

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING, TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING, AND TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 18th DAY OF AUGUST 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 regular meeting with the following members present:

Jody Smith	Mayor (arrived 5:29 pm)
Tim Trotter	Mayor Pro Tem
Al Filidoro	Councilmember Place 2
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5

with the following member of Council absent:

Joel Lindsey	Deputy Mayor Pro Tem
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constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kent Collins	Assistant Town Manager
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief

A. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:09 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Mayor Smith attended the Parks, Arts, and Library Services (PALS) Board Meeting. The Board indicated they would like to draft a policy for serving alcoholic beverages at the Wild About Flower Mound Festival and for allowing artwork in Town facilities.

Councilmember Tasker attended the Tax Increment Reinvestment Zone (TIRZ) Board meeting. The Board approved a tax abatement agreement between the Town and the hospital.

2. Discuss Pending Issues

a. **Council Communications** - None

3. Comments on Consent and Regular Items - None

4. Discuss Future Agenda Items - None

C. ADJOURN BRIEFING SESSION

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:12 p.m.

E. INVOCATION

Tom Webb gave the Invocation.

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

Mayor Smith led the pledges.

G. PUBLIC PARTICIPTION

Tom Webb, 6404 Lakeside Drive, Flower Mound

Mr. Webb stated on August 24, 2008 at 2 p.m. a celebration of life for Jake Lugo would be held at Jake's Hilltop Park. He noted he and others were trying to raise money for a statue of Jake for the park. Mr. Webb asked for the Town's approval to use the park for this event.

Charlie Carr, 1012 Bi Canyon, Flower Mound

Mr. Carr announced that he was the new president of the Flower Mound Youth Sports Association (FMYSA). He commented that the AAYBA world series baseball tournament was held in Flower Mound recently, bringing 290 teams, and 10,000-12,000 people into the parks. He estimated the tournament brought \$5.5 million to the community. Mr. Carr stated last year FMYSA provided shade covers over the dugouts at Tiger and Hilltop Parks. Regarding the Parks Master Plan item on the agenda, he noted that the coin-operated batting cages were not supported by FMYSA. The group felt the liability and maintenance costs were disadvantageous for the Town.

Deborah Leddon, 2370 Glen Ridge, Highland Village

Ms. Leddon expressed support for a dog park in Flower Mound.

Pat Graves, 2104 Kings Forest, Flower Mound

Ms. Graves announced the 5th Annual Battle for the Diamond on September 20, 2008 at Gerault Park. Pre-game festivities would begin at 5 p.m. and the first pitch would be thrown at 6 p.m. by Officer Kevin Schmidt. She stated the event was sponsored by the Flower Mound Citizens Police Academy Alumni Association along with area businesses.

Elizabeth Covington, 2845 London Lane, Flower Mound

Ms. Covington stated two years ago she appeared before the Council on behalf of the dogs in Flower Mound, asking for a dog park. She was advised to go through the Park Board and "work the system", so she had attended many meetings. She stated the plan for

the Wilson/Braden/Ruff tract was a wonderful one and thanked all those who were involved. She asked the Council not to remove the dog park from the plan.

Fay Jarrett, 6947 Redbud Drive, Flower Mound

Ms. Jarret spoke in favor of the dog park staying on the Parks Master Plan, commenting that it would be a place for dogs to socialize and exercise.

Bruce Jarrett, 6947 Redbud Drive, Flower Mound

Mr. Jarrett stated people used dog parks year round. He stated 75% of the people in his neighborhood had dogs, and dogs barked because they were not socializing. He stated there was an increasing interest among residents for a dog park in Flower Mound and he asked that this type of park be moved up on the priority list.

Kim Chance, 740 Teakwood Drive, Flower Mound

Ms. Chance stated parents in Flower Mound would be delighted to have the plan for the park, as shown. She added that students needed to spend more time exploring nature and being outdoors. She spoke in favor of a wooden fort-type structure with interactive play elements, and for a portion of the park to be handicapped-accessible. Ms. Chance stated she had already provided the Town with \$5,000 for Flower Mound parks.

Doris Smith, 250 Brown Cliff, Double Oak

Ms. Smith suggested naming the proposed amphitheater after Mary Stagg Webb. She stated Ms. Webb originated the Women of Flower Mound, was a former member of the Park Board, and in 1973 started working on the bicentennial. She wrote the historical play Sweet Flower Mound Land (with 16 original songs), which was first presented in 1976.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated Mary Webb was on the original planning group for the Flower Mound New Town and was a valuable member of the community. The Friends of the Flower Mound Public Library recently had a successful book sale, and they still had 100 boxes of books in a storage unit for an unlimited amount of time. Ms. Kohankie reminded everyone that they could buy Library bricks and stones on behalf of friends and family members.

H. PRESENTATIONS

Presentation by CoServ-Fire Department Command Vehicle Grant

Dennis Engelke and Mark Glover, representing CoServ, presented a grant check to the Fire Department for \$20,000 to help purchase a command control vehicle.

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Mayor Pro Tem Trotter thanked CoServ for their partnership. He thanked staff for everything they did to work with the applicant and development team for The River Walk, particularly through the deadlines for the hospital.

Councilmember Levenick thanked Doris Smith for coming to the Council meeting. She stated the first play in the amphitheater should be Sweet Flower Mound Land.

Mayor Smith reminded everyone that school starts Monday and to keep their eyes open for students, pedestrians and cyclists.

J. TOWN MANAGER REPORT

Town Manager Harlan Jefferson noted that the FiOS cable was cut and the webcast was not being aired on FMTV, however it should be repaired shortly. He thanked Mayor Pro Tem Trotter for comments about staff's involvement with The River Walk project.

K. CONSENT ITEMS

Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9,10, 11, 12, 13, 14, 15, 16, 17, and 18. Councilmember Tasker seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

1. **Consider approval of minutes from a regular meeting of the Town Council held on August 4, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on August 4, 2008.

2. **Consider approval of canceling the September 1, 2008, regular meeting of the Town Council and calling a special meeting on September 2, 2008.**

RECOMMENDATION: Approve canceling the September 1, 2008, regular meeting of the Town Council and calling a special meeting on September 2, 2008.

3. **Consider approval of a Memorandum of Understanding with the Flower Mound Chamber of Commerce regarding the Wild About Flower Mound Festival, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Memorandum of Understanding with the Flower Mound Chamber of Commerce regarding the Wild About Flower Mound Festival, and authorize the Mayor to execute same on behalf of the Town.

4. **Consider approval of an ordinance establishing the 2008 certified appraisal roll.**

RECOMMENDATION: Approve Ordinance No. 48-08 establishing the 2008 certified appraisal roll. The caption of the ordinance reads as follows:

ORDINANCE NO. 48-08

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2008 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

RECOMMENDATION: Approve accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

6. Consider acceptance of the Assistance to Firefighters Grant EMW-2008-FO-06885, awarded by the U. S. Department of Homeland Security, for the purpose of purchasing emergency medical service safety equipment.

RECOMMENDATION: Approve acceptance of the Assistance to Firefighters Grant EMW-2008-FO-06885, awarded by the U. S. Department of Homeland Security, for the purpose of purchasing emergency medical service safety equipment.

7. Consider cancellation of award for one dump truck from Fort Worth Freightliner/Sterling Acterra Truck in the amount of \$57,868; and consider approval of the purchase of one dump truck from Grande Truck Center, through the Texas Local Government Purchasing Cooperative, in the amount of \$60,671.

RECOMMENDATION: Approve cancellation of award for one dump truck from Fort Worth Freightliner/Sterling Acterra Truck in the amount of \$57,868; and approve the purchase of one dump truck from Grande Truck Center, through the Texas Local Government Purchasing Cooperative, in the amount of \$60,671.

8. Consider accepting the submission of the notice of an effective tax rate of \$0.4394 per \$100 assessed valuation and a rollback tax rate of \$0.4611 per \$100 assessed valuation for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

RECOMMENDATION: Approve accepting the submission of the notice of an effective tax rate of \$0.4394 per \$100 assessed valuation and a rollback tax rate of \$0.4611 per \$100 assessed valuation for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

9. Consider proposing a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2008, and ending September 30, 2009; and scheduling August 28, 2008, public hearings on the budget and tax rate, September 2, 2008, public hearing on the tax rate; and scheduling the September 15, 2008, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

RECOMMENDATION: Approve to propose a maximum tax rate of \$0.4497 per \$100 valuation for the fiscal year beginning October 1, 2008, and ending September 30, 2009; and schedule August 28, 2008, public hearings on the budget and tax rate, September 2, 2008, public hearing on the tax rate; and schedule the September 15, 2008, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

10. **Consider approval of a Funding and Services Agreement with the Flower Mound Chamber of Commerce in the amount of \$40,000.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Funding and Services Agreement with the Flower Mound Chamber of Commerce in the amount of \$40,000.00, and authorize the Mayor to execute same on behalf of the Town.

11. **Consider approval of Change Order No. 1 for construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, amending the contract with LH Lacy Company, Ltd., for an increase in the amount of \$31,664.50, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve Change Order No. 1 for construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, amending the contract with LH Lacy Company, Ltd., for an increase in the amount of \$31,664.50, and authorize the Mayor to execute same on behalf of the Town.

12. **Consider approval of a Development Agreement for the Suncrest Addition, with FM 4 Plus, L.P., for impact fee credits, and Town cost participation for the construction of Lone Buck and associated water line, and for other public improvements as necessary for the construction of the subdivision, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a Development Agreement for the Suncrest Addition, with FM 4 Plus, L.P., for impact fee credits, and Town cost participation for the construction of Lone Buck and associated water line, and for other public improvements as necessary for the construction of the subdivision, and authorize the Mayor to execute same on behalf of the Town.

13. **Consider approval of Change Order No. 16 for construction of the Flower Mound Community Activity Center, amending the contract with Ratcliff Constructors, L.P., for an increase in the amount of \$115,216.00, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve Change Order No. 16 for construction of the Flower Mound Community Activity Center, amending the contract with Ratcliff Constructors, L.P., for an increase in the amount of \$115,216.00, and authorize the Mayor to execute same on behalf of the Town.

14. Consider approval of an ordinance vacating and abandoning the existing 10-foot utility easement located along the west property line of Lot 10, Block E, Oak Park Residential Addition. The Oak Park Residential Addition is generally located south of FM 1171, east of Kirkpatrick.

RECOMMENDATION: Approve Ordinance No. 49-08 vacating and abandoning the existing 10-foot utility easement located along the west property line of Lot 10, Block E, Oak Park Residential Addition. The Oak Park Residential Addition is generally located south of FM 1171, east of Kirkpatrick. The caption of the ordinance reads as follows:

ORDINANCE NO. 49-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EXISTING 10-FOOT UTILITY EASEMENT LOCATED ALONG THE WEST PROPERTY LINE OF LOT 10, BLOCK E, OAK PARK RESIDENTIAL ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

15. Consider approval of a resolution to impose a sales tax on telecommunications services within the Flower Mound Crime Control and Prevention District by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District; and providing an effective date.

RECOMMENDATION: Approve Resolution No. 19-08 to impose a sales tax on telecommunications services within the Flower Mound Crime Control and Prevention District by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District; and providing an effective date. The caption of the resolution reads as follows:

RESOLUTION NO. 19-08

A RESOLUTION OF THE TOWN COUNCIL ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AUTHORIZING THE IMPOSITION OF THE LOCAL SALES TAX ON TELECOMMUNICATIONS SERVICES; AUTHORIZING THE TOWN SECRETARY TO PROVIDE A COPY OF THE FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT'S MINUTES AND RESOLUTION TO THE STATE COMPTROLLER'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

16. Consider approval of a resolution to impose a sales tax on telecommunications services within the Flower Mound Fire Control, Prevention, and Emergency Medical Services District by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District; and providing an effective date.

RECOMMENDATION: Approve Resolution No. 20-08 to impose a sales tax on telecommunications services within the Flower Mound Fire Control, Prevention, and Emergency Medical Services District by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District; and providing an effective date. The caption of the resolution reads as follows:

RESOLUTION NO. 20-08

A RESOLUTION OF THE TOWN COUNCIL ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, AUTHORIZING THE IMPOSITION OF THE LOCAL SALES TAX ON TELECOMMUNICATIONS SERVICES; AUTHORIZING THE TOWN SECRETARY TO PROVIDE A COPY OF THE FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT'S MINUTES AND RESOLUTION TO THE STATE COMPTROLLER'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

17. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 28, 2008, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 15, 2008, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District approved to schedule a public hearing for August 28, 2008, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 15, 2008, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

18. **Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 28, 2008, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 15, 2008, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.**

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District approved to schedule a public hearing for August 28, 2008, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 15, 2008, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Trotter, Levenick
NAYS: None
ABSENT: Lindsey

L. REGULAR ITEMS

19. Public Hearing to consider a rate increase request by Allied Waste Services, to be effective October 1, 2008 **(This item was tabled at the August 4, 2008 Town Council meeting. The applicant has requested withdrawal.)**

No action taken.

20. Public Hearing to consider approval of a proposed conceptual schematic master plan for the Wilson/Carmel/Ruff Tracts (eastern portion of Gerault Park) including the western portion of Bakersfield Park and the Braden Tract located off of Duncan Lane in Bakersfield Park. **(The Parks, Arts and Library Services Board recommended approval of the proposed conceptual master plan by a vote of 8 to 0 at its July 10, 2008, meeting.)**

Staff Presentation

Jack Jones, Director of Parks and Recreation, described the park properties. Work began on the proposed plan in 2007. A subcommittee held several meetings on what could be done on the tracts. In late 2007, the subcommittee held more public meetings and incorporated the thoughts of the residents. In January 2008, Council approved a professional services agreement with Dunaway regarding the plan.

Larry O’Flynn, Director of Planning and Landscape Architecture, Dunaway

Mr. O’Flynn gave a detailed presentation, a copy of which is on file in the Town Secretary’s Office.

Questions from the Governing Body and Answers

Mayor Pro Tem Trotter stated when he walked the site, there were a number of rock outcroppings on the path. He asked if a scenic overlook would be in that area.

Mr. O’Flynn stated there were several outcroppings around the ravine area. The plan called for overlooks and rest stops. Many of the rock outcroppings were fragile and will need to be protected.

Mayor Pro Tem Trotter asked if the botanical garden will be Town-supported, or grouped with public/private partnerships.

John Thomas, Chair of the subcommittee, stated many volunteer hours were envisioned, along with possible 4B money and grants.

Mr. Jones stated the Texas Parks and Wildlife had matching grant opportunities, and concurred that there would be many volunteers.

Mayor Pro Tem Trotter asked about expansion capabilities of the amphitheater.

Mr. Jones stated the plan called for 1,500 hard seats and 1,500 grass seats at buildout. He noted they had to match the size of the amphitheater to the availability of parking.

Mayor Smith stated Denton County elected officials had expressed interest for a botanical garden. She liked the inclusive play area and suggested it could look like a fire station and fire truck. She was in favor of providing a place for kids with physical challenges. Mayor Smith explained that at the recent budget work session the Council decided to delete funding for a dog park, as those funds could be spent in other areas of the community. She stated she would like to leave that land available for future use as the Council was not ready to put the dog park on the CIP.

Councilmember Levenick asked about staffing increases in the Parks Division and what would be needed for these amenities.

Mr. Jones stated they would probably need a three-man crew that could possibly be funded through 4B sales tax.

Councilmember Levenick asked for the size of the duck pond, and Mr. O'Flynn replied it was about two acres.

Councilmember Tasker noted that Garden Ridge would run north/south through the property. He asked for the zoning on the property to the north.

Mr. O'Flynn stated the Master Plan showed Single-Family Residential, however the property was still zoned Agricultural. He noted throughout the proposed plan a 100-foot buffer from residential was maintained.

Councilmember Tasker expressed concern with placing a dog park right next to a residential area.

Mr. O'Flynn commented that the buffer could be enhanced.

Councilmember Tasker asked if staff had contacted any of the adjacent property owners, and Mr. Jones responded no. Councilmember Tasker asked if alternative uses were planned for the dog park area.

Mr. O'Flynn stated the area could be designated for low impact uses such as a trailhead, nine holes of disc golf, a tot lot, or a neighborhood park.

Councilmember Tasker asked how many parking spaces were near the dog park, and Mr. O'Flynn replied 102 spaces. He asked for the size of the practice area for soccer.

Mr. O'Flynn stated the square area was about 300 feet long.

Councilmember Levenick asked about the difference of opinion on the coin-operated batting cages.

Mr. Jones stated the structures were quite expensive, and staff believed the batting cages would generate insufficient revenue. A person would have to remain on-site to open/close. He noted FMYSA also did not support the batting cages.

Mr. Thomas commented that the subcommittee wanted something that was not exclusive to sporting leagues.

Mayor Pro Tem Trotter noted that the batting cages in Lewisville were constantly broken or being repaired/adjusted.

Mr. Jones commented that staff in the concession and restroom facility would be available to provide the tokens.

Mr. Thomas stated the subcommittee had recommended this after a great deal of discussion, as they wanted to have something for other kids that were not members of a league. He appreciated the concerns for staffing and costs.

Councilmember Levenick asked for the cost of batting cages.

Mr. Jones stated the cost would be about \$300,000 plus staffing, maintenance, and utilities.

Councilmember Filidoro asked if staff had checked with other communities regarding batting cages.

Mr. Jones stated the batting cages were initially very expensive, would need to be staffed, and the balls constantly replaced.

Mr. Thomas stated the subcommittee would take another look at the batting cages.

Public Comments

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone stated this was a master plan, and things changed over time. As a plan this represented inclusively so many things that were not in the community. Mr. Stone stated that over the years, the Town had planned for the youth. This vision included things for many people not just the youth. He thanked all those who were involved with the plan and stated it represented a dream. He asked the Council not to do away with certain elements of the plan.

John Thomas, subcommittee chair

Mr. Thomas stated this was a unique park for Flower Mound that would appeal to everyone. There were many opportunities for groups to raise money for particular areas of

the park. There would be an area for special-needs kids and many volunteers would be needed. He noted that he had not heard of a dog park five years ago. Elizabeth Covington came to the board meetings and he told her to stay involved. He noted the amphitheater would be well away from the residential areas. He hoped to add more than the usual amount of meeting space at Fire Station #5.

Bruce Jarrett, 6947 Red Bud, Flower Mound

Mr. Jarrett stated people of all ages went to dog parks. He noted that the Town could have a requirement that the only way to get in the dog park was with a dog.

Brenda Lentz, 2816 London Lane, Flower Mound

Ms. Lentz spoke in favor of a dog park. Her children were grown and now she cares for her dog. If not at this park, she asked Council to find create an alternative location.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie asked that the Town make sure there were dressing rooms behind the stage at the amphitheater, and access to a speaker system. She had visited a dog park in Georgia, and it was very noisy. She had reservations about a dog park being in the southeast portion of the Town and not very accessible. She suggested that the Council not make a dog park a priority.

Robin Creason, 6817 Ferndale Drive, Flower Mound

Ms. Creason stated she lived in an area without sidewalks and had to step into weeds when walking her dogs, so she was excited to hear about a dog park coming in. She stated dogs barked in back yards because they were stuck out there all day. She stated dog parks were safe and their owners were responsible.

Ronald Lentz, 2816 London Lane, Flower Mound

Mr. Lentz spoke in favor of a dog park and asked if it could be built tomorrow. He stated this was a beautiful project.

Fay Jarrett, 6947 Redbud, Flower Mound

Ms. Jarrett stated there was more barking in a neighborhood than at a dog park.

Elizabeth Covington, London Lane, Flower Mound

Ms. Covington stated there would be barking at a dog park, however with the tree buffers it was not that bad. She stated people would hold each other accountable for cleaning up after their pets. People would only come and go during daylight hours, so parking would be available for other functions. She suggested the area could be used for Humane Society events. Ms. Covington stated dogs needed freedom to run. Neighbors should not have any complaints as the park would not be noisy or smelly. She asked that the Council pass the whole package.

Deborah Leddon, 2370 Glen Ridge, Highland Village

Ms. Leddon stated dogs only barked incessantly when they were bored. She felt there would be a great deal of volunteerism from the vets and pet stores.

**Close Public Hearing
Council Deliberation**

Mayor Pro Tem Trotter stated this had been a dream of many people for a long time, as this would be connecting two athletic parks. He stated the Town made a huge financial investment in athletic interests and this plan gave opportunities to all citizens. He thanked the PALS Board, the subcommittee, and the Planning & Zoning Commission. He stated this was a conceptual master plan, and although everything was so positive, there were two areas of contention – the dog park and the batting cages. He understood that people loved their dogs. He felt the Town should spend more time gathering information to find out what was the best use for the five acres. He approved of the large enclosed soccer area on the Braden tract and felt there were probably better uses for investing the money currently designated for the batting cages.

Councilmember Levenick stated this was a beautiful concept and she liked many aspects of the park. She was not in favor of a dog park at this point. She felt it might be a liability for the Town as she had spoken to a veterinarian, and dogs were prone to bite or be bitten. She agreed with Mayor Pro Tem Trotter about the batting cages, and she suggested building a small wooden playground in addition to the larger one.

Councilmember Tasker agreed with Mayor Pro Tem Trotter about the dog park and batting cages. This was consistent with the direction given to staff as recently as last week. He felt the batting cages were very expensive and had many potential problems. If someone wanted to fund them privately, he would concur. He commended everyone on all the hard work. All other aspects were very attractive to people of all ages. He hoped the staff would actively market this positive development in Flower Mound. Councilmember Tasker stated it was important to know that prior to major projects in the pipeline, this Council had authorized the purchase of this piece of property. He noted the Council was committed to open space, park space, and conservation of land and trees. He agreed to leave the dog park space as open space for future discussion and to remove the proposed batting cages.

Mayor Smith suggested there could be more soccer fields on the Braden tract.

Mayor Pro Tem Trotter moved to approve a proposed conceptual schematic master plan for the Wilson/Carmel/Ruff Tracts (eastern portion of Gerault Park) including the western portion of Bakersfield Park and the Braden Tract located off of Duncan Lane in Bakersfield Park with (1) the deletion of the dog park reflected in the master plan with the dog park area to be utilized as open space and to be programmed at a later date for other use or uses, and (2) approved the concept plan for the Braden Tract without the proposed batting cages. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Trotter, Tasker, Filidoro
NAYS: None
ABSENT: Lindsey

Mayor Smith opened Items 21 and 22.

- 21. **Public Hearing to consider approval of a Tax Abatement Agreement with Flower Mound Hospital Partners, LLC, to provide for incentives for the economic development of Flower Mound and TIRZ #1, and authorization for the Mayor to execute the same on behalf of the Town. (The TIRZ Board approved this item by a vote of 5 to 0 at its August 11, 2008, meeting.)**
- 22. **Public Hearing to consider approval of a Chapter 380 Partnership Agreement with Flower Mound Hospital Partners, LLC, to provide for incentives for the economic development of Flower Mound and TIRZ #1, and authorization for the Mayor to execute the same on behalf of the Town.**

Staff Presentation

Melissa Glasgow, Director of Economic Development, gave the following presentation.

Note: The presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers None

Public Comments

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone supported the incentives, adding the incentive policy was performance-based and good for the Town.

Close Public Hearing

Council Deliberation

Councilmember Tasker moved to approve the Tax Abatement Agreement with Flower Mound Hospital Partners, LLC, to provide for incentives for the economic development of Flower Mound and TIRZ #1, and authorize the Mayor to execute the same on behalf of the Town. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Trotter, Levenick
NAYS: None
ABSENT: Lindsey

Council Deliberation

Mayor Pro Tem Trotter moved to approve a Chapter 380 Partnership Agreement with Flower Mound Hospital Partners, LLC, to provide for incentives for the economic

development of Flower Mound and TIRZ #1, and authorize the Mayor to execute the same on behalf of the Town. Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Trotter, Tasker, Filidoro
NAYS: None
ABSENT: Lindsey

23. LDR 02-08 Special Event Signs

Public Hearing to consider approval of an ordinance amending the Land Development Regulations (LDR 02-08) Subpart B, Chapter 98 of the Code of Ordinances, entitled "Zoning" through the amendment of Section 98-976 entitled "Carnival, Circus, or Special Event (Temporary)"; by amending Section 98-976 through the addition of special event permit conditions, and primary event sign height and location regulations. (The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its July 28, 2008, meeting.)

Staff Presentation

Matt Woods, Director of Environmental Resources, gave the following presentation.

Note: The presentation is on file in the Town Secretary's Office.

Questions from the Governing Body and Answers

Councilmember Filidoro asked if staff would notify applicants about the change in the number of days from 10-15, particularly those who only had one event a year.

Mr. Woods stated staff would work with applicants who had applied before. He added that staff would exercise some discretion in working with them. Mr. Woods noted the ordinance allowed for holiday decorations with a light inside – they were not considered a sign.

Public Comments

Sylvia Inboden, 2017 Brookville Lane, Flower Mound

Ms. Inboden asked if a flag was considered a sign.

Mr. Woods stated it was not considered a sign as per the special event ordinance, however staff would have to review this on a case-by-case basis depending on what was on the flag.

Close Public Hearing

Council Deliberation

Councilmember Filidoro moved to approve Ordinance No. 50-08 amending the Land Development Regulations (LDR 02-08) Subpart B, Chapter 98 of the Code of Ordinances, entitled "Zoning" through the amendment of Section 98-976 entitled "Carnival, Circus, or Special Event (Temporary)"; by amending Section 98-976 through the addition of special event permit conditions, and primary event sign height and location regulations. Councilmember Tasker seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 50-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SUBPART B OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AMENDING CHAPTER 98, ARTICLE IV, SUBDIVISION III, SECTION 98-976 RELATIVE TO SPECIAL USE CONDITIONS FOR CARNIVAL, CIRCUS, OR SPECIAL EVENT (TEMPORARY); REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Tasker, Trotter, Levenick
NAYS: None
ABSENT: Lindsey

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

No discussion.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:08 p.m. on August 18, 2008 pursuant to Texas Government Code Sections 551.071, 551.744 and 551.087 to discuss matters relating to consultation with Town Attorney, personnel, real property, and economic development negotiations and reconvened into an open meeting at 11:08 p.m. on August 18, 2008 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 consider appointments to the Board of Adjustment/Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation

Commission, LISD Liaison, Parks, Arts, and Library Services (PALS) Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone (TIRZ) Board, and the Transportation Commission.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 11:08 p.m. on August 18, 2008, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY