

**THE FLOWER MOUND TOWN COUNCIL JOINT WORK SESSION, WORK SESSION AND SPECIAL MEETING HELD ON THE 19<sup>TH</sup> DAY OF JUNE 2008 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 joint work session, work session and special meeting with the following members present:

Jody Smith	Mayor
Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem
Al Filidoro	Councilmember, Place 2
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Tammy Follett	Deputy Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kent Collins	Town Engineer
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

with the following members of the Lakeside Mixed Use Committee present:

Isaac Manning, Steve Pine, Gerald Robinson, Todd Schreiber, David Stewart, Steve Dixon, and Nick Hollingshad.

**A. CALL JOINT WORK SESSION WITH LAKESIDE MIXED USE COMMITTEE TO ORDER**

Mayor Smith called the joint work session to order at 6:11 p.m.

**B. INVOCATION**

Mayor Pro Tem Trotter gave the Invocation.

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

Mayor Smith led the pledges.

**D. JOINT WORK SESSION**

**1. Receive a presentation, hold a discussion, and provide direction regarding the proposed amendments to the Town's regulations to allow mixed use developments.**

Doug Powell, Executive Director of Development Services, introduced the members of the committee including Scott Polikov, President, Gateway Planning Group, the consultant for the committee. Together, they gave the following presentation:















Mr. Polikov stated the proposed ordinance creates an opportunity to have an attractive place where people would want to live and work, matching lifestyles and professionals, enabling them to eat and shop where they work and live, and a place that would be attractive and competitive.

Mr. Stewart stated the proposed amendments would send a signal to developers that poor quality will not be accepted and a positive signal to the citizens as to the quality expected.

Mayor Pro Tem Lindsey commented people might be concerned with density but having flexibility is a key point.

Mr. Polikov explained the master plan amendment does not allow the ordinance to be ignored but provides flexibility in a creative sense.

Mayor Pro Tem Trotter stated he understood the rationale but asked if the amendment was too ambiguous. He asked if 90% of the applications come in as residential, and the ordinance is flexible, how would the Town have the power to keep the application in perspective.

Mr. Welch stated there would have to first be a zoning application. The Town Council would have discretion.

Ms. Narayana explained the ordinance was incredibly detailed and there is not any question what is meant by mixed use. Flexibility is just on the edge of what the Town wants. The ordinance was very difficult to write and varies. There are nine sections to the ordinance. Section 5 covers the general district standards that address business developments transitioning into neighborhoods.

Mr. Pine stated he has lived in Flower Mound for 19 years. He participated in the committee as a direct result of where he lives. Over the years with the Lakeside Development he participated on various committees. He has witnessed the **Town's** growth and many issues have been addressed. Living through the history, one would realize higher density residential is not as far fetched as some would think.

Ms. Narayana stated Section 11 provides principals to protect neighborhoods and addresses transition, how major roadways will transition and how traffic will transition into environmental areas such as parks, creeks and forested areas. It establishes a sense of place.

Councilmember Tasker asked for an explanation of the difference between a buffer and a transition.

Mr. Polikov explained a transition is inviting in, not creating a wall or buffer. Transitions use environment to transition into instead of a wall or buffer.

Mayor Smith asked if they knew the starting price of the town homes in Southlake Town Square.

Mr. Polikov stated an average \$500,000. Some other examples are downtown Mc Kinney and New Braunsfel. The single family homes near the transitions tend to be of the highest value. The draft ordinance requires that type of design.

Mr. Schreiber commented that buffers are used as barriers and walls. This idea is to

create a walkable area, transitioning from one to another. He would love to have the ability to walk to work from where he lives.

Deputy Mayor Pro Tem Lindsey asked if this would create confusion.

Mr. Powell explained applications would require great detail, and it is something different as it would set out the types of entitlements permitted. The process would be the same, however, it puts the burden on the developer.

Mr. Manning stated to get to the level of approval for mixed use, the developer would have to submit a master plan and a concept plan, and it would be very detailed.

Mr. Polikov stated the committee spent a great deal of time working through the details of the ordinance. It was written from scratch and was tailored to specifically address the needs of the Town. **They didn't use** a template.

Mayor Pro Tem Trotter stated he liked the flexibility but was concerned about allowing one developer to do one thing and not allowing another to do something similar.

Mr. Welch stated the odds of two identical developments were slim. He did not believe there was any case law requiring the Town to approve one development just because they had previously approved a similar one. He advised, as a Council, they have discretion. They would be making a decision for what the best land use is for a particular site. If a 14-story building was permitted in one area, it would not mean the Council would have to approve the type of building in another location. He felt the issue was addressed in the ordinance.

Mr. Manning explained in detail the mock example of a mixed use development the committee created by using the property located on Highway 377 and FM1171 as outlined in the presentation.

Mr. Robinson stated the example shows how people can live, work and play all in the same place. The ordinance puts all the uses together and provides the community with safeguards and benefits.

Mayor Smith suggested, since this was a new process, including language providing for an annual or bi-annual review of the ordinance.

Councilmember Tasker stated an important concept of the ordinance was the ability to adapt to changes in the market. It is very important to make it flexible enough to allow the development to follow market, to create a type of use at one point and allow after ten or fifteen years, a change in that use according to the market.

Mr. Powell stated the ordinance creates the ground work for someone who wants to create a mixed use development. To do this, they will have to present a very well thought out plan. The committee agreed the ordinance was well balanced.

Mayor Pro Tem Trotter stated some of the committee members also served on the Master Plan committee and presented a very powerful master plan. He stated this ordinance does offer the same intent and asked each for their thoughts on this.

Mr. Robinson stated there was a great deal of confusion. During the master plan they were trying to communicate through the public hearing process; it was what the public wanted,

not the committee.

Mr. Schreiber stated there was a lot of discussion on building height, two - four stories. The mixed use ordinance allows flexibility and has many protections for the character of the community. He stated he felt more comfortable and confident than he did earlier in the process.

Mr. Hollingshad commented that there were many opinions on building height. At one point he wanted nothing more than four stories, but if someone brought in a plan with 6 stories and the development was built with quality and was attractive, he might want it. He felt it was good leaving it possible so that someone could present a concept that might be attractive and valuable to the Town.

Mr. Pine stated each development would be decided on case by case. Developers would have flexibility, and the location would be critical. If it is close to a neighborhood, it could look like a bad idea, but when the entire project is looked at, it could be a good thing.

Mr. Powell stated the committee struggled with what mixed use was and how to implement it. The committee brought in experts that really understood how to get there. They had a lot of discussion on how mixed use will work and how a developer would use it.

Mr. Polikov stated his company appreciated being part of this group. He stated the Town of Flower Mound had a reputation of not being approachable. This ordinance would give Flower Mound a leading edge and would send a positive message to the market place.

Mayor Smith requested clarification in the ordinance that the Town is not setting a precedence. She asked when this item was brought back to Council, to provide a few more examples of what other cities have done.

Mayor Pro Tem Trotter stated he was told the ordinance was complex. He thought he was prepared, but as he learns more and digests the information, he will certainly have more questions. He complimented the unity of the committee as incredible and complimented them on coming up with a vision that addressed a lot of the concerns.

#### **E. ADJOURN JOINT WORK SESSION WITH LAKESIDE MIXED USE COMMITTEE**

Mayor Smith adjourned the joint work session at 8:02 p.m.

#### **F. CALL WORK SESSION TO ORDER**

Mayor Smith called the work session to order at 8:02 p.m.

#### **2. Receive presentations, hold a discussion, and provide direction regarding the "Community Support" funding for various organizations.**

Chuck Springer, Assistant Town Manager/CFO, stated two new organizations were requesting funding from the Town, Christian Community Action and Communities In Schools and introduced both groups.

##### Christian Community Action (CCA)

Jennifer Lenley, Vice President of Finance and Administration, distributed a packet of information to the Council. She stated their budget was in draft format and not yet approved by

the CCA Board. She explained CCA is non-profit, serves southern Denton County from Corinth to Carrollton, and Texas Motor Speedway to Frisco. She said CCA is very careful not to duplicate services that other organizations provide. They have 150 employees, and they provide housing, medical, food pantry, training, daycare, and comprehensive services for their clients. CCA's typical client is a single mother with three children. Their focus is on the clients needs such as counseling, vocational programs, spiritual services, etc. A white card system is used. If a client comes in and wants access to food and they have not been following their plan, they are stopped and directed to see their case worker. This process makes their clients accountable. The needs of the senior clients differ. Food and shelter are addressed first before their other needs. Resale is one-half of their budget. Approximately 33% of donations come from Flower Mound residents.

Ms. Lenley stated CCA is out of space and has seen an increase in needs. Clients have increased from 700 per week to 900 with 6% of the clients living in Flower Mound. She added that \$70,000 of services was provided to Flower Mound residents last year. She provided a summary of their budget and stated, for the first time, CCA will be in the negative and that is why they were asking for funding.

Mayor Smith asked, with reference to a drop off center, where they were looking.

Ms. Lenley stated CCA would love to have a donation center in Flower Mound and an upscale resale store.

#### Communities In Schools

Mr. Gary Henderon, Executive Director, provided a handout to the Council. He stated the mission of Communities In Schools of North Texas is to be the proven leader in coordinating and providing community based solutions that challenge young people to overcome barriers, succeed in school and prepare for life. The organization works with kids that drop out of school. He said they really were not serving kids in Flower Mound but serving students in a larger community. The organization's work benefits Flower Mound. They provide many resources to students by providing mentors, one hour per week, and have volunteer groups from Flower Mound High School and Village Church.

Deputy Mayor Pro Tem Lindsey asked how they came up with the \$10,000 figure.

Mr. Henderson stated next year they will lose \$200,000. The organization **didn't** want to ask for too much. In their grant writing, they understood the value and realized they could not ask just one entity to fix their finances.

Councilmember Levenick commented that Mr. Henderson spoke to the Women of Flower Mound, and it went very well. Additionally, when her parents move here, they would get involved in the organization.

Mr. Henderson stated that although the local organizations do different things for people, they actually work together; CCA focuses on food and family, Community In Schools focuses on the students.

#### **Note: Councilmember Tasker left at 8:26 pm**

Councilmember Filidoro asked about the financial history of the organization.

Mr. Henderson responded that 85% of the budget was salaries. EDS donated \$60,000

and GE donated \$50,000. The Texas Education Agency awarded the program eight new after school programs. He deeply believes bringing the communities in is what is important. There are twenty-four members on their board, five are Flower Mound residents.

Mayor Smith stated both of the requests would be considered in August.

Mr. Springer advised the council that staff would initially present the maximum funding allowed by policy for Community Services and then work down if needed.

**3. Discuss and provide direction regarding a proposed Amendment to Service Agreement for Demand Response Transit Service from Services Program for Aging Needs, Inc. (SPAN).**

Mr. Bart Stevenson, Executive Director of Community Services provided the following presentation:





Mayor Smith thanked Mr. Stevenson for his presentation. She stated according to the material provided, there were approximately 44-50 Flower Mound residents that utilize SPAN services.

Deputy Mayor Pro Tem Lindsey asked for clarification between the 2007 total cost for a one-way trip of \$16.97 and the proposed amount of \$22.71.

Mr. Stevenson explained the difference offsets the increase cost of operations and increased fuel costs. In 2007, SPAN **didn't** charge for capital costs which were made up by their grant. The grant funding can no longer be allocated for this.

Deputy Mayor Pro Tem Lindsey asked if the grant funds were used for operations in Flower Mound.

Ms. Linda Leuckel, Chief Executive Officer for SPAN, stated \$30,000 was just Flower Mound, other cities have DCTA.

Councilmember Filidoro asked if the contract for the current year was \$25,000 and only \$15,000 had been spent, why then, were they asking for \$30,000 for the remaining three months of the year.

Councilmember Levenick asked why charges were based on per trip instead of per mileage.

Ms. Leuckal explained that it was simpler to charge per trip than to have a driver track mileage and collect the correct fares.

Deputy Mayor Pro Tem Lindsey stated \$30,000 is 22% of the Community Services Budget to serve only 44 people, for three months.

Mr. Nick Gray, Transportation Manager, stated it was possible demand for service may go down.

Councilmember Levenick asked how they calculated the fare of \$2.00 per rider.

Mr. Gray stated fares increased in April by 30% - 40%.

**The Town Council took a break from 9:02 p.m. - 9:29 p.m.**

Mr. Jefferson stated, under better circumstances, this item would have come to the Council during the budget process and staff would have leaned toward a smooth transition as it is important to accommodate these services. He suggested charging the residents anywhere from \$2 - \$5, once it was calculated how many rides were used per year.

Deputy Mayor Pro Tem Lindsey asked if SPAN placed their advertisement in the newspaper as outlined in their letter included in the agenda packet.

Mr. Stevenson stated they had not.

Ms. Leuckel stated SPAN was under contract by the Texas Department of Transportation and is required to provide a 30 day notice to citizens if services would no longer be available. The notice is required to run for two Sundays, depending on the **Council's**

decision. If SPAN does not have the funding, services would stop. SPAN no longer has an operating reserve. \$100,000 was lost due to the requirement of reallocating the grant funds.

Mayor Pro Tem Trotter asked since SPAN was non-profit and with the loss of the grant plus the small number of clients in Flower Mound, would it be in the best interest if the contract was terminated.

Ms. Leuckel stated **SPAN's** mission was to provide service in the rural areas that need their help. The grant money was not lost; per the grant requirement, it had to be reallocated to capital costs.

Mayor Smith asked when they review their budget for 2009, what were they going to do to help the riders.

Ms. Leuckel stated new vehicles would be purchased to provide better rides as their current fleet was very old.

Deputy Mayor Pro Tem Lindsey stated the riders need to be taken care of but the Council has a fiduciary duty to all citizens, and \$30,000 was a lot of money. He would have a difficult time allocating \$30,000 of tax **payer's** money for the rest of the fiscal year for only 44 people.

Mr. Gray stated they have been going to different cities asking if they desire to continue services, then asking for their help in cost sharing.

Councilmember Filidoro asked how many other communities have been asked and how much.

Mr. Gray stated the contract with SPAN is only with the Town of Flower Mound. Their first request was to Flower Mound and then they will go to the other two organizations in Denton County. He stated they also provide rural transportation for all of Denton County.

Councilmember Filidoro asked if rural communities do not assist in funding, would their services stop in 30 days as well.

Ms. Leuckel stated SPAN has subsidized the Town with 5310 grant money, and they can no longer provide service in urbanized areas. They **don't** have contracts in the rural areas; they will only reduce those services.

Deputy Mayor Pro Tem Lindsey asked if the **Town's** riders were eligible to obtain rural services as residents of Denton County.

Mr. Gray stated there were three buses used for Flower Mound. The rural transportation is based on availability only and is based on first come first serve.

Councilmember Filidoro suggested, due to the lack of information, to extend the contract for one month, increase the rider fee to \$5 per ride, then revisit the issue in July to allow Council more time to act appropriately.

Ms. Leuckel stated that would not provide sufficient notice.

Deputy Mayor Pro Tem Lindsey asked if the contract was terminated, could SPAN

provide on demand service through Denton County, and perhaps the Town could supply some funding to help offset the trip cost to the residents.

Mr. Jefferson stated if the Town allows the contract to expire, then under the rural services, the citizens would have access to services when available.

Councilmember Levenick stated it would be inconvenient for 45 days and asked if the rides could be limited just for medical purposes.

Ms. Leuckel stated it is based on first come first serve, regardless of the reason.

#### **G. ADJOURN WORK SESSION**

Mayor Smith adjourned the joint work session at 10:07 p.m.

#### **H. CALL SPECIAL MEETING TO ORDER**

Mayor Smith called the special meeting to order at 10:07 p.m.

#### **I. REGULAR ITEM**

4. **Consider approval of a First Amendment to Service Agreement for Demand Response Transit Service with Services Program for Aging Needs, Inc. (SPAN) to provide transportation service for Town citizens who are age 60 or older and Town citizens of any age with verifiable disabilities that prevent them from driving, and authorization for the Mayor to execute same on behalf of the Town.**

#### **Presentation and Discussion**

Mr. Stevenson stated the remaining contract is for two and half months.

Mr. Leuckel stated if no action is taken, services would stop on July 19, 2008.

Mayor Smith stated services could be provided to the citizens, through Denton County, on an as needed basis.

Deputy Mayor Pro Tem Lindsey moved table this item indefinitely. Councilmember Filidoro seconded the motion.

#### **VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Trotter, Filidoro

**NAYS:** None

#### **J. ADJOURN SPECIAL MEETING**

Mayor Smith adjourned the regular meeting at 10:11 p.m.

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JODY SMITH, MAYOR

ATTEST:

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TAMMY FOLLETT, DEPUTY TOWN SECRETARY

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