

THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING HELD ON THE 22nd DAY OF JANUARY, 2013, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

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

Tom Hayden	Mayor
Kendra Stephenson	Mayor Pro Tem
Mark Wise	Deputy Mayor Pro Tem
Steve Dixon	Councilmember Place 4

With the following members absent:

Bryan Webb	Councilmember Place 2
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Hayden called the briefing session to order at 6:05 p.m.

B. BRIEFING SESSION

1. Town Council Boards and Commissions Subcommittee/Liaison Reports

Councilmember Dixon reported having attended the last Planning and Zoning Commission meeting.

2. Discuss Consent and Regular Items

No discussion.

3. Request Future Agenda Items

No discussion.

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

Mayor Hayden adjourned the briefing session and called the special meeting to order at 6:07 p.m.

E. INVOCATION

Chaplain Mark Sherill gave the invocation.

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

Austin with Troop 99 led the pledges.

G. PRESENTATIONS

1. Certificate of Achievement – Erin Hwang and Jonathan Fields, Texas Music Educators Association (TMEA) All-State Orchestra

Mayor Hayden presented Erin Hwang and Jonathan Fields with Certificates of Achievement for their achievement in music with the TMEA.

2. Proclamation for Sue Compton, retiring Director of Library Services for the Town of Flower Mound

Mayor Hayden presented Sue Compton, Director of Library Services with a Proclamation to acknowledge her years of service with the Town.

3. Resolution for Chuck Springer, departing Assistant Town Manager and Chief Financial Officer for the Town of Flower Mound

Mayor Hayden presented Chuck Springer, Assistant Town Manager and Chief Financial Officer with a Resolution to acknowledge his years of service with the Town.

H. PUBLIC PARTICIPATION

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

Ms. Smith, LISD Liaison, reported there will be two community meetings regarding the Flower Mound High School feeder rezoning boundaries. One on February 6th at Forestwood Middle School and another one on February 12th at McKamy Middle School, both at 6:30 p.m. The issue is overcrowding at two of the schools and not enough at one of them, so they are looking at ways to reallocate the students. They have not set in stone any boundaries at this juncture and simply seeking community input. They are going to show two of the options they have come up with and then figure out what they intend to do prior to bringing it before the school board.

I. ANNOUNCEMENTS

1. Announce recent and upcoming civic and social events.

Councilmember Dixon had the following announcements:

- with regard to LISD redistricting, the Town has a link on the Town web site that will redirect viewers to LISDs web site to get information. Information related to proposed rezoned districts for the middle schools

might soon be available on LISDs site. He encouraged those individuals that have contacted him on the issue to also reach out to the trustees of LISD

- regarding the Atmos easement and the trees - There is also informational updates on the Town's web site about that

Several members of Council offered thanks to Sue Compton and Chuck Springer for their years of dedication to the Town.

TOWN MANAGER'S REPORT

J.

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

Mr. Stathatos stated at this time I'm new and immersing myself into the CIP and seeing what we can do to add to it, update it, and incorporate the Council's vision in the project moving forward.

Councilmember Dixon commented Wichita Trail is under construction and right now you only have one lane of traffic that is able to go westbound as they are working on the eastbound side. He noted a resident that lives in the area was watching as the construction was happening and observed the cement trucks coming to the site and then offloading their concrete. The resident noticed there was a long wait time for the trucks to come. Sometimes there would be several trucks to do large sections, but then there would be a long time that the guys are sitting around waiting for the trucks to come. I wanted to pass that along so staff could communicate that to the contractor.

Mayor Hayden asked if Atmos still scheduled to visit with Council in the month of February.

Mr. Stathatos responded yes.

K.

CONSENT ITEMS

Deputy Mayor Pro Tem Wise moved to approve by consent Items 1-4, 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. Councilmember Dixon seconded the motion.

1. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Crime Control and Prevention District Special meeting held on January 7, 2013.**

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

2. Consider approval of a resolution amending Resolution No. 18-12 by designating and appointing authorized agents; and declaring an effective date.

RECOMMENDATION: Move to approve a resolution amending Resolution No. 18-12 by designating and appointing authorized agents; and declaring an effective date.

RESOLUTION NO. 02-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND AMENDING RESOLUTION NO. 18-12 BY DESIGNATING AND APPOINTING AUTHORIZED AGENTS; AND DECLARING AN EFFECTIVE DATE.

3. Consider approval of a Professional Services Agreement with Atlas Star Energy, Inc., DBA A Cooler House, to provide Housing Rehabilitation Specialist services, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Atlas Star Energy, Inc., DBA A Cooler House, to provide Housing Rehabilitation Specialist services, and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of a grant application to the Texas Book Festival for a 2013 Technology Grant that will be used to purchase four e-readers and tablets; acceptance of money if grant is awarded; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a grant application to be submitted to the Texas Book Festival for a 2013 Technology Grant that will be used to purchase four e-readers and tablets; acceptance of money if grant is awarded; and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Stephenson, Dixon, Wise.

ABSENT: Levenick, Webb.

NAYS: None.

L. REGULAR ITEMS

5. Consider a request for a Site Plan (SP 19-12 - Premier Nationwide Lending) to develop an office building, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. The property is generally located south of Lakeside Parkway and west of Lake Forest Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2013, meeting.)

Staff Report

Mr. Powell provided a presentation identifying or noting the following:

- detailed location of site
- zoning and master plan
- site plan
- photographs of the site
- new parking area

He noted the only reason it is coming before Council is because the Town's codes require that when someone has 20% over the calculated or estimated parking there is a requirement to seek approval from Council. He added, the argument is they need additional parking for the use of the building. But also if you look at this site as it relates to the three buildings, it really isn't over parked as much as just for the single building.

He indicated no comments have been received on this item.

Councilmember Dixon moved to approve a Site Plan (SP 19-12 - Premier Nationwide Lending) to develop an office building, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Stephenson.
ABSENT: Levenick, Webb.
NAYS: None.

6. **Public Hearing to consider a request for rezoning (Z 03-12 - Regency Park, Phase II) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and east of Bruton Orand Boulevard. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2013, meeting.*)**

Staff Report

Mr. Powell provided a presentation identifying or noting the following:

- detailed site location
- land use and zoning
- photographs of the site
- park land dedication to include into the existing park

He pointed out this a straight zoning case, which means Council is only voting on the zoning. There is no concept plan so it's just this map. If you watched P & Z there were a lot of questions related to access points, connectivity, the number of lots, and other things that you would find in the concept plan. He identified park areas the applicant has indicated they intend to donate.

He noted there were concerns raised from the surrounding neighborhood related to existing water pressure, of which the Town is working on resolving.

Hayden: Were there any exceptions requested, such as for burying of utilities?

Powell: No.

Stephenson: Requested Mr. Powell to point out the existing emergency access route on the property.

Powell: Provided the location on the map and noted part of the problem with Regency Park is that it is a long cul-de-sac – one way in and one way out and this has caused problems for the existing residents. The next phase will assist with that by allowing a second point of access, and with utility lines.

Stephenson: So is this emergency easement going to be abandoned when we actually have streets?

Powell: No, because this one goes to the property on the south but there will be an actual street that will connect.

Wise: For the southernmost loop on the new property, where is the second point of access for that?

Powell: This property will have access on FM 1171 and then to Regency Park so it will have two points of access.

Wise: With the water situation on the current street, will that be improved with this development? Because my understanding from the past is there was an issue with the main at the end of Regency Park. I would imagine a new main would need to be put in at some point for this particular development. I would hope the Town would take care of that.

Collins: The issue with the water pressure in Regency Park is not due to the infrastructure in the ground. Their water mains meet all of our standards. The issue is the proximity to our elevated storage tank on Bruton Orand. That tank completely controls the pressures in this area. During the summer time the elevation of the water in that tank fluctuates in the morning with activities such as lawn irrigation, taking showers, etc. so the elevation of the water in that tank drops. When that happens the pressure in this immediate area drops as well. So you would think being right next to an elevated storage tank is a good thing, but that tank is designed for the whole town. And it just so happens that the elevation of the homes in the cul-de-sac are very close to the elevation of the water in that tank as it drops, particularly if you are on the 2nd story of a house. What the Town did a couple years ago is offer to provide individual booster pumps for any residents that wanted to have them installed and own and operate them. There are three homes in the existing Regency Park that have these booster pumps to address the pressure concerns. At the time the Town

went out and tested the pressures and flows under a fire flow condition. We meet all the standards. They are just lower than what most people experience in Flower Mound. We heard about issues with irrigations systems. Our understanding is that irrigators that have worked in that area have also worked in other areas in Town and didn't take the on-site pressure readings and have assumed an average. So when a zone turns on they don't operate as well as some areas of Town. This area will have some of the same pressure issues. When builders pull permits one option would be to install those booster pumps along with the house.

Wise: Will the new elevated storage tank out west help with that phenomenon?

Collins: No.

Dixon: This is a zoning case. He asked Mr. Powell to discuss what would come next before Council?

Powell: The next step in this process would be for the applicant to submit a development plan, which would include lot layout, street layout, and some engineering where you can better understand how the site will be developed. The development plan would go to the Planning and Zoning Commission and then to Council for approval. The next step would be a record plat where those lots and streets are drawn up in a document that is signed and recorded with Denton County. With that there is all the final engineering.

Stephenson: Can we go back to that emergency access easement. What property to the south is requiring an emergency access out of Regency Park?

Powell: When Regency Park came through they were required to provide that second point of access.

Stephenson: So now a new subdivision is going to come in and it's going to give Regency Park that second point of access, but the emergency easement is not going to go away. I'm a little confused because I thought what you said was that it won't go away because....it's to the property to the south.

Powell: Regency Park isn't being platted or replatted. I think your question is – could it go away? And I think the answer is yes, you could come back and replat this area and do away with this.

Stephenson: Is the time to talk about that when we get the development plan in front of us? Because I know that easement causes the properties to the south some issues.

Powell: Again, the developer of this track is not obligated but once he does the development then this property owner could petition the Town to say is this easement still necessary. I haven't talked to the Fire Marshall about this but I think until Regency Park II is developed that second point of access is there.

Then they might want to entertain for the removal of that second point of access. These individual property owners could then come back and replat.

Stephenson: We will probably need to work with the homeowners as to what works for them.

Powell: This is the first time that I have heard that it is an issue.

Stephenson: I think because it's been used as a cut through to the high school it's been causing some problems. I don't want to misstate the concerns because I know there are people in the audience that might want to speak about that.

Applicant Presentation

Kevin Miller, Baird, Hampton and Brown Engineers
Jon Van De Voorde, Wilbow Corporation

Mr. Miller stated I know one of the questions that has come up in the past is access, and the question as to whether they can get another median opening on Cross Timbers. He indicated having tried to speak with TxDOT about that request and they won't talk to them directly, and indicated the request needs to come from the city. If the city wants that pursued we would be happy to assist in any way we can.

Hayden: What is your timing for this and coming forward with a development plan?

Miller: I think the first thing is to get the zoning passed, and then once that happens the developer will want to talk to the existing property owner about timing and options and how quickly that can happen.

Mr. Van De Voorde indicated they intend to proceed immediately with development plans assuming favorable zoning.

Hayden: As a Council we're going to look at drainage issues, if there are tree removals being requested, and screening when the development plan comes forward.

Van De Voorde: The Town has a very comprehensive procedure to follow both for drainage and tree preservation, and we intend to follow, and that is usually handled during the development process.

Hayden: Would you like to have two curb cuts there – two entrances when you come forward?

Van De Voorde: Our philosophy, and that of the adjacent Regency homeowners, is aligned and we would prefer a left out through the median as well. If the

application can come from the Town, along with our request that would be helpful.

Mayor Hayden opened the public hearing at 6:45 p.m.

Public Participation

Aaron Bush, 3912 Regency Park Ct, Flower Mound, TX

Mr. Bush stated he was the President of their HOA community. He shared his understanding related to easement abandonment. With regard to water pressure, he indicated they do experience low water pressure and they are hopeful there is improvement in the future with consistency in the water pressure. With regard to access, that is their primary concern and would like to see that better utilized, such as a dedicated left turn lane. He pointed out it is a safety issue for adjacent neighbors, especially given the amount of children that live in the neighborhood.

Faith Epley, 3900 Quail Run, Flower Mound, TX

Ms. Epley noted her home is due South of this property. She indicated having lived at this address since 1975 and reported they have always had low water pressure, even prior to the water tower coming in. We have had test in that the city came out. We didn't get offered a pump. Another issue has to do with the drainage. Over the years anytime anything changes in that area we get flooded (back of our house is a lake because the drainage flows to the east of us). We don't necessary want this development since it's been my back yard since 2000. I lease it have horses on it. We recognize it will probably go through and ask the Town to be diligent with regard to drainage issues and consideration to potentially having school children bused across a major highway. It's a change for the area and I don't feel that the infrastructure is supportive of more bodies. I don't know what is going on past Tour 18 on FM 1171; however, it might be impacting our schools. She asked the Town to step up and protect those of us that are impacted because in the past we don't feel we have been looked after very well.

Mayor Hayden clarified that if the development comes forward that by "step up" she means you want the Town to make sure the following is addressed: water pressure issues, drainage, schools, and the potential of trees being cut down.

Ms. Epley responded that on the south side we have a wooden fence that constantly needs to be repaired. Wood doesn't last. I have horses, and will always have horses, and the neighbor has livestock also. If the Town allows a wooden fence to go in there - there will be all kinds of maintenance issues. We are pushing for a fence like what is between the Morman church just up the street and our neighbors - the Windhams. It's brick and mortar and tall, which keeps children from climbing in. Also, if my view is going to be blocked in I would like the view to be decent.

Brenda Windham, 3896 Quail Run, Flower Mound, TX

Ms. Windham stated we are the emergency easement being discussed. She questioned if the emergency easement is going to go away with this property being built. The second question I have is about the brick wall being built as a barrier for this development - because of where our property is situated and the easement issues we have had. We have four acres with horses, goats, and chickens. In the past we have had kids that have crossed from Regency Park. We know they are kids and just walking to school. Our main concern is the liability that we might incur with the kids accidently coming across their property given they have livestock on the property. Whether it is a brick wall that the developer agrees on or the HOA, we were just asking if that might be a consideration. We don't have good water pressure and we weren't even able to connect to water until five years after we lived there because it was not large enough to hold us. When they put in the new road and developed the new water system we were able to go on line with the water, but we still don't have good water pressure. We too were not offered a pump. That is something we would like to look at. As far as any other concerns it's the things like drainage, concern for the trees at the back of our property (some of them are on our property but some are at the fence line). So we would like to see some of those stay. And with the drainage comes the shifting of dirt. Those are our main concerns but we do know that it's coming in and we welcome it. We would just like to have an amicable agreement as far as what's being built back there.

Mayor Hayden closed the public hearing at 7:02 p.m.

Applicant response to questions:

Mayor Hayden inquired about what type of fencing the Town's ordinance would require and who would be responsible for the upkeep.

Powell: A fence is not required along that property line.

Hayden: So what will be the separation between the Windham's property?

Van De Voorde: At this stage we haven't gotten to that process. We have talked to several different builders who do like privacy, but in this case along the southern property line where we have all the trees and a living screen, our preference would be to use that as a living screen. If the builder decides to put in a builder fence it would most likely be a nice board on board cedar fence. Also, our intention is to try and save as many trees as we can so that is why we placed our lots north/south so the back yards can keep as many trees as possible.

Van De Voorde: They also mentioned the drainage concern. The Town requires the lots to drain from the back of the lot to the front so we will not be draining our property to the south across the property line if that is the concern.

Hayden: Hopefully as you do this it will improve the drainage system and it won't drain to the back of these residents' yard. For the issue with the water pressure, I understand about the booster pumps that we're talking about for the future residents, however, what can we do to address the poor water pressure for the current residents.

Collins: The option is the same that was offered to Regency Park with the localized option of the booster pump.

Hayden: So we would go out to each of the current homeowners and it would be individual for every resident?

Collins: We had an agreement that we put together for Regency Park. Essentially they would be provided the pump. Then they would own it and have it installed because essentially it would be their pump.

Hayden: Are those pumps expensive?

Collins: I don't remember the exact cost.

Wise: With regard to those pumps, I have a question because in my mind I see low pressure. I see all these pumps running and where is the water coming from to make the pressure in the individual lines behind that pump?

Collins: It's a pressurized system so all of the pipes are full of water. Volume isn't the issue. It's just the pressure within the pipes that is the issue. And again, it's controlled by the elevation of the water in the elevated storage tank. We don't have a volume issue. We've opened up fire hydrants and flowed them at the same time. There is water in the system. That is not the problem. It's just the pressure of the water within those pipes. Its low compared to what most people are used to in Flower Mound. It's not below standard.

Hayden: If the zoning goes forward all of the concerns discussed will be brought forward.

Powell: Indicated having obtained information in response to a previous question and pointed out the easement was always supposed to be temporary.

Stephenson: Requested that the developer work with the homeowners as they move forward.

Dixon: Pointed out that all of the questions proposed by the neighbors will be discussed in great detail at the development plan phase. There are not many zoning questions. He stressed the importance of the developers reaching out to the neighbors to the east and south. As you go through the development process, you heard some of the concerns from the neighbors, and please know I will have the same concerns expressed by those residents that spoke when it comes time for approval of the development plan.

Councilmember Dixon moved to approve a request for rezoning (Z 03-12 - Regency Park, Phase II) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Wise seconded the motion.

ORDINANCE NO. 02-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 18.92 ACRES OF LAND SITUATED IN THE PERRY MALONE SURVEY, ABSTRACT NUMBER 839, FROM AGRICULTURAL DISTRICT (A) USES TO SINGLE-FAMILY DISTRICT-15 (SF-15) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Stephenson, Dixon, Wise.
ABSENT: Levenick, Webb.
NAYS: None.

7. **Public Hearing to consider a request for a Master Plan Amendment to amend Section 1.0, Land Use Plan (MPA 05-12 - Saddle Oaks Addition Phase 2), of the Master Plan to change the current land use designation from Estate Residential uses to Low Density Residential uses, 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 January 14, 2013, meeting.)***

Staff Report

Administrative Note: This item postponed due to a lack of a super majority as is required for a master plan amendment.

Councilmember Dixon moved to postpone a request for a Master Plan Amendment to amend Section 1.0, Land Use Plan (MPA 05-12 - Saddle Oaks Addition Phase 2), of the Master Plan to change the current land use designation from Estate Residential uses to Low Density Residential uses, and adopt an ordinance providing for said amendment, to February 4, 2013. Mayor Pro Tem Stephenson seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Stephenson.
ABSENT: Levenick, Webb.
NAYS: None.

8. Public Hearing to consider a request for rezoning (ZPD 01-11 - Saddle Oaks Addition Phase 2) from Agricultural District (A) uses to Planned Development District No. 115 (PD-115) with Single-Family District-15 (SF-15) uses and Agricultural District (A) uses, 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 January 14, 2013, meeting.)*

Staff Report

Administrative Note: The item postponed due to being part of the same development referenced in the previous item and to allow both items to be heard at the same time.

Councilmember Dixon moved to postpone a request for rezoning (ZPD 01-11 - Saddle Oaks Addition Phase 2) from Agricultural District (A) uses to Planned Development District No. 115 (PD-115) with Single-Family District-15 (SF-15) uses and Agricultural District (A) uses, and adopt an ordinance providing for said amendment, to February 4, 2013. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Dixon, Wise.
ABSENT: Levenick, Webb.
NAYS: None.

9. Consider approval of Amendment No. 1 to the FY 2012-2013 Capital Improvement Program.

Staff Report

Mr. Collins provided a presentation identifying or noting:

- amendment summary, pointed out there are 32 project changes to the CIP, with 16 new projects, and 13 are driven by new developments
- Financial summary

<u>General Fund</u>	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
FY 2012-13	\$ 8,505,355	\$ 8,950,790	
\$ 445,435			
5-year CIP	\$162,161,884	\$164,930,858	
\$2,768,974			

<u>Utility Fund</u>	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
FY 2012-13	\$ 15,045,000	\$ 16,760,000	
\$1,715,000			
5-year CIP	\$104,555,420	\$113,927,920	
\$9,372,500			

- the big change on the utility side is water projects

Hayden: Has the Transportation Commission provided input on the street reconstruction projects.

Collins: No, not on these and the changes associated with the street reconstruction project are tied to the Lakeside DFW. The priority of moving Old Long Prairie and Surrey up in the out years wouldn't change.

Hayden: On the boat access where it talks about \$360,000 is going to be funded from grant funds, are we just advancing money out of the general fund and that would be reimbursed when the grant money comes in?

Springer: We don't fund it out of the general fund. Normally we set up a separate grant fund for accounting rules and usually for the state. We will run all those expenditures through that grant fund and when we receive reimbursements from the grant we will put that in there and we will also make the contribution of the Town's portion, which I think in this instance is going to come from park dedication funds.

Hayden: How long does it normally take to receive those reimbursements?

Springer: Usually we make them on a quarterly basis, depending on how quickly the project is going, and usually it's a month to 45 days to get the funds back. On state projects they are a little bit quicker than federal projects.

Mayor Pro Tem Stephenson moved to approve Amendment No. 1 to the FY 2012-2013 Capital Improvement Program. Deputy Mayor Pro Tem Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Stephenson.

ABSENT: Levenick, Webb.

NAYS: None.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

No discussion.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:22 p.m. on January 22, 2013, pursuant to Texas Government Code Chapter 551, including, but not limited

to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations, and reconvened at 8:42 p.m. on January 22, 2013 to take action on the following items:

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

No action taken.

- b. Discuss and consider economic development incentives.

No action taken.

- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

Mayor Pro Tem Stephenson moved to approve a Resolution appointing Jim Robertson the chair of the board of directors for the Tax Increment Reinvestment Zone #1 for 2013. Deputy Mayor Pro Tem Wise seconded the motion.

RESOLUTION NO. 03-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING THE CHAIRMAN OF THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE (TIRZ #1), TOWN OF FLOWER MOUND, TEXAS, FOR A ONE-YEAR TERM BEGINNING JANUARY 1, 2013.

VOTE ON THE MOTION

AYES: Stephenson, Dixon, Wise.

ABSENT: Levenick, Webb.

NAYS: None.

- d. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

No action taken.

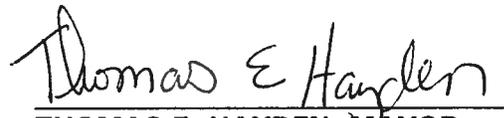
- e. Discuss and consider Presiding Judge, Alternate Judge, and addition of second Alternate Judge position.

No action taken.

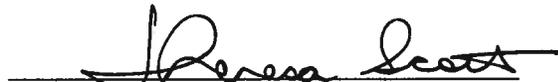
P. ADJOURN MEETING

Mayor Hayden adjourned the special meeting at 8:44 p.m. on Tuesday, January 22, 2013, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


THOMAS E. HAYDEN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY