd like to see us move this forward and get it done. Let's give this to the youth. Give them an opportunity to skate in town. I'd like to see us move this forward and let's add this to our amenity list that we've got for our citizens."

Mayor Hayden: "If this did go back to the PALS Board and they decided, I'm guessing that the topography would be a little bit different if you went to a different park. Also, how would that affect the timing of when it would actually open? And also would there be much change in the cost differential if it went to a different park?"

Mr. Sims: "When you put in one of these skate parks you have to put in drainage. And drainage was conveniently located already there in this design because we were anticipating drainage for the playground. So, we would have to go through a redesign. We already know what elements we're going to have in the park, so that part of the design we're already ahead on. It's just finding another location if that's the direction of the Council."

Mayor Hayden: "If that did happen, what would that do to the timing? Would that delay opening it six months? Three months? If the PALS Board were to reconsider it, they'd have to come back to Council. That's a couple of months. And then there's going to be time for redesign. Three, four months. May delay it six months or so?"

Mr. Sims: "Six months or more I would say, comfortably."

Mayor Hayden: " Do you think there would be much variance in the cost?"

John Fielder, Kimberly Horn & Associates, 2201 West Royal Lane, Irving, Texas

Mr. Fielder: "As far as the construction costs, it would be the same elements, so the cost would be relatively the same, or at least designed with the intent of it bidding around the same price."

Councilmember Dixon: "One thing we've established tonight is that the PALS Board did not have the opportunity to consider other options. So based upon just that, I think that the PALS Board should have another bite at the apple. But the one thing that I have to echo is some of the comments from Kendra, in that if that pavilion is, as you say, Gary, is so nice and have events there and people will be able to enjoy it. If it truly is 60-70 feet away from a skate park, the adjacency does have a little concern to me. So my preference at this point based on everything I've heard would be to put this back in the hands of the PALS Board. If they have the ability to consider other options as opposed to just saying, "PALS Board we've got to decide on this small geographic area for us to decide on. Where do we slide it around?"

Mayor Hayden: "We have a couple of options here: you can vote on having it go forward, or the other option would be to remand it back to the PALS Board until we get to the point where someone would like to make a motion."

Councilmember Levenick: "My recommendation is to send it back to the PALS Board simply for the fact that they did not have the opportunity to look at another option in town. They were told it had to be here at Heritage park and there was no other option. I know when we did the park's master plan back in 2009, 2010, it was the same thing. I mean, we were moving it all over the place to try to figure it out. And I'm not by any means saying that we don't give the youth a skate park because that was what the voters voted on. And I don't 'like to go back on bond issues that they voted on. That's what the residents wanted. And unfortunately it's taken 10 years to get to this point where we're still trying to figure out where to put it. If the PALS Board comes back and says, "We've looked at everything else and this is the best place for it - 60 feet away from that beautiful pavilion and 200 feet away from Fort Wildflower," then that's what happens." I don't think this is a regional draw because it's for 12 to 15 year olds. They're probably going to be getting around on their bikes.

Mayor Hayden inquired of Mr. Welch "if we decide to remand it back to the PALS Board, does it need to be tabled and sent back procedurally? Or can we just give direction to staff to remand it to the PALS Board?"

Mr. Welch: This item is for approval of the bid. So this would be to table this item indefinitely while the issue of the location of the skate park would be remanded back to the PALS Board for consideration of alternate sites within the town.

Mayor Pro Tem Stephenson: "I think it's the right thing to do to take this back to the PALS Board, but I want to do it as quickly as possible. I think staff could probably do an inventory of the available parkland that we have that might be

suitable and hopefully get it in front of them in August to see if they're interested. She stated "you can make the argument that it's been 10 years and six more months isn't that much longer – but it's been 10 years!" She asked if it reasonable to expect that you could get this back in front of Council to re-discuss the location by August or September, with a preference of August.

Mr. Sims: "The PALS Board doesn't meet in August and staff would need time to get with the consultants and review several park locations and get their input so that a viable option can be selected. He asked if it was possible by the end of October due to the time involved with the construction of Fort Wildflower coming up in that time period.

Mayor Pro Tem Stephenson: "..as long as we can get it as early in October as possible."

Councilmember Webb: "Again, I'm just concerned. We tried to get it suggested that if we could get it back to PALS and get it back to us in September, if not October. We're looking at four months right there. We've got a bid on our plate. The location has been vetted. It's been moved around and everything else. I understand that we didn't open up the whole town for the location. But in my mind, if we move today, this is available for our kids next Spring. I don't think it'll be ready for our kids next Spring if we don't make a positive vote to move this forward today."

Councilmember Levenick moved to table the item indefinitely. Mayor Pro Tem Stephenson seconded the motion.

Council Discussion:

Councilmember Dixon: Point of clarification: Staff does have the request to put this back in the hands of the PALS.

VOTE ON THE MOTION

AYES: Levenick, Stephenson, Dixon, Wise

NAYS: Webb.

Mayor Hayden confirmed there was a majority of Councilmember that wanted to remand the issue to the PALS Board for consideration, and then bring it back to Council at the earliest convenience, presuming sometime in October.

9. Public Hearing to consider approval of a street name change for the entire length of West Windsor Drive between Long Prairie Road (FM 2499) and Bridlewood Boulevard; and adopt an Ordinance providing for said change. *(The Transportation Commission recommended a ranking of proposed street names by a vote of 4 to 3 at its June 12, 2012, meeting.)*

Staff Presentation

Mr. Collins provided background information associated with the item and indicated the reason for the proposed name change would be to reduce confusion for motorists on FM 2499 between West Windsor and Windsor Drive, aid in emergency response for emergency responders and confusion between two roadways and to potentially tie the road name to the neighborhood. He indicated notification was sent to 65 dwellings in the impacted area and six responses were received from residents who were in favor. The six residents that actually had their address on West Windsor that responded were in favor of Windsor Park Drive as a preferred name change option. Bridlewood Golf Club also responded and would prefer no change primarily because of the estimated cost to them as a business to change stationary, business cards, mailers, all the advertising.

Mr. Collins identified past steps that were taken in bringing the item forward to the Transportation Commission in which multiple names were proposed and they ranked Windsor Park Drive as their No. 1 choice.

There was in-depth discussion regarding various options and it was noted it is Council's preference to spell out the name in its entirety on the sign to avoid any confusion.

Mr. Collins pointed out the process the Town would go through in notifying the post office and the associated transition period.

Councilmember Dixon referenced the section of the packet that includes a letter signed by all four of the residents that live on the street right now. And in the letter it basically says "Thank you for keeping us informed on the West Windsor expansion." And they acknowledge that there will be an upcoming name change. And they want to express their preference for the name change to be Windsor Park Drive as the new street name. As the residents have sent this letter, they expect a name change. He noted this is a public hearing and looked forward to hearing from them if they were in the audience; however, their letter was sufficient enough. The only other entity or business is the Golf Club.

Mayor Hayden opened the Public Hearing at 7:25 p.m.

Matt Brost, General Manager at Bridlewood, 4000 West Windsor Drive, Flower Mound, TX.

Mr. Brost: I think you all have in your packet kind of a detail of our costs of this - and it's pretty substantial for us knowing that we did just acquire this property and this is not a cost that we at all foresaw having to tackle.

Mayor Hayden pointed out there is a detailed list of the expenses that the golf club would incur within the packet.

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie agreed that the name needs to be changed and it makes most sense to honor the request of the four people that are impacted the most. She pointed out there has been a change of residency for one of the homes in that group within the last two weeks.

Colleen Mauboules, Vice President, Glenwick Estates, 4208 Augusta Court, Flower Mound, TX.

Ms. Mauboules stated she was in favor of the name of Windsor Park Dr, however, North Windsor Park Drive could be considered as well.

Mayor Hayden: "Since you got the letter, did you feel you had an option not to change it at all, or was it more on the lines of having three choices and you need to pick?"

Ms. Mauboules responded she got the feeling you could attend the meeting and then make a suggestion, and there were these choices. She reiterated the first part of the word needs fixed so people are not seeing the first word of "Windsor".

Paul Stone, 709 Lake Club Drive, Flower Mound, TX

Mr. Stone commented he leans toward the respect of the four residents that do have the address and they are willing to let it change, as well as to the Transportation Commission.

Mayor Hayden closed the public hearing at 7:41 p.m.

Questions and Answers from Governing Body:

Deputy Mayor Pro Tem Wise: "I do want to point out something Ms. Mauboules said about confusion with traffic turning down Windsor. If you'll recall, I don't believe Windsor is actually going to connect to what is now proposed to change West Windsor. So there would be a lot of people getting dead ended there and having to turn around and come back out."

Councilmember Webb: With regard to the letter that was sent to those impacted, "it does pre-suppose a name change in the text of the letter because in the first paragraph it also lays out the reason why a name change is good. I take seriously those four residents' opinion on it. I would like us to reach out to them and see if that changes if they also have the option not to change it; because I also take seriously the folks at Bridlewood who are going to be impacted significantly by the change. And I'm struggling with do we really need the change. If the first reason on there is for emergency response. But admittedly they will be the least impacted because they know where they're going. They've got the 911 locator and everything else."

Councilmember Levenick: I don't think we need to change the name. I think you just need to spell out West and not use a "W". I think if you just spell out West and just keep the name the same, it avoids confusion for the residents that have to change any of their things, and Bridlewood wouldn't have to change anything.

Mayor Pro Tem Stephenson: I think we're going to cause more confusion with the number one pick, and maybe they just picked it because they wanted to pick something that was similar to what they had so – "I would suggest that we just go back to those four residents and inquire if they have a desire to change the name or did they just pick one because it was on that piece of paper. I know the four residents there, but I would also consider Bridlewood to be a resident so their business concerns need to also be considered. She recommended leaving it alone but to double check with those four residents that they're not going to be upset if they don't have to change all their mailing addresses.

Mayor Hayden summarized the options are as follows:

1. redirect an amended motion, you can either move to approve the street name change to whatever the Council prefers
2. table the item and then give staff direction to contact others and say would you prefer to have "this" or would you prefer to leave it alone
3. then the third option would be you could just make a motion not to change the name at all and leave it just as West Windsor Drive

Deputy Mayor Pro Tem Wise: "I think, I agree with Councilmember Stephenson. I'd like to send this back to those residents because I don't see where Golf Club Drive was an actual choice to the residents. And I think that would be a good differentiator, alleviating the Windsor confusion. And it's also something that the Golf Club actually entertained, I believe. So that's what I would recommend we do."

Councilmember Webb: "If we make a motion, perhaps this is for Mr. Welch, if we make a motion to leave it as is and the residents come back, then we've got to take it all the way through Transportation and everything else?"

Mayor Hayden: "Not necessarily. I would suggest if you had questions that you just table it and then we could give staff direction to send a letter and, as Deputy Mayor Pro Tem Wise said, you could add other options that you wanted to put on there. You could also add an option no change at all. And then if you had no change at all, I don't believe it would have to go back through the commission."

Councilmember Webb: "No, my point was if we voted to keep the name as is, then it would have to go all the way back through. But if we just send it back and ask for further clarification from those residents, then it can come straight back to us."

Mayor Hayden: "I don't think you'd have to send it back. I mean, it's similar to times that the Council's over ridden P & Z recommendations or other things."

Councilmember Levenick: "Just like with the skate park, just send it back."

Mayor Hayden: "You could do that. Mr. Welch, would you like to comment?"

Mr. Welch: "One thing I'd add is if you're going to send out additional notifications or get comments from the residents, that you postpone it to a specific date so everybody would know when that date would be, whenever or whatever you decide."

Mayor Hayden asked of Mr. Jefferson, "if we were to send out a letter soliciting additional comments, how much time do you think you would need to give staff to send this out and get it back?"

Mr. Jefferson responded for your September 4th meeting. That would be sufficient time to send out the letter and receive a reply and get a response to you.

Councilmember Webb moved to postpone this item to the September 4th Town Council meeting. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Webb, Levenick

NAYS: None.

Mayor Hayden there was consensus by Council to resend the letter to the 65 dwellings noting all the options, including the Transportation Commission's ranked choices, as well as the fifth choice of Golf Club Drive, and also include the option of leaving it the same, or spelling out West Windsor Drive.

10. Public Hearing to consider a request for a Specific Use Permit (SUP/SP 405-12 - Kroger Signature Store and Fuel Station) to permit a convenience store with gasoline sales use, and a site plan to expand an existing grocery store 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 to consider adopting an ordinance providing for said amendment. The property is generally located at the southwest corner of the intersection of Cross Timbers Road and Long Prairie Road. ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 25, 2012, meeting.)***

Staff Presentation

Mr. Powell provided background information related to location and zoning. He noted they are going to do two things: One is add to the West, so Kroger will go all the way to the drive aisle between the shopping center and Lifetime Fitness, and then they're going to add the fuel pumps out at the 1171 side. He pointed out the elevations, fueling center location, and rendering of what it's going to look like. He indicated there was an email from an adjacent property owner, in

which they were generally in support of the upgrade to the center.

Mayor Hayden asked for an explanation as to why an exception is needed.

Mr. Powell: The access management regulations have requirements that have distances for location of a driveway to an intersection or a driveway to driveway. And in this case they don't meet that minimum spacing of that driveway. He noted on the map (in blue) is the area in question.

Mayor Hayden noted they were granted an exception before, and he asked "what's triggering it this time?"

Mr. Powell: "Standards have changed."

Mr. Powell: "When this site was originally developed, I do not believe they were granted an exception. I don't think the town had access management policy in place. And quite frankly I think everybody remembers the day when gas stations had rolled curbs—there were no curb cuts. And over the years, after lots of research and study has been done it was determined control was needed. For that reason the advent of access management regulations and spacing requirements came into play."

Mayor Hayden reiterated the answer is no, we've done this before, so it's not setting a new precedent and granting an exception.

Mr. Kent Collins provided an example when the Town granted a similar exception with a church.

Mr. Powell: "The standard is that there are standards, but there is a mechanism that you can ask for an exception to that standard as Kroger has done."

Councilmember Wise: "What's the distance that we're talking about?"

Mr. Kent Collins: The standard along a major arterial is 360 feet of spacing. I think their exception is at 220 feet.

Nate Collins, 1331 East Airport Freeway, Irving, TX 75062

Mr. Nate Collins provided a presentation highlighted some of the features and benefits that would be included with the expansion such as:

- \$14.3 million capital improvement
- 20,000 foot expansion
- 5-pump fuel center with 112 square foot kiosk (including two electric car charging stations)
- \$542,000 of street improvements at no cost to taxpayers, which are the two lanes
- an upgraded store exterior, including additional landscaping
- an upgraded interior: stain and polished concrete floors, new restrooms,

new express check lanes, new natural foods department, new/expanded deli, new cheese/olive island, fresh sushi department, new upscale wine department, new dairy department, new produce department, new upscale service departments, expanded upscale meat department, wider aisles, new pharmacy, enhanced frozen food section, upgraded floral department, and Starbucks upgraded to their newest decor

- 75 to 80 new jobs
- Impact to sales and property tax: increase of \$168,000
- Fuel deliveries would be made during non-peak traffic time periods as listed in the packet
- They will keep Huggies Land

Mayor Pro Tem Stephenson asked for clarification that by granting the exception, and based on the traffic models, it doesn't negative impact traffic on 1171.

Mr. Nate Collins responded "no".

Mayor Pro Tem Stephenson asked of Mr. Kent Collins if he agreed with that.

Mr. Kent Collins: "They're doing everything that they are required to do to mitigate any traffic impacts on 1171".

Mayor Hayden: I received an email today from Robert Schwartz indicating he's not in favor of this and wants to understand exactly when will deliveries take place.

Mr. Nate Collins: The agreement was fuel will not be delivered between the hours of 7:00 a.m. and 9:00 a.m. nor 4:00 p.m. and 7:00 p.m.

Mayor Hayden asked "at what time of day do you estimate they be delivering and how long will the unload time be?"

Mr. Nate Collins: I would assume deliveries will be in the afternoon (least traffic at the store), and another one possibly in the early morning, maybe around 6:00 a.m.

Christina Candor, Christina Candor, 1331 East Airport Freeway, Irving, Texas

Ms. Candor: The deliveries that are going to be done at non-peak hours, however, will vary because it's on an as-needed basis. She indicated it takes 20 - 30 minutes to unload.

Councilmember Webb indicated it's his understanding that the on-site tanks are monitored for their fuel level and there's an automated system that allows the regional office to get notification when those levels drop.

Ms. Candor confirmed there is a feature within the tanks that notifies them of this information, which dictates scheduling of truck deliveries.

Mr. Nate Collins demonstrated the route that will be taken to deliver fuel at the store at the request of Councilmember Levenick.

Mayor Hayden opened the Public Hearing at 8:20 p.m.

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie spoke in favor of the project.

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

Mr. Stone spoke in favor of the project.

Cindy Barnett, 5401 Park Place, Flower Mound, TX

Ms. Barnett spoke in favor of the project.

Mayor Hayden closed the Public Hearing at 8:14 p.m.

Several Council members offered appreciation to Kroger representatives for coming back before Council.

Mayor Hayden asked Mr. Weitzmann to come forward and asked how others within the center feel about the Kroger project.

Herb Weitzmann, 3102 Maple Avenue, Dallas, Texas

Mr. Weitzmann responded "everyone is excited" and provided background information about the center and what is anticipated with the freshness of the Kroger coming forward.

Mayor Hayden asked, "if approved, when would they start construction?"

Mr. Nate Collins responded, we're looking at an August 28th close date, which would include one tenant relocation, so it would take 60 days, and then demo the building. He indicated construction would start this year and finish out will take 9 – 12 months.

Councilmember Webb moved to approve a request for specific use permit SUP SP 405-12 Kroger Signature Store and Fuel Station to permit a convenience store with gasoline sales use and a site plan to expand an existing grocery store with an exception to access management, policy and criteria regarding driveway spacing contained in the Town's engineering and design criteria and construction standards adopted through Chapter 32 of the Code of Ordinances and adopting an ordinance providing for said amendment subject to the following conditions: A. The proposed use shall be developed as approved in accordance with the attached site plan, labeled Exhibit B1. An exhibit to the specific use permit except that minor changers outlined in Section 82-37 of the land development regulations may be approved as set forth in that section. B. If a building permit

application has not been submitted to the Town's building inspection division for consideration within six months of approval of the ordinance, the zoning for this property including the specific use permit described for use herein will be a matter that will be automatically placed upon a subsequent planning zoning commission agenda for consideration as a Town initiated zoning change under normal zoning amendment procedures. And C. Fuels shall not be dropped or delivered to the convenience store with gasoline sales between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 4:00 p.m. and 7:00 p.m. Councilmember Dixon seconded the motion.

VOTE ON MOTION

AYES: Levenick, Webb, Stephenson, Dixon, Wise

NAYS: None

Mayor Hayden opened items 11 – 13. He announced the applicant has requested that these items be removed from tonight's agenda. He noted on the agenda it states the item has been postponed to August 20, 2012, however, since he will be out of town for that meeting, there was a request for the item to be presented at the September 4th Town Council meeting and the applicant agreed.

11. ***(This item postponed to the August 20, 2012 Town Council meeting at the request of the applicant.)***

Public Hearing to consider a request for rezoning (Z 01-10 - Ridge Bluff Estates) from Agricultural District (A) uses and Single-Family District-10 (SF-10) uses to Single-Family District -15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Simmons Road and south of Holly Lane. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.)***

12. ***(This item postponed to the August 20, 2012 Town Council meeting at the request of the applicant.)***

Consider a request for a Development Plan (DP 02-10 - Ridge Bluff Estates) to develop a residential subdivision. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.)***

13. ***(This item postponed to the August 20, 2012 Town Council meeting at the request of the applicant.)***

Public Hearing to consider an application for a tree removal permit for the removal of two specimen trees on property proposed for development as Ridge Bluff Estates. The property is generally located west of Simmons Road and south of Holly Lane. ***(The Environmental Conservation Commission recommended approval by a vote of 4 to 0 at their June 5, 2012, regular meeting).***

Councilmember Dixon moved to postpone items 11, 12, and 13 to September 4, 2012. Councilmember Levenick seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Webb, Levenick

NAYS: None

14. Public Hearing to consider a request to amend the Land Development Regulations (LDR 02-12) by amending Section 98-431, entitled "Purpose and Intent," of the Code of Ordinances to expand the SF-5 single family residential district use to areas designated as "high density" within Specific Plan Area #6 (SPA 6) of the Master 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 June 25, 2012, meeting.)*

Staff Presentation

Mr. Powell provided a presentation identifying the location of the property at the northeast corner of Dixon and Chinn Chapel. He pointed out that the action tonight would allow 5,000 square foot lots within SPA 6, which is similar to the Orchard Flower development. The next two steps would be for the applicant to come forward to change the master plan to allow high density within age restricted, within SPA 68, followed by a zoning amendment to do the same. A development agreement will require them to deed restrict the property for those high density age restricted units.

Mayor Hayden opened the Public Hearing at 8:40 p.m.

Buddy Tompkins, 6000 Chinn Chapel, Flower Mound, TX

Mr. Tompkins spoke in favor of amending the land development regulations for SPA 6.

Dale Andrews, 3730 Landseer Drive, Copper Canyon, TX

Mr. Andrews spoke in favor of amending the land development regulations for SPA 6 as it will fit a need in the community.

Dart West, 5920 Chinn Chapel Road

Mr. West indicated he was in the Legends Estates and spoke in favor of the change, however, as long as he gets to keep his zoning and ordinances the way they are now. "I'm going to be depending on everyone continuing to act in good faith with the way in which it goes. My wife and I intend to stay there and this new division going in will be my neighbors - so we want it to be a nice development. My only request would be we don't change what's happening after I release the deed restriction and something else goes in that I wouldn't want to live next to quite so much."

Mayor Hayden commented about the future plans to expand Chinn Chapel with four lanes and a round-about which will encompass part of his front yard. He asked Mr. West "what's that going to do to your living standards?"

Mr. West: "Part of what we're coming to agreement on with the developer is a little bit of assistance with that. I have a really large front yard and I don't anticipate it being that big a problem - probably put a berm up between the roundabout and the house to cut down on the lights."

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

Councilmember Dixon moved to approve the request to amend the land development regulations LDR 0212 by amending section 98-431 entitled purpose and intent of the Coe of Ordinances to expand SF5 single family residential district use to area designated as high density within specific plan area, SPA 6 of the master plan. And adopt an ordinance for providing for said amendments. Deputy Mayor Pro Tem Wise seconded the motion.

Council Discussion

Councilmember Dixon commented that given Council didn't go into this item very deeply, he wanted to offer some clarification and background. He stated that "Back in February of 2008, our LDR's which are Land Development Regulations (LDR) created SF5 (which is a single family residential district and its 5,000 square foot lots). And it limited the 5,000 square foot lots to Denton Creek District out on the far west side. On May 16th of 2011 our LDR's were expanded to allow SF5 in SPA 11. Tonight, what we're doing is changing land development regulations to allow SF5, (the 5,000 square foot lots) into SPA 6." He commented to Mr. West that this doesn't change his vested rights on his property and noted that was clarified at the Planning and Zoning meeting and addresses the question he had. He stated wanting to go on the record in making sure that background information was presented and there was an opportunity to view the Planning and Zoning Committee meeting to understand further.

VOTE ON MOTION

AYES: Levenick, Webb, Stephenson, Dixon, Wise

NAYS: None

L. WORK SESSION

15. Receive presentation from Laile Neal of the Property Standards Committee and discuss and consider any direction related thereto.

Laile Neal, 4036 Willow Run, Flower Mound, TX

Mayor Hayden: "The previous Council established the Property Standards Committee (PSC) to review the property standards of the town, code enforcement, and other items, and they've been working on this for about year

and a half now. They now have some recommendations to bring forward.”

Mr. Neal reported the PSC was established in November of 2010 at the direction of the previous Council. He announced the committee members are Ron Caron (chairman), Colleen Mauboules, Julie Rail, Kris Wise, myself (Laile Neal) and Virginia Jellison. He provided background information as to why the group came together in that it was a loose collaboration of people who had a single desire – to make the town a better place. He identified various Council and staff that attended some of the meetings. He stated “the mission of the PCS is to identify ways to help maintain property standards in order to preserve property values throughout the entire town of Flower Mound.” He indicated there was in-depth discussion with regard to scope of work and goals, and the committee came up with six recommendations that represent shortcomings of the current code regarding exterior maintenance standards:

1. Waste and recycle bins (screened from public view) and bulky debris (removal within 24 hours & enforcement reduced to 48 hours)
2. Exterior maintenance standards (adopt International Property Maintenance Code (IPMC) or parts thereof)
3. High grass and weeds (should not exceed 8” (which deviates from the existing language of 12”) and less than 50% encroachment from vegetation from windows & doors)
4. Boats, RV’s & trailers (screened from public view & if stored on a residential lot, must be parked on a strictly defined “improved” surface free of high grass & weeds)
5. Dead trees and shrubs (must be removed from the property)
6. Wood fencing (uniform in color, attractive in appearance, and kept free of visible attachments)

Mr. Neal responded to questions from Council related to:

- Staff involvement with regard to adoption of IPMC codes
- “Should” versus “shall” language
- Health, safety, and welfare categories
- Geographic area in which the photos were taken & if recommendations are applicable to areas or town-wide, and if isolated to a certain lot size

Mr. Neal: “This committee is certainly not done with the work we intend to do. One of the other recommendations we would like to make eventually is - is the current code understandable? Is it accessible and understandable by the town? There’s existing code that residents just can’t understand and that’s part of the process we’d like to look at as well. So, with that in mind we wrote these in layman’s terms.” He provided some examples of homes that are in need of improvement and/or may be in violation.

He concluded by stating “by nature of their vagueness, many of our town’s current codes are subjectively enforced. As we continue to age, preservation of property values and clear adherence to standards is vital. And a few things to

consider: The reduction of property values throughout areas of Flower Mound reduces the overall enforcement for the town by putting a burden upon areas where values are stable or growing. Revenue should be spread among all homeowners. That is the greatest tax base for our town. When we started to put this presentation together, we started to figure out that it is really tough to come up with empirical data that proves that these changes need to be made and as someone who often sits in your chairs and is presented with arguments for something or other, I consistently only look for empirical data. I only want to know why is it you want to have "that" done or why is it "you don't want to have that done" and apart from the emotional appeal you make to me, can you show me empirically why that needs to be made. And we had a hard time with that because most of this is like we said, several times, subjective. We don't like the appearance of that property."

"The PSC would really like that this Council be the one that takes this and runs with it as it's very important."

Mayor Hayden: Announced that next April the Town will be working with Keep Flower Mound Beautiful to see what can be done to freshen up a neighborhood. With regard to code enforcement Council is looking into reviewing those operations and what can be done to make it more efficient.

Mayor Pro Tem Stephenson commented that if the committee doesn't think their work is done then Council needs to move to make this a standing committee that is structured like all other Town committees with staff being represented and helping the group along. She also expressed interest in learning more about the IPMC and learning from staff what the implications are associated with implementing that and having staff come forward with a recommendation if that should be adopted for the Town. She pointed out that some of the examples provided are already existing code violations.

Mr. Woods responded it has been reviewed and staff provided the information to the committee as part of their review process.

Mayor Pro Tem Stephenson: "Was a recommendation ever made to Council?"

Mr. Woods: "No, this was the genesis of this committee where it started with the books for them to review the code."

May Pro Tem Stephenson: "I struggle with the boat recommendation because it is the equivalent of telling some residents of Flower Mound you can't have boat. I think maybe we need to try and understand what the code enforcement issues are and maybe that does go back to the audit of code enforcement." She indicated Council needs to be careful that they are not overburdening residents, but at the same time protecting health, safety, and welfare. She suggested having Code Enforcement do a presentation, and as part of that presentation use the pictures that were used in this presentation, to understand which of these items would be covered by the current code in order to clearly understand the

situation.

Councilmember Levenick commented most of what was shown is already in our code and it needs to be addressed across the board.

Mayor Hayden suggested Matt Woods should come forward with a presentation, discuss the intent of what's being suggested here, and whether it's already covered under our ordinances and to see if things are overlapping or not. And I also think, just to be respectful to the committee, whether you agree or disagree with all the items that are suggested, that if it's not covered under our current ordinances, that they should come forward as amendments to the ordinances, and we should have a public hearing. Let people give their input and give it an up or down vote.

Councilmember Dixon: One of your committee members may have already been doing this. I think that if I were on the committee I would probably like the opportunity to spend some time with code enforcement. I think that might be a good idea to hopefully open up the opportunity to have a better inside view of how they do their job. Where you would have the understanding and be able to make some suggestions from the citizens' point of view to try to help out.

Mayor Pro Tem Stephenson commented that normally when we have these kind of recommendations come forward, staff has a lot more input. They can get up and speak directly to what is/is not covered by the ordinance. I want to make sure everybody understands I would just recommend that we never do this again in this manner because now it's just going to take a little bit more time for staff to go back and figure some things out. I just think that it was very stressful on residents and staff as I would call and ask, "What's going on with this committee?" And they really couldn't give answers.

Councilmember Dixon: "To go back-up to what was mentioned a little while ago is make it a more formalized committee, noting we don't need to do that tonight. But that maybe staff could give us some feedback through maybe a Council Communication or the next time we re-visit this on what it looks like to be a standing committee and then we can weigh the pros and cons."

Councilmember Webb: One of the things that I heard a lot about, I think came about because of the informality of how the committee was formed and operated was a lack of transparency. And that raised a lot of alarms. It got a lot of people really worked up. And if we do these committees with dedicated staff, liaison assigned to them, the meeting notices, that transparency issue is minimized, if it doesn't go away all together. And if nothing else, I think that's a good enough reason to where we don't ask these folks or another group to go through what these folks went through with some of those issues.

Mr. Jefferson requested that a Council Communication follow the briefing session in order to have a better idea of the direction.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Hayden reminded everyone that the September meeting has changed to September 4th due to the Labor Day holiday.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:48 p.m. on July 16, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 12:51a.m. on July 17, 2012, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

- c. Discuss and review the Town Manager's performance evaluation (Goal Setting).

No action taken.

- d. 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.

- e. Discuss review of Town Secretary job duties as a result of completion of Texas Municipal Clerk Certification Program course work.

Councilmember Webb moved to approve a compensation change for the Town Secretary as discussed in Executive Session, with an effective date of June 8, 2012. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Stephenson, Webb, Levenick

NAYS: None

P. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 12:53 a.m. on July 17, 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


THOMAS E. HAYDEN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY