

THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING HELD ON THE 2ND DAY OF SEPTEMBER 2008 IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 5:00 P.M.

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

Jody Smith	Mayor
Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem (arrived 6:25 p.m.)
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
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
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

A. CALL MEETING TO ORDER

Mayor Smith called the meeting to order at 5:13 p.m.

B./C. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 5:14 p.m. on September 2, 2008 pursuant to Texas Government Code Section 551.744 to discuss matters relating to personnel and reconvened into an open meeting at 6:20 p.m. on September 5, 2008 to take action on the items as follows:

- a. Conduct interviews, 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.

D. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:20 p.m.

E. BRIEFING SESSION

1. **Mayor and Town Council Liaison Reports - None**
2. **Discuss Pending Issues**
 - a. **Council Communications - None**
3. **Comments on Consent and Regular Items - None**
4. **Discuss Future Agenda Items**

F. ADJOURN BRIEFING SESSION

G. CALL SPECIAL MEETING TO ORDER

Mayor Smith called the special meeting to order at 6:21 p.m.

H. INVOCATION

Chaplain Lynda Schupp gave the Invocation.

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

Chaplain Schupp led the pledges.

J. PUBLIC PARTICIPTION

Emily Barham, Flower Mound

Ms. Barham thanked the Council for their past support of the Flower Mound Performing Arts Theater and encouraged them to continue supporting the theater.

Morgan Haney, Flower Mound

Ms. Haney asked the Council to assist the Flower Mound Performing Arts Theater (FMPAT) through the budget. She stated she used to be a shy girl with big dreams of going on Broadway. The FMPAT helped to improve her singing, dancing, and theater skills, along with her self-confidence. She asked the Council to grant FMPAT's request for community funding.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated she was the Vice President of the Glenwick Homeowners' Association. There appeared to be a feud between two sets of neighbors. She had made a request for information regarding police calls so she could help resolve the situation. She received a letter from the Town Attorney stating an Attorney General opinion had been requested. She did not see a reason why she was not given access to the records and asked the Council to look into the matter.

K. PRESENTATIONS - None

L. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Councilmember Filidoro announced that he had become a grandfather last Friday. His daughter gave birth to a baby boy named Tyler.

Councilmember Levenick stated she attended a neighborhood meeting last week with the residents in Twin Coves/North Lake Highlands regarding a proposed sewer project. She understood that the surveys were being mailed to the affected residents. She welcomed her parents to Texas and Flower Mound as they had recently moved here from Wisconsin.

Mayor Smith announced that Flower Mound officials met with Precinct 3 Task Force member each month to go over road projects. She noted that several staff members helped with assistance to those affected by Hurricane Gustov.

M. TOWN MANAGER REPORT

Town Manager Harlan Jefferson stated over the last week FM 1171 had to be closed at Shiloh due to a fire, and FM 407 was closed twice last week for gas leaks.

N. CONSENT ITEMS

Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, and 3. Deputy Mayor Pro Tem Lindsey 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 work session of the Town Council held on August 12, 2008.**

RECOMMENDATION: Approve minutes from a work session of the Town Council held on August 12, 2008.

- 2. Consider approval of minutes from a special meeting of the Town Council held on August 18, 2008.**

RECOMMENDATION: Approve minutes from a special meeting of the Town Council held on August 18, 2008.

- 3. Consider approval of minutes from a regular meeting of the Town Council held on August 18, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on August 18, 2008.

VOTE ON THE MOTION

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

O. REGULAR ITEMS

- 4. Public Hearing to consider a tax rate of \$0.4497 per \$100 assessed valuation.**

Staff Presentation

Assistant Town Manager/Chief Financial Officer Chuck Springer gave the following presentation.

Note: The power point 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 stated he had spoken during the public hearing on the budget last week. He was quite impressed that the tax rate had remained steady for a number of years. He expressed thanks to Councils and staff (now and past) for finding alternative revenue sources. He noted the Town had a very high bond rating. When services were demanded by the community, Council and staff had always risen to the occasion to provide these.

Close Public Hearing

Council Deliberation

Mayor Smith announced that the Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 15, 2008, at 6:00 p.m., at a regular meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028.

Mayor Smith opened Items 5 and 6.

- 5. *ZPD 05-08 CCM Design Office Building - Southpoint Addition***
Public Hearing to consider a request for rezoning (ZPD 05-08 – CCM - Southpoint Addition) to amend Planned Development District-61 (PD-61), and to consider adopting an ordinance providing for said amendment. The property is located at 801 Enterprise Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 11, 2008, meeting.)
- 6. *SP 24-07 CCM Design Office Building – Southpoint Addition***
Consider a request for a Site Plan (SP 24-07 - CCM Design Office Building) to develop an office building subject to the terms and conditions in the attached Development Agreement, and to authorize the Mayor to execute said agreement on behalf of the Town. The property is located at 801 Enterprise Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 11, 2008, meeting.)

Staff Presentation

Executive Director of Development Services Doug Powell informed the Council that this was an old Planned Development (PD) and all structures were required to have a sloped roof with a minimum 3 vertical and 12 horizontal. Subsequently the zoning regulations had been changed and the applicant was asking for removal of that provision. To save trees and protect the slope, they chose to situate the building where parking would be located underneath it. He noted that the southernmost driveway was a temporary driveway, which would be eliminated once the property to the south develops.

Jeff Crannell, Crannell, Crannell & Martin, Engineering

Mr. Crannell stated he had been working with the Fire Department for a drive on the north and a temporary drive on the south. This would provide connectivity to the neighbors to the south. They planned for underground parking and two floors of office space. The northern end of the building was at grade level. The tower feature will face Enterprise Drive. Mr. Crannell stated they were requesting a variance from the pitched roof and a height variance on the southern side of the building. Additionally, he was requesting temporary driveway spacing, resulting in a parking reduction (17%). This would allow them to maintain the open and natural space. He felt the building was an asset to the gateway into Flower Mound, and noted that there will be available lease space in the building.

Questions from the Governing Body and Answers **None**

Public Comments

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone referred to the minutes of the Planning & Zoning Commission meeting. He now felt this would be a great product and spoke in support of Items 5 and 6.

Todd Schreiber, 925 Canongate Drive, Flower Mound

Mr. Schreiber spoke in support of Items 5 and 6.

Close Public Hearing

Council Deliberation

Mayor Pro Tem Trotter complimented the applicant on the design of the building and for working around the trees and rolling terrain.

Deputy Mayor Pro Tem Lindsey agreed and felt it was the type of design that should be promoted in that area of the Lakeside Business District. He did add that he would prefer a pond with a water feature instead of a dry pond.

Councilmember Levenick moved to approve zoning planned development amendment ZPD 05-08-CCM-Southpoint Addition to amend Planned Development District-

61 and adopt Ordinance No. 51-08 providing for said amendment. Councilmember Tasker seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 51-08

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 AMENDING ORDINANCE NO. 38-96, WHICH AMENDED ZONING ON APPROXIMATELY 1.70 ACRES OF LAND IN THE SOUTHPOINT ADDITION, J. TURNER SURVEY, ABSTRACT NO. 1251 PRESENTLY ZONED PLANNED DEVELOPMENT DISTRICT NO. 61 (PD-61) WITH COMMERCIAL DISTRICT-2 (C-2) USES, BY AMENDING EXHIBIT "B," DEVELOPMENT STANDARDS THROUGH THE AMENDMENT OF PARAGRAPH A - DEVELOPMENT STANDARDS - TRACT 1, BY DELETING SUBPARAGRAPH 4 WHICH REQUIRES ALL STRUCTURES CONSTRUCTED ON TRACT 1 TO HAVE A PITCHED ROOF AND REQUIRING THE SUBSEQUENT DEVELOPMENT OF THE PROPERTY TO BE PERFORMED IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

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

Councilmember Filidoro moved to approve SP 24-07-CCM Design Office Building, an exception to the Town's Access Management Policy and Criteria Manual to allow a driveway within 147 feet from the existing driveway, a waiver to the parking lot landscape requirement that requires all vehicle parking spaces to be within 50 feet of a tree, and additional height, subject to the terms and conditions in the attached Development Agreement, and authorized the Mayor to execute said agreement on behalf of the Town. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

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

7. *ZPD 06-08 Parker Square*

Public Hearing to consider a request for rezoning (ZPD 06-08 - Parker Square) to amend Planned Development District-24 (PD-24), and to consider adopting an ordinance providing for said amendment. The property is located at 1500 Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 11, 2008, meeting.)

Staff Presentation

Executive Director of Development Services Doug Powell stated the applicant was requesting to amend the special sign district for Parker Square to allow signage on the buildings where the backs of the buildings faced FM 1171. Additionally the request was to move a marquee sign closer to the right-of-way of FM 1171 and away from the trees.

Questions from the Governing Body and Answers

Councilmember Levenick asked if all of the banner signs would be removed.

Mr. Powell stated the sign provisions would allow those signs to stay.

Mayor Pro Tem Trotter asked if there would be any corners with obstructed views due to the monument sign.

Assistant Town Manager Kent Collins responded no, as the edge of the right-of-way was far back enough.

Applicant's Presentation

Lisa Hoffman, Parker Square, Property Manager

Ms. Hoffman showed a picture of a sample of the sign that was approved in August 2007. She stated the original intent was for it to sit 12 feet from the right-of-way. However, the tree line had grown significantly, and she was requesting a zero setback. This would preserve the tree line. Additionally, she requested to have signage placed on the backs of the buildings for the first floor tenants along FM 1171.

Public Comments

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie stated this was a logical request. She added that the flags were a nice feature and she hoped they would remain.

Close Public Hearing

Council Deliberation

Mayor Pro Tem Trotter moved to approve the request for rezoning ZPD 06-08 – Parker Square to amend Planned Development District-24 (PD-24), and adopted Ordinance No. 52-08 providing for said amendment. Councilmember Levenick seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 52-08

AN ORDINANCE 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 AMENDING ORDINANCE NO. 80-03 ON APPROXIMATELY 24.56 ACRES IN THE ROBERT

GIBSON SURVEY, ABSTRACT NO. 458 AND BEING ALL OF THE PARKER SQAURE ADDITION ZONED PLANNED DEVELOPMENT DISTRICT NO. 24 (PD-24) FOR OFFICE DISTRICT (O) USES AND RETAIL DISTRICT-2 (R-2) USES THROUGH THE AMENDMENT OF PARAGRAPH C OF EXHIBIT "B" TO REDUCE THE MINIMUM BUILDING SETBACK FROM THE RIGHT-OF-WAY ALONG CROSS TIMBERS ROAD (F.M. 1171) FOR ONE APPROVED NINETEEN FOOT TALL MULTI-TENANT SIGN FROM TWENTY-FIVE FEET TO ZERO FEET FROM SAID RIGHT-OF-WAY AND THROUGH THE AMENDMENT OF EXHIBIT D ENTITLED "PARKER SQUARE SIGN STANDARDS JUNE 2007" TO ALLOW ONE WALL SIGN FOR EACH GROUND FLOOR TENANT ON BUILDINGS IMMEDIATELY ADJACENT TO CROSS TIMBERS ROAD (F.M. 1171) TO BE PLACED ON THE CROSS TIMBERS SIDE OF SUCH BUILDINGS, IN ADDITION TO SUCH OTHER SIGNAGE AS MAY BE ALLOWED BY THE PARKER SQUARE SIGN STANDARDS JUNE 2007, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; 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: Levenick, Lindsey, Trotter, Tasker, Filidoro
NAYS: None

8. ***SUP/SP 365-07 Verizon Wireless (Bruton Orand Water Tower)***
Public Hearing to consider a request for a Specific Use Permit (SUP/SP 365-07 - Verizon Wireless) to permit co-location of telecommunication antennas on the Town's existing water tower, and to consider adopting an ordinance providing for said specific use permit. The property is located at 3810 Bruton Orand Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 11, 2008, meeting.)

Staff Presentation

Executive Director of Development Services Doug Powell stated there was an existing band of antennas on the water tower. This request would provide for a second ring of antennas.

Peter Cavanaugh from Verizon Wireless was available for questions.

Questions from the Governing Body and Answers **None**

Public Comments **None**

Close Public Hearing

Council Deliberation

Councilmember Filidoro moved to approve Specific Use Permit SUP/SP 365-07 - Verizon Wireless to permit co-location of telecommunication antennas on the Town's

existing water tower, and adopt Ordinance No. 53-08 providing for said amendment, subject to the following conditions:

1. The attached site plan, labeled Attachment "B(1)," an exhibit to the Specific Use Permit, shall be developed as approved, except that minor changes outlined in Section 82-37 of the Land Development Regulations may be approved as set forth in that section.
2. Applicant shall provide to Town, at Applicant's sole cost, a structural analysis of the existing elevated water storage tank, which analysis shall evaluate the integrity and stability of the existing elevated water storage tank including the wall penetrations, weight load and wind load impacts of all current equipment mounted on and about the elevated water storage tank and the equipment proposed to be added to the elevated water storage tank by the Applicant. Such structural analysis shall be prepared and sealed by a Structural Engineer licensed by the State of Texas. If the Applicant fails to provide the required structural analysis or if the Town finds the structural analysis to show that the elevated water storage tank cannot safely support the equipment proposed by Applicant to be added to the elevated water storage tank, Applicant shall not be issued a building permit for and shall not be allowed to install such proposed equipment on the elevated water storage tank. The provision of said structural analysis and a favorable determination that the elevated water storage tank can safely support the equipment proposed by Applicant to be added thereto shall be a condition precedent to the grant of any building permit for and the installation of applicant's proposed equipment on the existing elevated water storage tank. In the event the structural analysis shows the elevated water storage tank cannot safely support the equipment proposed by Applicant thereto, the zoning for this property, including the Specific Use Permit described herein, will be a matter that will be automatically placed upon a subsequent Planning and Zoning Commission agenda for consideration as a Town-initiated zoning change under normal zoning amendment procedures.
3. If a building permit application has not been submitted to the Town's Building Inspections Division for consideration of a building permit within six months of approval of the ordinance, the zoning for this property, including the Specific Use Permit described herein, will be a matter that will be automatically placed upon a subsequent Planning and Zoning Commission agenda for consideration as a Town-initiated zoning change under normal zoning amendment procedures.

Councilmember Tasker seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 53-08

AN ORDINANCE 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 2.00 ACRES OF LAND IN THE P. MALONE

SURVEY, ABSTRACT NO. 836 FROM AGRICULTURAL DISTRICT WITH SPECIFIC USE PERMIT NOS. 231, 264, AND 282 (SUP 231, SUP 264, AND SUP 282), TO AGRICULTURAL DISTRICT WITH SPECIFIC USE PERMIT NOS. 231, 264, AND 282 (SUP 231, SUP 264, AND SUP 282) SUBJECT TO SPECIFIC USE PERMIT NO. 365 (SUP 365) TO PERMIT CO-LOCATION OF TELECOMMUNICATION ANTENNAS ON THE TOWN'S EXISTING ELEVATED WATER STORAGE TANK AND THE INSTALLATION OF RELATED CABLES AND EQUIPMENT BUILDING, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; 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: Filidoro, Tasker, Trotter, Lindsey, Levenick
NAYS: None

P. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS - None

Q./R. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:15 p.m. on September 2, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, 551.074 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 11:28 p.m. on September 2, 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. Consultation with Town Attorney regarding proposed legislation relative to gas pipeline issues.

No action taken.

d. 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.

Deputy Mayor Pro Tem Lindsey moved to make the following appointments to the Board of Adjustment: reappointed Tina Murphy to Place 2, term ending September 30, 2010; appointed Bryan Webb to Place 4, term ending September 30, 2010; reappointed Amy Wallace to Alternate Place 6, term ending September 30, 2010; and appointed Carlos Cabre to Alternate Place 8, term ending September 30, 2010. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

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

Councilmember Tasker moved to make the following appointments to the Parks, Arts, and Library Services (PALS) Board: moved Linda Thiebaud from Place 10 to Place 2, term ending September 30, 2010; moved Dennis Toth from Place 11 to Place 3, term ending September 30, 2009; reappointed Wayne Farley to Place 4, term ending September 30, 2010; reappointed Norma Krueger to Place 6, term ending September 30, 2010; reappointed Annette Weir to Place 8, term ending September 30, 2010; reappointed Sweetie Bowman to Alternate Place 12, term ending September 30, 2010, reappointed Elizabeth Lumpkins to Alternate Place 14, term ending September 30, 2010. Deputy Mayor Pro Tem Lindsey seconded the motion.

VOTE ON THE MOTION

AYES: Tasker, Lindsey, Levenick
NAYS: Filidoro, Trotter

Councilmember Levenick moved to make the following appointments to the Planning & Zoning Commission: moved Brian Millichamp from Alternate Place 9 to Place 2, term ending September 30, 2010; appointed Michael Walker to Place 4, term ending September 30, 2010; appointed Michael McCall to Place 6, term ending September 30, 2010; moved Debra Cotton from Alternate Place 8 to Alternate Place 9, term ending September 30, 2009; appointed Dave Johnson to Alternate Place 8, term ending September 30, 2010. Mayor Pro Tem Trotter seconded the motion.

VOTE ON THE MOTION

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

Mayor Pro Tem Trotter moved to make the following appointments to the Transportation Commission: reappointed Stephen Lyda, term ending September 30, 2010; appointed Ted Beaman to replace Bryan Webb, term ending September 30, 2009; reappointed Doug Rice, term ending September 30, 2010; reappointed James Robertson,

term ending September 30, 2010; and appointed Thomas Walker to the vacant position, term ending September 30, 2009. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Levenick, Lindsey, Trotter, Tasker, Filidoro

NAYS: None

e. **Discuss and consider annual review of Town Manager.**

No action taken.

f. **Discuss and consider annual review of Town Secretary.**

No action taken.

R. ADJOURN SPECIAL MEETING

Mayor Smith adjourned the special meeting at 11:34 p.m. on Tuesday, September 2, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY A. SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY