

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING AND WORK SESSION HELD ON THE 15<sup>TH</sup> DAY OF DECEMBER 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 and work session with the following members present:

Jody Smith	Mayor
Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem (arrived 6:50 p.m.)
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5

with the following member absent:

Al Filidoro	Councilmember Place 2
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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
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Smith called the briefing session to order at 6:07 p.m.

**B. BRIEFING SESSION**

**1. Town Council Boards and Commissions Liaison Reports - None**

**2. Discuss Consent and Regular Items**

Town Manager Harlan Jefferson noted that the effective date for Item 13 needed to be no later than March 1.

**3. Discuss Future Agenda Items - None**

**C. ADJOURN BRIEFING SESSION**

**D. CALL REGULAR MEETING TO ORDER**

Mayor Smith called the regular meeting to order at 6:08 p.m.

**E. INVOCATION**

Chaplain Janet Dougherty gave the Invocation.

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

Chaplain Dougherty led the pledges.

**G. PUBLIC PARTICIPTION**

Kenneth Eckelhoff, 1958 Breezywood, Flower Mound

Mr. Eckelhoff asked the Council to reconsider the North Lake Highlands/Twin Coves sewer project. He requested a meeting with the Mayor, Council and Town Staff to discuss this issue.

**H. PRESENTATIONS**

- **Certificate of Achievement – Eagle Scout Nick Feist**

Mayor Smith presented a Certificate of Achievement to Nick Feist for receiving his Eagle Scout designation.

**I. ANNOUNCEMENTS**

- **Announce recent and upcoming civic and social events**

Mayor Pro Tem Trotter thanked everyone for attending the parade and holiday stroll. A number of major roads are under construction and he urged everyone to drive safely.

**J. TOWN MANAGER'S REPORT**

- **Capital Improvement Projects (CIP) Update**

Town Manager Harlan Jefferson stated the Master Transportation Plan was scheduled for the January 5, 2009 agenda. He noted the Plan looked at addressing traffic flows for the year 2030. He noted that the Regional Transportation Council agreement with the Texas Transportation Commission for funding was approved, and within a few days TxDOT should transfer about \$700 million to this region. Additionally Denton County had a successful bond election in November.

Mr. Jefferson stated recently the construction of Lone Buck was completed, which connected Valley Ridge and Kirkpatrick. This roadway would improve the traffic flows in the northeast section of Flower Mound. Churchill was completed north of FM 1171 and should be accepted in January. FM 2499 Section 3 was ahead of schedule and should be completed by December 2010. He hoped that the Town would have access to the pavement ahead of time. Mr. Jefferson stated that FM 1171 Section 1 was delayed due to utility relocation (CoServ), however the Town anticipated a completion date of December 2010. Kirkpatrick Phase 1 was under construction and proceeding well, with

an anticipated completion day of May 2009. Mr. Jefferson stated the DFW Connector Section 13 was moving along quickly (Lakeside Parkway connection with SH121). The FM 2499 soundwalls were seeing progress also. The Northshore/Lakeview area wall may need a slight extension due to problems with piers and concrete mix. The FM 2499 Section 3 soundwall was anticipated to be completed by April or May 2009.

Mr. Jefferson stated upcoming construction included FM 407 from Briarhill to Chinn Chapel, and TxDOT should let that project in September 2009. The construction of Dixon west of FM 2499 should begin in early 2009, and construction east of FM 2499 should start in late 2009. Construction of Spinks Section 4 from Garden Ridge to Duncan should start in early 2009. Construction of Garden Ridge should start in late 2009. Mr. Jefferson stated the design for Flower Mound Road from FM 1171 to Skillern was about 90% complete. The widening of Morriss/Gerault should start by early 2010, and the design of the second side of Wichita Trail from Simmons to Skillern should start in early 2009.

Mayor Pro Tem Trotter asked if the contractor had to continue to close a lane going south on FM 2499 in order to install the Northshore soundwall. He also asked for the timeframe for CoServ to remove the double poles on FM 1171.

Mr. Jefferson commented that staff anticipated that the lane on FM 2499 would remain closed for the duration of the soundwall project.

- **Relocation of CoServ Utility Poles on FM1171 and Comments by a CoServ Representative**

Mike Drayspring, CoServ CEO

Mr. Drayspring stated he drove the length of FM 1171 today, and gathered a great deal of information.

Curtis Trivet, CoServ, 306 Lone Oaks, Corinth

Mr. Trivet stated CoServ had completed all the new utility lines along FM 1171, however they still had underground taps that needed to be tied into the new line. They would start that process on Thursday, and they should be completed with that part by January 10, 2009.

Mr. Jefferson stated the Town was working with CoServ to make sure the AT&T lines are not moved from below ground. Additionally, the Town was still working with CoServ regarding the concrete poles in front of Bridlewood and Glenwick.

## **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, and 15. Councilmember Levenick 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 December 1, 2008.**

**RECOMMENDATION:** Approve minutes from a regular meeting of the Town Council held on December 1, 2008.

2. Consider approval of a resolution adopting the Town of Flower Mound's Program Year 2007 Consolidated Annual Performance & Evaluation Report, which is required under the Town's Community Development Block Grant, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve Resolution No. 28-08 adopting the Town of Flower Mound's Program Year 2007 Consolidated Annual Performance & Evaluation Report, which is required under the Town's Community Development Block Grant, and authorize the Mayor to execute same on behalf of the Town. The caption of the resolution reads as follows:

**RESOLUTION NO. 28-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING THE TOWN OF FLOWER MOUND'S PROGRAM YEAR 2007 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

3. Consider acceptance of a Grant Sub-Award of \$36,823.22, from the Governor's Division of Emergency Management State Administrative Agency (SAA) under the Fiscal Year 2008 Homeland Security Grant Program, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve acceptance of a Grant Sub-Award of \$36,823.22, from the Governor's Division of Emergency Management State Administrative Agency (SAA) under the Fiscal Year 2008 Homeland Security Grant Program, and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of Emergency Medical Services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve an Interlocal Cooperation Agreement with Denton County for the provision of Emergency Medical Services for the benefit of the citizens of Flower Mound and Denton County, and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Denton County, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Denton County, and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2007, and ending on September 30, 2008, as adopted by Ordinance No. 72-07 and amended by Ordinance Nos. 100-07, 101-07, 22-08, and 43-08 for year-end adjustments to the General Fund, the Police Seizure Fund, and the Health Insurance/Flex Fund.

**RECOMMENDATION:** Approve Ordinance No. 73-08 amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2007, and ending on September 30, 2008, as adopted by Ordinance No. 72-07 and amended by Ordinance Nos. 100-07, 101-07, 22-08, and 43-08 for year-end adjustments to the General Fund, the Police Seizure Fund, and the Health Insurance/Flex Fund. The caption of the ordinance reads as follows:

**ORDINANCE NO. 73-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008, AS ADOPTED BY ORDINANCE NO. 72-07 AND AMENDED BY ORDINANCE NOS. 100-07, 101-07, 22-08, AND 43-08 FOR YEAR-END ADJUSTMENTS TO THE GENERAL FUND, THE POLICE SEIZURE FUND AND THE HEALTH INSURANCE/FLEX FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009, as adopted by Ordinance No. 58-08 for adjustments to the General Fund and the IRS Equitable Sharing Fund.

**RECOMMENDATION:** Approve Ordinance No. 74-08 amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2008, and ending on September 30, 2009, as adopted by Ordinance No. 58-08 for adjustments to the General Fund and the IRS Equitable Sharing Fund. The caption of the ordinance reads as follows:

**ORDINANCE NO. 74-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2008, AND ENDING ON SEPTEMBER 30, 2009, AS ADOPTED BY ORDINANCE NO. 58-08; FOR ADJUSTMENTS TO THE GENERAL FUND AND THE IRS EQUITABLE SHARING FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING**

**ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

8. Consider approval of the 2008 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

**RECOMMENDATION:** Approve the 2008 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

9. Consider approval of a Professional Services Agreement with Teague Nall and Perkins, to provide professional engineering design services associated with Sunrise Circle Phase III Paving Improvements under the provisions of the Community Development Block Grant (CDBG) in the amount of \$22,550.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a Professional Services Agreement with Teague Nall and Perkins, to provide professional engineering design services associated with Sunrise Circle Phase III Paving Improvements under the provisions of the Community Development Block Grant (CDBG) in the amount of \$22,550.00, and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of Change Order No. 1 for the construction of the FM 1171 Water Booster Pump Station, amending the contract with Red River Construction Company, for an increase in the amount of \$37,309.98, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve Change Order No. 1 for the construction of the FM 1171 Water Booster Pump Station, amending the contract with Red River Construction Company, for an increase in the amount of \$37,309.98, and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of a Professional Services Agreement with Kleinfelder to provide geotechnical and material testing services associated with the construction of 2008 Street Reconstruction Phase II – Dover Drive, Savannah Court, and a portion of Homestead Street from Kings Drive to Melody Court, in the amount of \$18,000.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve a Professional Services Agreement with Kleinfelder to provide geotechnical and material testing services associated with the construction of 2008 Street Reconstruction Phase II – Dover Drive, Savannah Court, and a portion of Homestead Street from Kings Drive to Melody Court, in the amount of \$18,000.00, and authorize the Mayor to execute same on behalf of the Town.

12. Consider approval of the award of RFP No. 809-A for Web Streaming Solution, to Swagit Productions, LLC, in the amount of \$19,154, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve the award of RFP No. 809-A for Web Streaming Solution, to Swagit Productions, LLC, in the amount of \$19,154, and authorize the Mayor to execute same on behalf of the Town.

- 13. Consider approval of an Interlocal Agreement with the City of Grapevine for police, fire, and emergency medical services at Rockledge Park, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve an Interlocal Agreement with the City of Grapevine for police, fire, and emergency medical services at Rockledge Park, and authorize the Mayor to execute same on behalf of the Town.

- 14. Consider approval of a contract with Chubb Group Insurance Companies in the amount of \$336,858.00 for reinsurance coverage for the Town's Group Health Plan, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve a contract with Chubb Group Insurance Companies in the amount of \$336,858.00 for reinsurance coverage for the Town's Group Health Plan, and authorize the Mayor to execute same on behalf of the Town.

- 15. Consider supporting the appointment of Lewisville Councilmember Rudy Durham as the region's primary member and Flower Mound Mayor Jody Smith as the region's alternate member to the North Central Texas Council of Governments Regional Transportation Council.**

**RECOMMENDATION:** Approve supporting the appointment of Lewisville Councilmember Rudy Durham as the region's primary member and Flower Mound Mayor Jody Smith as the region's alternate member to the North Central Texas Council of Governments Regional Transportation Council.

**VOTE ON THE MOTION**

**AYES:** Tasker, Trotter, Levenick

**NAYS:** None

**ABSENT:** Filidoro, Lindsey

**L. REGULAR ITEMS**

- 16. Public Hearing to consider approval of a proposed conceptual schematic master plan for Post Oak Park. (The Parks, Arts and Library Services Board recommended approval of the proposed conceptual master plan by a vote of 7 to 0 at its November 13, 2008, meeting.)**

**Staff Presentation**

Larry O'Flynn, Dunaway, consultant

Mr. O'Flynn gave the presentation, and due to the length of the presentation, it is on file in the Town Secretary's Office for review.

**Questions from the Governing Body and Answers**

Mayor Pro Tem Trotter thanked Mr. O'Flynn for working with the Parks, Arts, and Library Services (PALS) Board and staff on this project. He stated this park was so distinctly different from other parks in the Town. He felt it would be a place where people would want to gather, and he was concerned that only 17 parking spaces were provided.

Mr. O'Flynn stated during the public process, some residents did not want any parking at all, as they wanted to keep it as passive as possible. He noted that 17-20 more spaces could be added in the future, if warranted. The Town would make a statement that this was a very passive park by not encouraging many parking spaces.

Deputy Mayor Pro Tem Lindsey arrived at 6:50 p.m.

Mayor Pro Tem Trotter stated there was an important equestrian trail connection south on Skillern to the Corps property. He stated that was the main access for the equestrian centers on FM 1171 to get the horses down to the Corp property. With the limitations on Skillern, he was concerned about the trail that was on the west side, then put on Post Oak Park when the trailhead site was put there. Now that it was taken off, he was concerned that the trail might be in jeopardy. He asked for some discussion regarding the alternatives.

Bart Stevenson, Executive Director of Community Services, stated there were difficulties getting the trail on the west side of Skillern due to the topography, landscaping and drainage that went along River Oaks. He noted if the Town Council approved the east/west connector between Shiloh and Flower Mound Road, then the Town could address creating a trail that follows the new roadway over to the proposed north/south trail that would go through the Wilson property. That would allow riders to go from the trailhead at Saddle Oaks across FM 1171, down Skillern, west on the new connector, and then south through the Wilson property to get to the Corps property. If the Master Transportation Plan is approved, staff would start to work with the PALS Board to have them look at that particular change to the Trails Master Plan.

Mayor Pro Tem Trotter stated when the trail heading west from Saddle Oaks was complete, that would be a good northern loop for the equestrian centers.

Councilmember Levenick asked how the Fire Marshal felt about access limitations for emergency vehicles at the large pond area on the south side of the park.

Mr. O'Flynn stated there was a utility easement that ran through the property which could be used for access purposes. Clear access would have to be maintained for utility vehicles and emergency vehicles.

Councilmember Levenick asked if maintenance was required for the small pond and large pond, in order to keep them as ponds.



Mr. O'Flynn responded there would be a selective type of maintenance. The small pond would keep silt out of the wetland and the large pond.

**Public Comments**

Dale Gibson, 3620 Valley View Lane, Flower Mound

Mr. Gibson stated the opposition to an equestrian trailhead exaggerated the safety factors out of proportion, and that was not the case. He stated the riders were only asking for parking spaces, the designation of those spaces as an equestrian trailhead, and that the trailhead be placed on the Trails Master Plan. Mr. Gibson stated many people would like to use the Town's trail and could not do so because there was no place to park.

Melissa Wilson, 3200 High Road, Flower Mound

Ms. Wilson stated much of what was said about equestrians was not true. She was just a rider and lived for her horses. She believed two individuals had spread many false statements and accusations. She reminded the Council that many people moved to Flower Mound for the country atmosphere.

Faith Epley, 3900 Quail Run, Flower Mound

Ms. Epley stated she had to ride down the streets to get to the Corps property, and she had been told by Wellington homeowners that she could not ride her horse on a public street. The Police Department confirmed that she could ride on the street. She stated Wichita Trail was dangerous for any type of traffic, and she asked the Council to give the riders somewhere to ride.

Jana Bear, 10900 Dunham Road, Flower Mound

Ms. Bear stated she owned 40 acres at FM 1171/SH 377. She had been giving riding lessons and sharing her horses with many people for some time. She asked that the trailhead be put back on the plan.

John Thomas, 5308 Timbercreek Road, Flower Mound

Mr. Thomas stated this piece of property started out as a potential sports facility area. Had the Town not lost the trail along River Oaks, because it was not platted, he would have fought for a trailhead there. It did not seem feasible at the time, at that location. Mr. Thomas stated he became excited about the boardwalk and wetland area after visiting one south of Dallas. He added the Town would be able to show off ecosystems.

Bob McKenzie, 4401 Sorrel Court, Flower Mound

Mr. McKenzie stated he attended several PALS Board meetings, and Dunaway had done a good job on this project. He stated he and his wife purchased Bridlewood Stables and they had 45 boarders. The trailhead adjacent to the stables (off Trotter Lane) was already there but it was landlocked. He did not want to see the riders lose the ability to get to the south without having to go two miles west. He was just asking for a trail, not necessarily for a trailhead.

Peggie Kimberlin, 3400 Mesa Drive, Flower Mound

Ms. Kimberlin stated a trailhead was a parking space that would accommodate a school bus or a seniors van. She stated some of the public meetings for Post Oak Park were cancelled at the last minute and dates were changed. She felt there were no reasons why a few spaces couldn't be added to Post Oak Park. Ms. Kimberlin stated the process to create the Master Plan for Post Oak Park had been marred by unexplained changes to meeting dates, times, locations, and unanswered questions. She felt the Town Council and staff were biased. She asked the Council to look at this with a broad mind and include a few parking spaces for the equestrians at Post Oak Park.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie was delighted to hear that this area was being left in a natural state. She asked if there would be any concrete pedestrian trails through the park.

Mr. O'Flynn stated they would need to extend the trail system off the cul-de-sacs, however the majority of the trails would be soft trails.

Ms. Kohankie felt the issue was "could pedestrians and horses co-exist." She stated there were horse facilities north of FM 1171, and she hoped the Town would have multiple crossings even as close as Bridlewood. She was in favor of the plan.

Mr. Stevenson stated two crossings under FM 1171 were planned - one at Tour 18 and the other at White's Branch Creek.

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone wished everyone merry holidays and added that the parade was wonderful. He stated this was a conceptual master plan, and he thanked the PALS Board, the Planning & Zoning Commission, and the consultant for a job well done.

Paul Fuhr, 4901 River Bend, Flower Mound

Mr. Fuhr asked if there would be a turn lane for westbound traffic wanting to enter the park off of Flower Mound Road. He asked if there would be lighting at the park.

Mr. O'Flynn responded there would be a turn lane, and no lighting was proposed

Mr. Fuhr asked if there was funding in place for the park from the last bond election.

Mayor Smith responded it would be future funding, as the park would have to be included in the Capital Improvement Plan.

Mr. Fuhr asked where the horses would exit the park, and spoke in favor of the park as proposed.

Al Sanchez, 4805 Dominion Court, Flower Mound

Mr. Sanchez spoke in support of the plan as proposed, and he thanked all who worked on this. He stated he was never opposed to the trailhead until the last meeting, as he learned it would have taken 1/3 of Post Oak Park away from people. He stated a

trailhead did not belong there because there was no trail. He was in favor of having a trailhead somewhere on FM 1171 or further to the northwest. He added he would like the trail to be conservation friendly – not as much concrete. He suggested funding the \$100,000 to do the engineering study for the park as soon as possible.

Lynn Sanchez, 4805 Dominion Court, Flower Mound

Ms. Sanchez stated the less that was done to disrupt the park, the better. She stated they were already having trouble with teenagers cutting down trees and riding four wheelers. She felt the Town needed to preserve what was there, although she was not against a trailhead.

Robin Grier, 560 Orchid Hill Lane, Copper Canyon

Ms. Grier stated she owned horses and rode them regularly. She asked the Council to include the parking area for the horse trailers, even if there was room for only three trailers.

John Todd, 5600 Wichita Trail, Flower Mound

Mr. Todd stated the trail ran in front of his house on Wichita Trail down to the school. He stated he had never seen one horse on that trail. He stated it was very dangerous to ride a horse down Wichita Trail.

**Close Public Hearing**

**Council Deliberation**

Mayor Pro Tem Trotter asked if there were other constraints for a trailhead on Wichita Trail.

Jack Jones, Director of Parks and Recreation, stated originally the trailhead was on the Trails Map from 2000-2007. In 2007, the Park Board determined that it was not a viable trailhead on the one-acre site. After the first public hearing regarding an equestrian trailhead at Post Oak Park, there was much opposition. The process was stopped and public meetings were cancelled. Dunaway was asked to do a feasibility study on the one-acre tract off Wichita Trail, and they determined it could be feasible as a possible equestrian trailhead. The neighbors in the area did not want a trailhead at that location. Some of the equestrians had concerns about the trees that line the Town's 15-foot equestrian easement that runs from the trailhead, past Bella Lago, Emerald Bay, and The Landing. Staff felt that with pruning and fencing to protect the trail from the road, that could be a viable trail at that location in the future.

Councilmember Levenick stated the trail presently runs on the south side of Wichita Trail across the easement of Emerald Bay. She stated all the trees were planted when they established the subdivision. She asked why the trees were planted in the middle of the trail if that was already a planted easement.

Mr. Stevenson responded they were planted five feet in and there was ten feet of clearance. There were some cases where the landscape easement encroached five feet within the equestrian easement.

Councilmember Levenick commented that the trail was platted and there was a problem by Post Oak Park because somehow the Town did not have the River Oaks easement anymore. She asked if there was an area already noted on Wichita Trail then why was it not being utilized as a trail.

Mr. Jones believed it was because there was no trailhead.

Councilmember Levenick asked why a decision was made previously that the original trailhead was not feasible any more, and yet now a consultant was saying it was feasible.

Mr. Jones stated the trailhead was on the map and approved by the PALS Board in 2007. It went to the Planning & Zoning Commission, and some of the commissioners thought the Town had Green Acres Farm, the future equestrian trailhead, and other trailheads on the map. The commissioners asked that the trailhead be removed from the map as it did not appear to be feasible.

Councilmember Levenick felt it made more sense to put a trailhead on Wichita Trail rather than Post Oak Park.

Mayor Pro Tem Trotter stated when discussion on this park first started it was intended to be a high use park (tennis centers). He stated the Town was fully committed to equestrian trails and uses in Flower Mound. Mayor Pro Tem Trotter stated the Town had always been consistent about requiring developers to consult with the neighbors, and the Town had to do that also. He stated the Town ran into some issues with the neighbors to the east and west about a trailhead planned on this site. The Town did not have the appropriate zoning, an easement or right-of-way to put the trail in front of the River Oaks Subdivision. Now there were many drainage culverts along that area. The Town could not put a trailhead where there was no trail. He stated the Town had to look at the map as a whole to see how the Town and the equestrians would be best served. He stated there was no access from the equestrian centers south of FM 1171. He noted there would be an east/west connector as the Bunn and Smith tracts developed. He hoped the PALS Board would be in agreement. He stated he supported the recommendation of Post Oak Park without the trailhead and having a future trailhead at another site.

Deputy Mayor Pro Tem Lindsey stated he lived in Bridlewood Farms and enjoyed watching the horses coming down his street. Additionally, he would like to have trails developed behind his home. He stated this was a conceptual master plan. He noted that the majority of the citizens liked the plan before the Council. He commented that a speaker had said the Council had a bias, and he felt very frustrated for people to say such things.

Councilmember Tasker supported the plan as presented. He reiterated the Town's commitment to create a better opportunity to use the trails.

Councilmember Levenick was in favor of having a trailhead and for people to use the trails around Wichita Trail. She was happy to see the entrance would be off of Skillern. She believed the conservation of the park fit in with the neighborhood.

Mayor Smith commented that the Town had 3-4 times as many meetings as other communities. The Council was not saying "no" to horse trails. She supported the plan and a good place to park horse trailers.

Deputy Mayor Pro Tem Lindsey moved to approve the conceptual schematic master plan for Post Oak Park as presented. Councilmember Levenick seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Lindsey, Trotter, Tasker

**NAYS:** None

**ABSENT:** Filidoro

**M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

- January 5, 2009 regular meeting
- January 19, 2009 meeting cancelled
- January 22, 2009 special meeting and work session

Mayor Smith recessed the regular meeting at 8:05 p.m.

**Q. CALL WORK SESSION TO ORDER**

Mayor Smith called the work session to order at 8:05 p.m.

**R. WORK SESSION ITEMS**

**17. Discuss and provide direction on an Outdoor Aquatic Master Plan for the Community Activity Center.**

Mark Hatchel, Kimley Horn, gave the presentation, and due to the length of the presentation, it is on file in the Town Secretary's Office for review.

Executive Director of Community Services Bart Stevenson, gave the presentation on funding.

***NOTE: The power point presentation is on file in the Town Secretary's Office.***

**Council Discussion**

Mayor Smith asked staff if a summary was available of what revenues could be generated with the new facility.

Mr. Stevenson responded not at this time, however he did believe the aquatics would enhance revenues.

Deputy Mayor Pro Tem Lindsey liked the design, however he suggested having more pool space. He felt that there were so many people in the water this past summer. He asked for a size estimate of the new water area.

Mr. Hatchel responded it was about a 2/3 increase in water area.

Councilmember Tasker stated the tot drop was undersized. He stated the lazy river did not have tubes and it was difficult to move through the water. He stated more shaded areas were needed, and noted that large tarp or cover could be placed in the corner of the building. He stated the landing pool needed to be re-worked. He was not excited about a wave pool but did like a lagoon. He asked if the additional building was needed for entry into this water area.

Councilmember Levenick felt the senior area was undersized, and the idea of expanding the pool area might be a little extravagant. She noted that some senior events had to be cancelled. She suggested maybe taking it to the voters to decide if this is where they wanted their money spent.

Mayor Pro Tem Trotter felt the plan addressed a need that was evident on the day the CAC opened. He was interested in seeing something for the teens, as he wanted to keep the high school-aged students coming back (such as slides). He did not see an expansion of the lazy river and would like to see it winding throughout the park along with adding bridges. He felt the bath house was a little extravagant.

Councilmember Tasker asked what type of senior events were being cancelled.

Councilmember Levenick heard the Christmas event was cancelled.

Mr. Jones explained that the event was planned to be held at Flower Mound High School, however due to scheduling conflicts, it was being moved to the CAC.

Mayor Smth felt a wave pool was an attraction for the older kids. She was in favor of reducing the size of the bath house.

Mr. Hatchel stated the bath house could be reduced by taking out the concession stand. He noted the original park was not lit so it could not be used for parties later in the night. He stated they could plan for lighting on the new portion.

Councilmember Tasker stated they had to look at both the expense and revenue sides, and make the improvements as big as possible.

Mayor Pro Tem Trotter was in favor of moving forward with Phase 1 improvements and looking at Phase 2 next year.

Mayor Smith stated the Council direction was for staff and the consultant to come back with more information on the revenue streams, rough sketches of the revised plan, and cost estimates.

Mr. Hatchel stated he would bring back a river concept and a lagoon concept.

Mr. Jefferson thanked the Council for the direction on Phase 1. He stated the Community Development Corporation and the Town were concerned about any debt issuance due to the economy, however he would work on a strategy. He advised the Council that some type of decision would need to be made this spring in order to have improvements made by May 2010.

Mr. Hatchel stated they needed 3-4 months to get the design documents ready.

Mayor Smith stated she would like to have the support of the Community Development Corporation (CDC).

Mr. Jefferson stated the CDC could meet in January.

Councilmember Levenick noted that the CAC had been open less than six months, and perhaps it may be too soon to do a giant expansion.

**18. Receive a presentation on and discuss proposed land trust options within the Town.**

Director of Environmental Services Matthew Woods gave the following presentation.

***NOTE: The power point presentation is on file in the Town Secretary's Office.***

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie expressed concern about establishing a 501(c)3 organization as the Town did not want to get in the same position as with Keep Flower Mound Beautiful. In hard economic times it would be best under Town control and the Town's Grants Manager could work on the grant requests.

Mayor Pro Tem Trotter asked if there were any legal constraints with a Town-controlled land trust.

Town Attorney Terry Welch responded yes, and actually there were risks with any of the options. With a Town land trust, at some point in time, the Town could be accused of forcing someone to do something with their property.

Mayor Pro Tem Trotter asked what the survey cities did about land trusts.

Mr. Woods stated he had only found a few cities that had land trusts.

Mayor Pro Tem Trotter asked if small tracts of land could have the trust deeded over to an homeowners' association.

Mr. Woods stated they could have strict deed restrictions, however it wouldn't be a conservation easement. It may not be able to be maintained in perpetuity.

Deputy Mayor Pro Tem Lindsey asked if there were any conflicts with oil and gas.

Mr. Welch stated the easement would be on the property so there would be no development allowed. It would have to stay in a natural state. Any type of wells would have to be part of the original planning.

Councilmember Tasker had concerns about the Town taking on this project.

Mayor Pro Tem Trotter stated he would like to see more information with all the legal ramifications.

Mayor Smith directed staff to bring back the requested information in the form of a Council Communication.

**S. ADJOURNMENT - WORK SESSION**

Mayor Smith adjourned the work session at 9:27 p.m. and reconvened the regular meeting.

**N./O. CLOSED/OPEN MEETING**

**The Town Council convened into a closed meeting at 9:28 pm on December 15, 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, real property, personnel, and economic development negotiations and reconvened into an open meeting at 10:13 p.m. on December 15, 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 Community Development Corporation, Environmental Conservation Commission, Parks, Arts, and Library Services (PALS) Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone (TIRZ) Board, and the Transportation Commission.**



Councilmember Levenick moved to make the following appointments to the Community Development Corporation: reappointed Jody Smith, Jeff Whittaker and Michael McCall, terms expiring December 31, 2010, and appointed Todd Schreiber with a term expiring December 31, 2010. Councilmember Tasker seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Tasker, Trotter, Levenick, Lindsey

**NAYS:** None

**ABSENT:** Filidoro

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

No action taken.

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

No action taken.

**f. Discuss and consider review of the Town Attorney.**

No action taken.

**P. ADJOURN REGULAR MEETING**

Mayor Smith adjourned the regular meeting at 10:14 p.m. on Monday, December 15, 2008 and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**JODY A. SMITH, MAYOR**

**ATTEST:**

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**PAULA J. PASCHAL, TOWN SECRETARY**