

**THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 4TH DAY OF SEPTEMBER, 2012, 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:

Tom Hayden	Mayor
Kendra Stephenson	Mayor Pro Tem
Mark Wise	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Steve Dixon	Councilmember Place 4
Jean Levenick	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Chuck Jennings	Recreation Superintendent

**A. CALL BRIEFING SESSION TO ORDER**

Mayor Hayden called the briefing session to order at 6:04 p.m.

**B. BRIEFING SESSION**

**1. Town Council Boards and Commissions Subcommittee/Liaison Reports**

Councilmember Webb reported attending the August 27<sup>th</sup> Planning & Zoning Commission meeting.

**2. Discuss Consent and Regular Items**

Mayor Hayden requested Item 4 be pulled and Mayor Pro Tem Stephenson requested Item 2 be pulled from Consent.

**3. Request Future Agenda Items**

Councilmember Dixon expressed interest in pursuing a banner program designed to honor active members of the military. He noted there is a program such as this in Fountain Valley, CA and stated they display the banners from May through

Veteran's Day. He commented this would not be at an expense to the Town as the banners would be bought by the public and those same individuals would have the opportunity to renew if they choose to participate in the program the following year.

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

Mayor Hayden adjourned the briefing session and called the special meeting to order at 6:08 p.m.

**E. INVOCATION**

Chaplain Fredrickson gave the invocation.

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

Mayor Hayden led the pledges.

**G. PRESENTATIONS**

1. Certificate of Achievement for Eagle Scout Erich Lanz

Mayor Hayden provided a certificate of achievement to Erich Lanz for his achievement of Eagle Scout.

2. Development Process Review Commission update

Mr. Simonson, Chairman of the Development Process Review Commission, provided an update on the work of the committee to date. He noted they had their 3<sup>rd</sup> meeting last week. He stated the committee is in the process of reviewing eight recommendations in conjunction with the charge of the committee from Council. Of which, four were presented to Council at the last meeting, with three more being presented tonight.

His presentation is as follows:

# DEVELOPMENT PROCESS REVIEW COMMITTEE UPDATE

Topics and Recommendations

September 4, 2012

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Consider creating an Access Management exception process (i.e., to allow for some administrative approval within defined limitations)

- Allow administrative approval by Town Staff for deviations that will resolve themselves over time and for physical obstructions requiring a variance of up to 20% of the standard spacing. No TIA would be required under administrative approval.

Mr. Simonson provided examples as to when this recommendation could prove beneficial. He added the committee is in support of the recommendation as proposed.

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Consider amending existing regulations to allow for the administrative approval of street standards for older neighborhoods

- Allow Town Staff to grant exception requests to allow existing streets in designated older neighborhoods not to meet the Town's current standard cross section.

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Consider amending regulations to defer a Traffic Impact Analysis (TIA) to after site plan approval (i.e., to require a standardized agreement to be approved concurrently with site plan approval)

- Allow deferral of TIAs until after site plan approval subject to standardized development agreement being approved concurrently with the site plan.

Mr. Simonson noted there was agreement in the discussions with staff and the committee that it made sense to differ this until a later time, however, there would need to be an agreement by the developer later in the process to agree to doing various tweaks as needed based on Town staff or P & Z input.

Mayor Pro Tem Stephenson commented that when she thinks about this in relation to large developments such as Lakeside, there might need to give some thought in relation to larger developments that impact large portions of Town. She indicated Council can discuss further when it comes again in the future.

She noted this would fit about 98% of the applications that come forward, however, there needs to be some consideration with larger developments (i.e. 150+ acre developments).

Mr. Powell noted it would still need to go through the public hearing process with P & Z so there is still some work that needs done regarding the "what" and "how", and noted this would be just for the site plan. He commented there is always the possibility of not deferring for developments of that size, and this can be worked on in the future.

Mr. Simonson stated that's why the committee is bringing forward the recommendations in pieces – so they can get feedback from Council.

### Consider whether to propose a detailed flood study to the Town (i.e., to eliminate the need for developers to perform flood studies)

- Committee is still discussing this issue. Concerns identified were:
  - Cost of the study
  - Is the cost part of the regular budget
  - How to assess fees, and the projected timeline to recoup the cost
  - The viability of surveying the entire town
  - Question as to the actual savings of time from the developers and Town Staff perspective

Mr. Simonson noted there was in-depth conversation on this topic, and there will be ongoing discussion on this recommendation, however, he wanted to point out some of the concerns they had at this juncture. He indicated a recommendation will be forthcoming.

Councilmember Dixon commented that at the first meeting, when the topic of the Town-wide flood study was discussed, the sentiment of the committee was more positive than the second meeting, after they had some time to think about it.

Mr. Simonson indicated the committee will address these at a future meeting.

Mr. Simonson commented they are working on next steps and will propose some recommendations in the near future. He indicated they hope to be done by December, however, with initial recommendations in about three weeks.

Mr. Simonson commented the meetings are open to the public and anyone can attend. They are held every other Tuesday at 6pm at the Shirley Voirin Social Senior Center

**H. PUBLIC PARTICIPATION**

Jay Marks, 2105 Larkspur, Flower Mound, TX

Mr. Marks spoke in support of increasing the number of open house signs. Current sign ordinance is limited in scope and vision and asked that the item be sent back to the Planning & Zoning Commission.

Mary Ann Novitsky, 817 Crestfield Dr, Flower Mound, TX

Ms. Novitsky asked that the temporary signs ordinance be reviewed and increase the number of open house signs.

Jane Foster, 5108 Peaceful Cove, Flower Mound, TX

Ms. Foster gave an update regarding Flower Mound Chamber events as well as Rotary events.

Shirley Voirin, 1905 Woodhill Dr, Flower Mound, TX

Ms. Voirin expressed a need to provide public transportation to the youth.

Joanne Fell, 2840 Oxford Ln, Flower Mound, TX 75028

Ms. Fell expressed a need for mass transit in Flower Mound.

Joey Cummings, 1512 Meritt Dr, Flower Mound, TX 75028

Mr. Cummings expressed a need for public transportation, specifically for recreation and employment needs.

Terrance Harden, 839 Springwood Dr, Lewisville, TX 75028

Mr. Harden expressed a need for affordable transportation, and specifically referenced DCTA.

Kim Strange, 5034 Creekwood Dr, Flower Mound, TX 75028

Ms. Strange expressed a need for public transportation.

Samantha Miller, 716 Paisley Dr, Flower Mound, TX 75028

Ms. Miller spoke in support of having public transportation.

Benjamin Leonard Best, 4617 Pinion St, Flower Mound, TX 75028

Mr. Best expressed a need for public transportation for entertainment and employment needs.

Paul Martinez, 908 Timber Valley, Flower Mound, TX 75028

Mr. Martinez expressed a need for public transportation.

Andrea Bolding, 2920 Shadow Oak, Flower Mound, TX

Ms. Bolding expressed a need for public transportation.

Howard Garrett, PO Box 140650, Dallas, TX

Mr. Garrett provided suggestions related to mosquito abatement.

**I. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

Deputy Mayor Pro Tem Wise and Mayor Hayden announced the upcoming Fort Wildflower playground build is September 11 – 15 and there is a need for volunteers.

Councilmember Dixon announced that Council will be discussing the topic of public transportation (item 4 on the Agenda), and encouraged those that spoke about the item to stay for that part of the meeting.

Mayor Hayden announced mosquito dunks are available for pick up at Town Hall.

**J. TOWN MANAGER'S REPORT**

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

**Prairie Creek Update**

Mr. Jefferson reported the Prairie Creek project is still on schedule for completion, however, there were some delays due to recent rains.

**Gerault/FM 2499 Flyover**

Mr. Jefferson reported on a meeting with TxDOT officials which included a general discussion about the DFW Connector project and specifically the ramp area exiting off the flyover and the short distance to merge onto FM 2499. He noted TxDOT was approached about the situation and they are evaluating the Town's original proposal to strip off the far western lane to allow vehicles to merge on to a dedicated lane on to FM 2499. He stated the meeting concluded with an agreement to have another meeting which would include Tarrant County representatives as well.

**Morriss/FM 1171 Striping**

Mr. Jefferson reported restriping was conducted on the Morriss/FM 1171 intersection to allow better navigation through the intersection by allowing vehicles to be positioned in the right direction at the intersection so drivers would not have to start changing direction in the middle of the intersection when going east/west .

**Sanitary Sewer Smoke Testing**

Mr. Jefferson reported smoke testing in sanitary sewer system was started today and will go on for five weeks. He noted this has been done in the past; however, this is the first time in a dense part of Town such as the Northeast part of Flower Mound (the Timber Creek area). Staff is trying to identify any concerns, problems,

or challenges with the sewer system so those can be addressed. He outlined the process involved, including public notification.

2. Proposed Mixed Use and Thoroughfare Plan amendments.

Mr. Jefferson gave a presentation offering various options in relation to the mixed use and thoroughfare plan amendments. He noted when the mixed use amendments came forward; they didn't completely address park dedication and park development fees. He noted staff is seeking direction from Council as to whether or not a process needs to begin involving a review of that Ordinance to address the concern. He presented various options for consideration in conjunction with both park dedication fees and park development fees.

Mayor Pro Tem Stephenson commented that it's her thinking what is being discussed is to amend the ordinance just so it applies to mixed use, and the mixed use consultant is in the process of identifying criteria to judge the proposals by, with the understanding that proposals would be ready next Monday.

For the thoroughfare plan she recommended add option # 2 so cross sections match the proposed roadway. The tree provision is unique to Lakeside given the non-residential uses, given they already have an exemption in place as long as it's nonresidential uses. She noted it needs clarified because of the combined mixed use and residential use and how it applies. She said the exemptions could apply in non-residential uses, such as SPAs, Denton Creek preservation, and Lakeside as that's where the corrections need to be made.

Councilmember Dixon commented he would prefer not to use the word "exempt". Furthermore, he would like to have a matrix Council can work from and be able to look at the plan and be able to grant within the lines. He stated option 2 makes the most sense to add a new cross section and have that new cross section be overlaid into Lakeside, based upon their concept plan and ultimately when their final plan comes before Council. Option 3 goes back to the same word "exempt" – and indicated being in favor of having a frame work by which Council can give permission, realizing recommendations would be needed by P & Z.

Mr. Jefferson summarized the time frame by stated at the September 18<sup>th</sup> Transportation Commission there would be a discussion about the section. Then at the September 24<sup>th</sup> P & Z meeting there would be a discussion regarding a recommendation regarding amending the mixed use ordinance to come up with a new schedule for allocating trees, as well as park dedication allotments.

There was consensus by Council to proceed with the recommendations as stated by Councilmember Dixon and Mayor Pro Tem Stephenson.

Mayor Pro Stephenson noted the consultant is working on this and it might not come out that it's per 1,000 when the consultants come forward, however, most likely presented as performance based and on the various uses within it.



Councilmember Levenick commented that a resident commented about the new dividing sign at Morriss and FM 1171 and she asked when the medians would be coming forward with reflective paint.

Mr. Jefferson responded that a request has been initiated with TxDOT, however, there has not been a commitment from them to restripe it. He noted, however, in the event TxDOT doesn't agree to do it there is a decision package in the FY 2012 – 2013 proposed budget and it could be brought up on the 17<sup>th</sup> during the budget process.

Councilmember Levenick asked for an update on Wichita Trail, as there doesn't seem to be much work activity taking place.

Mr. Jefferson responded they have been doing drainage work, which doesn't require a lot of surface work. He noted the project is on schedule. In addition, he has not heard about any significant delays.

Councilmember Dixon sought clarification that with regard to the flyover, is it correct that TxDOT is not accepting the plan to have the dedicated merge lane off of the flyover.

Mr. Jefferson clarified that when the flyover was originally designed, there was a plan submitted to TxDOT that would stripe off the outer lane (most western southbound lane) so southbound traffic would merge into the other two lanes and it would be a free entry lane for those coming off the flyover, and TxDOT would not approve the flyover with that component in the design. A plan was adjusted to include what they would approve, and that was what was constructed. He indicated TxDOT has been approached on this matter again and since the original design they have a new district manager so there is an opportunity to speak to a new person. For that reason there is still an opportunity to make a change.

Councilmember Dixon inquired if staff could inquire with TxDOT about the possibility of obtaining additional capacity.

Mayor Hayden commented that option was not feasible due to the water treatment plant and golf course being a factor. He noted a lot of the issues can be resolved if the funding for the DFW Connector to come north can be obtained.

**K. CONSENT ITEMS**

Councilmember Dixon moved to approve consent Items 1, 3, 5, 6, 7, 8, 9, 10, 11, and 13. Deputy Mayor Pro Tem Wise seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. Consider approval of the minutes from a Joint Town Council/ECC work session held on July 19, 2012.

**RECOMMENDATION:** Move to approve the minutes from a Joint Town Council/ECC work session held on July 19, 2012.

2. *Item 2 pulled from Consent.*

3. Consider approval of the minutes from a Joint Town Council/Parks, Arts, and Library Services (PALS) work session held on August 16, 2012.

**RECOMMENDATION:** Move to approve the minutes from a Joint Town Council/PALS work session held on August 16, 2012.

4. *Item 4 pulled from Consent.*

5. Consider approval of Change Order No. 1 for the Wastewater Treatment Plant Rehabilitation Phase II project, amending the contract with North Texas Contracting, Inc., for an increase of \$40,187.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Change Order No. 1 for the Wastewater Treatment Plant Rehabilitation Phase II project, amending the contract with North Texas Contracting, Inc., for an increase of \$40,187.00; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of an ordinance vacating and abandoning the eastern 7.5-foot-wide and the western 7.5-foot-wide utility easements located in the back yards of Lots 3, 4, 12, and 13, Block 28, Pecan Acres, which lots are more commonly known as 5000 Bayberry Street, 4920 Bayberry Street, 5001 Dogwood Street, and 4925 Dogwood Street. The Pecan Acres Addition is generally located west of Rippy Road and north of West Windsor.

**RECOMMENDATION:** Move to approve an ordinance vacating and abandoning the eastern 7.5-foot-wide and western 7.5-foot-wide utility easements located in the back yard of Lots 3, 4, 12, and 13, Block 28, Pecan Acres, which lots are more commonly known as 5000 Bayberry Street, 4920 Bayberry Street, 5001 Dogwood Street, and 4925 Dogwood Street. The Pecan Acres Addition is generally located west of Rippy Road and north of West Windsor.

#### ORDINANCE NO. 33-12

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EASTERN 7.5-FOOT-WIDE UTILITY EASEMENT LOCATED IN THE BACK YARD OF LOTS 3 AND 4, BLOCK 28, PECAN ACRES, AND THE WESTERN 7.5-FOOT-WIDE UTILITY EASEMENT LOCATED WITHIN THE BACKYARDS OF LOTS 12 AND 13, BLOCK 28, PECAN ACRES, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR THAT PORTION OF SAID EASEMENT AS DEPICTED IN EXHIBIT "A";**

**REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

7. **Consider approval of Change Order No. 4 for The Heritage Park of Flower Mound Phase I project, amending the contract with 2L Construction LLC, for an increase of \$91,060.00; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve Change Order No. 4 for The Heritage Park of Flower Mound Phase I project, amend the contract with 2L Construction LLC, for an increase of \$91,060.00; and authorize the Mayor to execute same on behalf of the Town.

8. **Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Ordinance No. 52-11 and amended by Ordinance No. 63-11 and Ordinance No. 05-12, for adjustments to the General Fund.**

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Ordinance No. 52-11 and amended by Ordinance No. 63-11 and Ordinance No. 05-12, for adjustments to the General Fund.

**ORDINANCE NO. 34-12**

**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, 2011, AND ENDING ON SEPTEMBER 30, 2012, AS ADOPTED BY ORDINANCE NO. 52-11 AND AMENDED BY ORDINANCE NO. 63-11 AND ORDINANCE NO. 05-12; FOR ADJUSTMENTS TO THE GENERAL 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.**

9. **Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Resolution No. 26-11.**

**RECOMMENDATION:** The Town Council acting, as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District, moves to approve a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Resolution No. 26-11.

**RESOLUTION NO. 12-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AS ADOPTED BY RESOLUTION NO. 26-11; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

10. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RECOMMENDATION:** Move to approve a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RESOLUTION NO. 13-12**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

11. Consider approval of proposed changes to the Town's Personnel and Administrative Regulations Manual, Title I, Personnel Regulations, Chapter 5 Workers' Compensation Leave, effective immediately.

**RECOMMENDATION:** Move to approve changes to the Personnel and Administrative Regulations manual (PARM), Title I, Personnel Regulations, Chapter 5 Workers' Compensation Leave, effective immediately.

12. Consider approval of an amendment to a contract with Brandnu Marketing for marketing services regarding the Living Local FM program; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a contract amendment with Brandnu Marketing to provide marketing services for the Living Local FM program; and authorize the Mayor to execute same on behalf of the Town.

13. Consider approval of the Second Amended Commercial Lease Agreement between the Town of Flower Mound, Texas, and the Atrium at FM, amending the current First Amended Commercial Lease by providing for a term of three years, with two one-year renewals, effective September 29, 2012; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Second Amended Commercial Lease Agreement between the Town of Flower Mound, Texas, and the Atrium at FM, amending the current First Amended Commercial Lease by providing for a term of three years, with two one-year renewals, effective September 29, 2012; and authorize the Mayor to execute same on behalf of the Town

**VOTE ON MOTION**

**AYES:** Wise, Dixon, Stephenson, Webb, Levenick.

**NAYS:** None.

**L. REGULAR ITEMS**

*Item 4 removed from Consent by Mayor Hayden.*

4. **Consider approval of a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$35,000.00, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.**

Mr. Jennings provided a presentation outlining the history of the program, proposed agreement with SPAN and current budget, cost sharing and maximums, and other considerations.

Mr. Jennings responded to questions from Councilmembers related to:

- the voter decision not to fund DCTA
- resident participation in the SPAN program last year
- funding sources
- clarification if approving contract or cost sharing
- use of Medicare funds for trips
- average miles per trip

Councilmember Dixon provided background information related to the cost sharing split in 2005 and 2007.

Councilmember Dixon and Mayor Pro Tem Stephenson expressed interest in having the Town try to go after the subsidies to lower the cost for the riders, as well as to revisit with DCTA to gain access into the system to utilize the subsidies, to get the cost of \$30 per trip reduced for the Town.

Deborah Robertson, Ex. Director of SPAN and Nic Gray, SPAN Transportation Manager

Ms. Robertson and Mr. Gray responded to questions from Councilmembers related to:

- funding sources
- prioritization standards for riders
- number of users for SPAN in Lewisville
- geographic areas of coverage

Mr. Gray clarified they serve 1500 individuals, with 24 in Flower Mound.

Mayor Pro Tem Stephenson commented it's a severe impact for people and that perhaps during the review process (on the short term for this year), keep their share at \$6.50 and give consideration to the split calculations as a future agenda item.

Councilmember Dixon commented the addition employment use is an acceptable trip. He noted 45% of the total expenditures is for employment, however, that is what brought the cost up significantly.

Councilmember Webb commented having a job is a huge quality of life issue for these groups and he is in favor of holding the dollar to the rider and having the reasonable burden of \$1,500 to the taxpayers.

Mayor Hayden summarized passenger usage for the residents that utilize the service. He questioned if being part of SPAN was appropriate for the long term or is there the possibility of the Town having their own vehicles and drivers and indicated the Town needs to consider a long term plan to accommodate the users. He indicated there should be a motion to pass the item and discuss it in further detail at the January Council planning session, which would include input from the Transportation Commission.

Mayor Pro Tem Stephenson suggested there should be a motion to approve with the 80/20 split, and a recommendation to have the transportation commission consider alternative options.

Mr. Welch clarified that what would be changed in the recommended motion would be increasing the Town's participation from \$23.25 per one way trip to \$24.25 per one way trip, keeping the \$35,000 cap and 125 trips per month.

Mayor Pro Tem Stephenson indicated they would raise the cap to \$36,500.

Mr. Jefferson noted the \$1,500 amendment would be included with the adoption of the budget on September 17<sup>th</sup>.

Mayor Pro Tem Stephenson moved to approve a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$36,500.00, to provide transportation service for Town citizens for age 65 and older and Town citizens with verifiable disabilities that prevent them from driving, and authorize the Mayor to execute same on behalf of the Town. She further moved that the Town's participation rate be changed from \$23.25 per one way trip to \$24.25 per one trip and to amend the proposed agreement accordingly. Councilmember Webb seconded the motion.

## VOTE ON MOTION

**AYES:** Levenick, Webb, Stephenson, Dixon, Wise.

**NAYS:** None.

*Item 2 removed from Consent by Mayor Pro Tem Stephenson.*

2. Consider approval of the minutes from a regular meeting and work session of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 6, 2012.

Mayor Pro Tem Stephenson provided amended language for Item 3 in the Town Manager's Report.

Mayor Pro Tem Stephenson moved to approve the minutes from a regular meeting and work session of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 6, 2012. Councilmember Dixon seconded the motion.

#### VOTE ON MOTION

**AYES:** Wise, Dixon, Stephenson, Webb, Levenick.

**NAYS:** None.

14. **Z 01-10 - Ridge Bluff Estates**

*Public Hearing*

Public Hearing to consider a request for rezoning (Z 01-10 - Ridge Bluff Estates) from Agricultural District (A) uses and Single-Family District-10 (SF-10) uses to Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Simmons Road and south of Holly Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.) (This item was tabled until September 4, 2012, at the July 16, 2012, Town Council meeting.)*

Mayor Hayden opened items 14, 15, and 16 at 8:24 p.m.

#### Staff Presentation

Mr. Powell provided a presentation identifying:

- the location of the site
- zoning and land use
- photographs of the existing site
- a reduction of lots from what was originally presented (from 29 to 18 lots)
- emergency access area
- drainage areas
- buffering and open space areas
- slopes that are greater than 12%
- the request for the removal of two specimen trees
- lot square footages

He pointed out a petition was received when the project was originally presented, however, since so much of the property is surrounded by Corp property they didn't meet the requirements that would trigger a super majority vote by Council.

**Applicant Presentation**

Jeff Crannell, Crannell, Crannell & Martin, P.O. Box 295429, Lewisville, TX 75029

Mr. Crannell provided a presentation identifying their 18 lot plan, noting it was originally 29 lots, however, the adjacent homeowners had some concerns, and for that reason there were compromises with the adjacent neighborhood.

Mr. Crannell responded to questions from Councilmembers related to:

- what is proposed for lot 17 and 18 regarding the access being on Ridgebluff Court and what's going to be on the back of Holly Lane
- drainage impact
- the amount of trees that will be lost in conjunction with the development
- construction parking and what residents can expect
- clarification regarding the road access
- deed restrictions

Mayor Hayden opened the Public Hearing for Items 14 and 15 at 8:43 p.m.

**Public Participation**

Craig Christianson, 4017 Oakdale Ln, Flower Mound, TX

Mr. Christianson spoke about maintaining character of their community as well as safety. He noted they are willing to withdraw their objections based on the incorporation of the development agreement. He noted being in favor of item five in the agreement that was unsolicited by their HOA group which references Cedarcrest Court, and that there would be good faith efforts made for the developer to try to acquire the right of way to put a road in there, due to their roads being one way in and one way out.

Mayor Hayden closed the Public Hearing for Items 14 and 15 at 8:49 p.m.

Council Deliberation

Councilmember Dixon commented being pleased that the neighborhood and the developer were able to come to an agreement.

Councilmember Dixon moved to approve a request for rezoning (Z 01-10 - Ridge Bluff Estates) from Agricultural District (A) uses and Single-Family District-10 (SF-10) uses to Single-Family District-15 (SF-15) uses, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Wise seconded the motion.

**ORDINANCE NO. 35-12**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING FROM AGRICULTURAL DISTRICT (A) USES AND SINGLE-FAMILY DISTRICT-10 (SF-10) USES TO SINGLE-FAMILY DISTRICT-**



15 (SF-15) USES ON APPROXIMATELY 9.62 ACRES OF LAND IN THE M. BAKER SURVEY, ABSTRACT NUMBER 107, INCLUDING LOTS 1, 2, AND 3 OF BLOCK 4 OF THE NORTH LAKE HIGHLANDS SECTION 2 SUBDIVISION IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Levenick, Webb, Stephenson, Dixon, Wise.

NAYS: None.

15. *Ridge Bluff Estates – Tree Removal* *Public Hearing*  
Public Hearing to consider an application for a tree removal permit for the removal of two specimen trees on property proposed for development as Ridge Bluff Estates. The property is generally located west of Simmons Road and south of Holly Lane. *(The Environmental Conservation Commission recommended approval by a vote of 4 to 0 at their June 5, 2012, regular meeting).*

Councilmember Dixon moved to approve the application for a tree removal permit for the removal of two specimen trees on property proposed for development as Ridge Bluff Estates. The property is generally located west of Simmons Road and south of Holly Lane. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Stephenson, Webb, Levenick.

NAYS: None.

16. Consider a request for a Development Plan (DP 02-10 - Ridge Bluff Estates) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement; and authorization for the Mayor to execute same on behalf of the Town. The property is generally located west of Simmons Road and south of Holly Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.) (This item was tabled until September 4, 2012, at the July 16, 2012, Town Council meeting.)*

Councilmember Dixon moved to approve a Development Plan (DP 02-10 - Ridge Bluff Estates on Lake Grapevine) to develop a residential subdivision and acceptance of Park Development Fees in the amount of \$24,984.00 and cash in lieu of land in the amount of \$44,197.97 to satisfy the requirements of the Park Land Dedication Ordinance, subject to the terms and conditions in the attached Development Agreement; and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Webb, Stephenson, Dixon, Wise.

**NAYS:** None.

**17. *Street Name Change - West Windsor Drive***

***Public Hearing***

**Public Hearing to consider approval of a street name change for the entire length of West Windsor Drive between Long Prairie Road (FM 2499) and Bridlewood Boulevard; and adopt an Ordinance providing for said change. (*The Transportation Commission recommended a ranking of proposed street names by a vote of 4 to 3 at its June 12, 2012, meeting.*) (*Rescheduled from 7/16/2012 Town Council Meeting*).**

**Staff Presentation**

Mr. Collins provided a presentation identifying the location of West Windsor, history, reasoning for the request, recommendations from the July 16<sup>th</sup> Transportation Commission meeting, and steps taken after the July 16, 2012 meeting in which properties directly affected were contacted. Mr. Collins noted all of the property owners prefer no name change.

Mr. Collins pointed out the overhead name blade signs will point out the full name of West Windsor, and will be taller in height which will help with legibility.

Mr. Collins responded to questions from Councilmembers related to:

- appearance of streets as they exist today in the way of signage (Windsor and West Windsor)

Mayor Hayden opened the Public Hearing at 8:59 p.m.

No one spoke in favor or against the item.

Mayor Hayden closed the public hearing at 8:59 p.m.

Councilmember Webb moved to postpone indefinitely the approval of a street name change for the entire length of West Windsor Drive between Long Prairie Road (FM 2499) and Bridlewood Boulevard; and adopt an ordinance providing for said change. Mayor Pro Tem Stephenson seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Wise, Dixon, Stephenson, Webb, Levenick

**NAYS:** None.

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

No discussion.

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

The Town Council convened into a closed meeting at 9:01 p.m. on September 4, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 11:13 p.m. on September 4, 2012, 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 Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

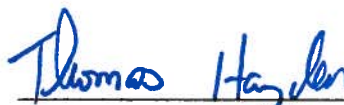
- d. Discuss and consider Presiding Judge, Alternate Judge, and addition of second Alternate Judge position.

No action taken.

**P. ADJOURN SPECIAL MEETING**

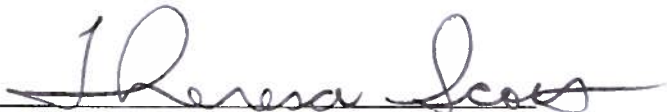
Mayor Hayden adjourned the meeting at 11:14 p.m. on Tuesday, September 4, 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



HERESA SCOTT, TOWN SECRETARY

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