

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF MARCH 2016, 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                 |
| Steve Dixon    | Mayor Pro Tem         |
| Itamar Gelbman | Deputy Mayor Pro Tem  |
| Mark Wise      | Councilmember Place 1 |
| Bryan Webb     | Councilmember Place 2 |
| Kevin Bryant   | Councilmember Place 3 |

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

|                    |                                            |
|--------------------|--------------------------------------------|
| Theresa Scott      | Town Secretary                             |
| Bryn Meredith      | Town Attorney                              |
| Jimmy Stathatos    | Town Manager                               |
| Debra Wallace      | Assistant Town Manager/CFO                 |
| Gary Sims          | Executive Director of Community Services   |
| Doug Powell        | Executive Director of Development Services |
| Ken Parr           | Executive Director of Public Works         |
| Matt Hotelling     | Traffic Engineer                           |
| Eric Greaser       | Fire Chief                                 |
| Christine Hastings | Animal Services Manager                    |

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:00 p.m.

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

Chaplain Russ McNamer gave the invocation and Mayor Hayden led the pledges.

**D. PUBLIC PARTICIPATION**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

|    | <b>Speaker names and address</b> | <b>Subject (as written on the form)</b>         |
|----|----------------------------------|-------------------------------------------------|
| 1. | Jeff Tasker, 3709 Sandhurst      | New on profit organization called Roar 4 Change |
| 2. | Don McDaniel, 3801 Hide A Way Ln | Public participation                            |
| 3. | Kathy O'Keefe, 3004 Oxford Ct    | Fine tuning our families                        |
| 4. | Angie Cox, 7616 Emerson Ln       | KFMB, commercial recycling                      |
| 5. | Carol Kohankie, 4312 Lauren Way  | Commercial recycling                            |
| 6. | Warner Watkins, 2800 London Ln   | Veterans programs                               |
| 7. | Jason Webb, 2445 Creekhaven      | Easter sunrise service and elections            |

**E. ANNOUNCEMENTS**

Mayor Pro Tem Dixon reported on the Chamber State of the Cities event.

Councilmember Webb reported on two public information request received, and the associated time involved to produce the records responsive.

Mayor Hayden reported on a public information request received from a member of a Council for his call logs and text messages.

**F. TOWN MANAGER'S REPORT**

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

Mr. Stathatos gave an update on the following CIP projects:

- Forest Vista reconstruction phase
- Regency pump station

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on the following ED projects:

- Gloria's will be open within the next week or two
- Parker Square activity update, which includes a new restaurant

3. Update and discussion on Denton County Transportation Authority.

Mr. Stathatos and Mr. Hotelling gave an update on the Denton County Transportation Authority identifying or noting:

- Potential trip generators
- Mobility assistance, including mobility on demand service
- Needs assessment
- Next steps include having the topic as a discussion item at the June Strategic Planning Session, with Jim Cline participating in that session if needed

4. Discussion on Town events and programs for veterans.

Mr. Stathatos provided background information that led to the Town publishing a page on the Town's website related to current events and programs recognizing Veterans.

Councilmember Bryant announced that there will be a Memorial Day event this year at Town Hall. He also announced interest in having a Veterans liaison position that would have the authority to get things done. This individual would also have input on what goes on the Veterans page on the Town's website.

Deputy Mayor Pro Tem Gelbman reiterated his interest in offering a celebration program for returning troops.

There was Council consensus to go forward with a Veterans liaison, with the understanding Councilmember Bryant would work with staff on creating the responsibilities, followed by full Council approval.

5. Other:

- Ms. Wallace provided an update on the recent recycling error and Waste Management's offer to refund the Town for the error with the recyclables that accidentally went into the landfill
- Mayor Hayden and Ms. Wallace provided an update on the solid waste contract
- Mayor Pro Tem Dixon announced that the north bound lanes of FM 2499 will be open next week. He also provided background information as it relates to the flyover at FM 2499 and Gerault
- Mayor Hayden expressed appreciation for the County's support with the funding of this section of FM 2499. He also announced future improvements that are planned for this area

**G. FUTURE AGENDA ITEMS**

1. Councilmember Webb requested that at the next Council meeting a plan be put together for the best long term process for dealing with PIRs, given the volume is continuing.

Ms. Scott responded with a statement of fact, as requested by Mayor Pro Tem Dixon, on the recent changes to the public information request form, and pointed out that the discussion with him had to do with the suggestion of adding the option of no duplicates to the form.

There was Council consensus to bring forward a future discussion item regarding a plan to manage the volume of PIRs.

**H. COORDINATION OF CALENDARS**

Mayor Hayden announced that the next Town Council meeting is scheduled for April 4<sup>th</sup>.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 15, 2016.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on February 15, 2016.

2. Consider approval of the minutes from a joint work session of the Town Council and Environmental Conservation Commission held on February 18, 2016.

**RECOMMENDATION:** Move to approve the minutes from a joint work session of the Town Council and Environmental Conservation Commission held on February 18, 2016.

3. Consider approval of a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor to execute same on behalf of the Town.

#### **RESOLUTION NO. 06-16**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, EXTENDING THE BANK DEPOSITORY AGREEMENT WITH JPMORGAN CHASE BANK, NA, FOR A TWO-YEAR RENEWAL PERIOD AND DECLARING AN EFFECTIVE DATE.**

4. Consider approval of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2015.

**RECOMMENDATION:** Move to approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2015.

*Item 5 was pulled from Consent*

6. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15, No. 04-16 and No. 09-16 for an adjustment to the General Fund and the Library Development Fund.

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15, No. 04-16 and No. 09-16 for an adjustment to the General Fund and the Library Development Fund.

#### **ORDINANCE NO. 13-16**

**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, 2015, AND ENDING ON SEPTEMBER 30, 2016, AS ADOPTED BY ORDINANCE NO. 52-15 AND AMENDED BY ORDINANCE NO. 70-15, 04-16**

and 09-16, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND AND LIBRARY DEVELOPMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING FOR PUBLICATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of the purchase of a six (6) new 9C1 Pursuit 2-Wheel Drive Tahoes for the Police Department from Reliable Chevrolet through an interlocal agreement with Tarrant County, in the amount of \$288,600.00.

**RECOMMENDATION:** Move to approve the purchase of a six (6) new 9C1 Pursuit 2-Wheel Drive Tahoes for the Police Department from Reliable Chevrolet through an interlocal agreement with Tarrant County, in the amount of \$288,600.00.

8. Consider approval of an agreement with Motorola for the upgrades to radios and communications equipment that were approved during the 2015-2016 budget process; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve an agreement with Motorola for the upgrades to radios and communications equipment that were approved during the 2015-2016 budget process; and authorization for the Mayor to execute the same on behalf of the Town.

9. Consider approval of the purchase of a rapid deployment vehicle by the Flower Mound Police Department.

**RECOMMENDATION:** Move to approve the purchase of a rapid deployment vehicle by the Flower Mound Police Department.

10. Consider approval of final acceptance of the Individual Parks Improvement (Cortadera, Culwell, and Leonard Johns Parks) project; authorization for final payment to 2L Construction, LLC, in the amount of \$11,816.50.

**RECOMMENDATION:** Move to approve final acceptance of the Individual Parks Improvement (Cortadera, Culwell, and Leonard Johns Parks) project; authorization for final payment to 2L Construction, LLC, in the amount of \$11,816.50.

11. Consider approval of the purchase and installation of play equipment for the Staton Oak Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$170,466.00.

**RECOMMENDATION:** Move to approve the purchase and installation of play equipment for the Staton Oak Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$170,466.00.

12. Consider approval of emergency agreement for the construction of Bakers Branch Stabilization at 1601 Twilight Drive project in the amount of \$126,618.00, and the construction of McKamy Creek Bank Stabilization at 3400 Pheasant Court project, in the amount of \$32,190.00.

**RECOMMENDATION:** Move to approve an emergency agreement for the construction of Bakers Branch Stabilization at 1601 Twilight Drive project in the amount of \$126,618.00, and the construction of McKamy Creek Bank Stabilization at 3400 Pheasant Court project, in the amount of \$32,190.00.

13. Consider approval of a Professional Services Agreement for the design phase services of the FM2499 at FM3040 24-Inch Water Line Crossing Replacement project, with Kimley-Horn and Associates, Inc., for \$20,900.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement for the design phase services of the FM2499 at FM3040 24-Inch Water Line Crossing Replacement project, with Kimley-Horn and Associates, Inc., for \$20,900.00; and authorization for the Mayor to execute same on behalf of the Town.

14. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the ADA Transition Plan & Implementation project - 2016 Update, in the amount of \$100,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the ADA Transition Plan & Implementation project - 2016 Update, in the amount of \$100,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

*Item 15 was pulled from Consent.*

16. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by extending the reduced school speed zone for Bridlewood Boulevard, Garden Road, and Peters Colony Road.

**RECOMMENDATION:** Move to approve an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by extending the reduced school speed zone for Bridlewood Boulevard, Garden Road, and Peters Colony Road.

**ORDINANCE NO. 14-16**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS AND PORTIONS OF CERTAIN STREETS WITHIN THE TOWN AT CERTAIN TIMES; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

17. Consider approval of a resolution to enter into a Volunteer Cooperation Agreement for Operation and Maintenance of Traffic Signals with the Texas Department of Transportation, with proposed revenue of \$66,080.08; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve a resolution to enter into a Volunteer Cooperation Agreement for Operation and Maintenance of Traffic Signals with the Texas Department of Transportation, with proposed revenue of \$66,080.08; and authorization for the Mayor to execute the same on behalf of the Town.

**RESOLUTION NO. 07-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A VOLUNTARY COOPERATION AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CERTAIN TRAFFIC SIGNALS LOCATED ALONG THE STATE HIGHWAY SYSTEM WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND OTHER LOCAL GOVERNMENTAL AGENCIES; AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

18. Consider approval of Change Order No. 1 and final acceptance of the FM 1171 at Forums Drive Traffic Signal project amending the contract with Durable Specialties Inc., for a decrease of \$8,176.00; authorization for final payment to Durable Specialties Inc., in the amount of \$20,150.90; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Change Order No. 1 and final acceptance of the FM 1171 at Forums Drive Traffic Signal project amending the contract with Durable Specialties Inc., for a decrease of \$8,176.00; authorization for final payment to Durable Specialties Inc., in the amount of \$20,150.90; and authorization for the Mayor to execute same on behalf of the Town.

19. Consider approval for the final acceptance of the Pintail Ground Storage Tank Rehabilitation project and authorization of final payment to the contractor, NG Painting L.P., in the amount of \$62,155.00.

**RECOMMENDATION:** Move to approve the final acceptance of the Pintail Ground Storage Tank Rehabilitation project and authorization of final payment to the contractor, NG Painting L.P., in the amount of \$62,155.00.

*Item 20 was pulled from Consent.*

21. Consider approval of replastering the outdoor pool at the Community Activities Center.

**RECOMMENDATION:** Move to approve replastering the outdoor pool at the Community Activities Center.

Mayor Pro Dixon to approve by consent Items 1 – 4; 6 – 14; 16 – 19; & 21. Councilmember Bryant seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:**

*Motion passed*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

5. Consider approval of a Memorandum of Understanding (MOU) between Denton County and the Town of Flower Mound regarding the Gibson-Grant Long Prairie Log Cabin Site.

**Staff Presentation**

Ms. Wallace described the scope of work associated with the Memorandum of Understanding.

Ms. Wallace responded to questions from Council as follows:

- Is the restoration and management included
- Clarification regarding the role of Denton County
- Has an estimate been determined for the restoration

Councilmember Webb moved to approve a Memorandum of Understanding (MOU) between Denton County and the Town of Flower Mound regarding the Gibson-Grant Long Prairie Log Cabin Site. Deputy Mayor Pro Tem Gelbman seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE**

**NAYS: NONE**

15. Consider approval of a Supplement to the Harris County Department of Education Choice Partners Cooperative Contract Between the Town of Flower Mound and Basic IDIQ, through an Interlocal Agreement provided through the Harris County Department of Education with Basic IDIQ, for the construction award of a Temporary Fire Station to cover the Canyon Falls Development area, which will

transition into the Western Operations and Maintenance Facility, in the amount of \$771,398.40; and authorization for the Mayor to execute same on behalf of the Town.

#### **Staff Presentation**

Chief Greaser summarized the purpose of this item, anticipated services, timing, and the associated benefits that will be gained for having the additional fire station. He also pointed out long term plans for a future permanent location.

Chief Greaser or Ms. Wallace responded to questions from Council as follows:

- What happens to the facility when it's vacated by the fire department

Deputy Mayor Pro Tem Gelbman moved to approve a Supplement to the Harris County Department of Education Choice Partners Cooperative Contract Between the Town of Flower Mound and Basic IDIQ, through an Interlocal Agreement provided through the Harris County Department of Education with Basic IDIQ, for the construction award of a Temporary Fire Station to cover the Canyon Falls Development area, which will transition into the Western Operations and Maintenance Facility, in the amount of \$771,398.40; and authorization for the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

#### **VOTE ON MOTION:**

*Motion passed*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

20. Consider approval of the award of Bid No. 2016-33 to Felix Construction Company, for the Pintail Pump Station Capacity Improvements project, in the amount of \$1,009,380.00; and authorization for the Mayor to execute same on behalf of the Town.

#### **Staff Presentation**

Mr. Parr provided background information regarding the purpose of the pump station and noted that 90% of the cost is being paid for by the developer.

Mayor Pro Tem Dixon moved to approve the award of Bid No. 2016-33 to Felix Construction Company, for the Pintail Pump Station Capacity Improvements project, in the amount of \$1,009,380.00; and authorization for the Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

#### **VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, DIXON, BRYANT, WISE**

**NAYS: NONE**

**ABSENT: WISE**

**J. REGULAR ITEMS**

22. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2016, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.

**Staff Presentation**

John Martin, Hilltop Securities

Mr. Martin gave a presentation identifying or noting:

- Purpose of the item
- Debt service savings
- Anticipated reduction of \$200,000 per year

Councilmember Bryant moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2016, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto. Mayor Pro Tem Dixon seconded the motion.

**ORDINANCE NO. 12-16**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED TOWN OFFICIAL.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

23. Discuss and consider the scope and role of the Animal Services Board.

**Staff Presentation**

Mr. Stathatos provided background information, noting that the Animal Services Board (ASB) is seeking feedback from Council regarding some of their initiatives.

Ms. Hastings indicated the ASB would like to be more involved in the community and would like instruction from the Council to help develop their ideas. She pointed out the core responsibilities of the Board; noting however, that there is interest in having more community involvement. She pointed out a few examples relative to

things they would like to do such as being involved in fund raising to help with the animal care fund, or to represent the animal services at a registration event held recently at The Hound Mound.

Ms. Hastings responded to questions from Council as follows:

- Who would authorize the disbursement of any funds received through fund raising
- What are the Animal Services Board interactions with external volunteer organizations such as Humane Tomorrow, and a request to consider leveraging each other's strengths
- Interest in having the local veterinarians be a voice in what is being recommended to make sure there are no concerns as it relates to interfering with services they offer

Councilmember Bryant summarized the intent of the board and noted that if they get Council approval they can start working on some of the things they have only been talking about up to this point. He added that the Board has been working on the proposed document since April of last year.

There was Council consensus to move forward with all three options presented by the Animal Services Board as outlined below, and to take the necessary steps for implementation.

- I. **Education Program:** the ASB views one of its primary roles as educating the community on issues related to animals, both wild and domestic. In order to accomplish these goals, the ASB proposes the following educational content and processes on which to present it to the community.

- a. Education Content:

- i. Wildlife Issues
  1. Snakes
  2. Skunks
  3. Rabies
  4. Seasonal animal issues
- ii. Domestic Animal Issues
  1. Vaccinations
  2. FM ordinances
  3. Seasonal issues

- b. Educational Processes: The mechanisms for educating the public are listed below. We have purposely listed these education processes in order based on the amount of resources required from the Animal Services Department staff with the first item requiring the least amount of staff resource.

- i. Town Website
- ii. Social Media/Facebook

- iii. Utility Bill Insert
- iv. FM TV
- v. Personal Appearances
  - 1. Schools
  - 2. Library
  - 3. Public events
  - 4. CAC events

II. **Volunteer Program Upgrade Project:** Volunteers are an important resource for the efficient functioning of the Animal Services Department. Volunteers assist the Animal Services staff with a range of duties as well as provide a unique connection between Animal Services Department and the Flower Mound community. In order to assure the safety of our volunteers it is essential that they receive the proper training and orientation. The Animal Services Board proposes a redevelopment of the volunteer training and orientation program. This will include:

- a. Development of Volunteer Training and Orientation Program
- b. Development of Volunteer Training Manual
- c. Development of Animal Services volunteer policies and procedures

III. **Flower Mound Dog Park:** The Animal Services Board maintains a specialized knowledge base with regard to the behavior of animals (dogs) as well as the interaction between animals and humans. Clearly, this knowledge would be a necessary component during the development of the Flower Mound Dog Park. The ASB proposes that it assists in development by providing:

- a. Education regarding animal and animal/human behavior
- b. Assistance in developing the policies and procedures for the dog park
- c. Marketing at local events

24. Public Hearing to consider a request for a Specific Use Permit No. 438 (SUP15-0009 -Hawk Road Cell Tower) to permit a new communication tower, and to consider adopting an ordinance providing for said amendment. The property is located at 6901 Hawk Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its December 14, 2015, meeting.) (The Town Council postponed the item at its December 21, 2015, meeting.)*

*This item was withdrawn by the applicant and therefore not heard by Town Council.*

25. Public Hearing to consider a request for rezoning (ZPD16-0002 – Home Depot/Silveron Addition) to amend Specific Use Permit No. 245 (SUP-245) within Planned Development District No. 31 (PD-31) to allow for temporary or seasonal sales, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway and east of Long Prairie

Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its March 14, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General location
  - Detailed location
  - Land use and zoning
  - Photos of the existing site
  - The request is for the purpose of allowing seasonal sales of Christmas trees only as a permitted use, and based on what is allowed in campus commercial in general
  - Proposed PD standards
- Special times tree sales can be done

Mr. Powell responded to the following questions from Council:

Why isn't the Town doing this for Lowe's as well

- Does the ordinance, in this situation, allow an opportunity for a non business in Flower Mound to come in and lease space in a parking lot from a landlord to be able to put a tent up and sell Christmas trees or other plants

Mayor Hayden opened the Public Hearing at 7:20 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

| Support:<br>Comments/Questions | Opposition:<br>Comments/Questions | Question(s)/Comments Only       |
|--------------------------------|-----------------------------------|---------------------------------|
| None.                          | None.                             | Carol Kohankie, 4312 Lauren Way |

Mayor Hayden closed the Public Hearing at 7:21 p.m.

Deputy Mayor Pro Tem Gelbman moved to approve a request for rezoning (ZPD16-0002 – Home Depot/Silveron Addition) to amend Specific Use Permit No. 245 (SUP-245) within Planned Development District No. 31 (PD-31) to allow for temporary or seasonal sales, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway and east of Long Prairie Road. Councilmember Wise seconded the motion.

**ORDINANCE NO.15-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 22-02, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 31 (PD-31) WITH CAMPUS COMMERCIAL (CC) USES AND GRANTED SPECIFIC USE PERMIT NO. 245 (SUP-245) FOR A RETAIL SINGLE TENANT OVER 100,000 SQUARE FEET ON CERTAIN PROPERTY DESCRIBED AS LOT 2, BLOCK A, OF THE HOME DEPOT SILVERON ADDITION, AS AMENDED BY ORDINANCE NO. 33-04, BY AMENDING THE MISCELLANEOUS STANDARDS FOR SUP-245 TO ALLOW FOR TEMPORARY OR SEASONAL SALES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE**

**NAYS: NONE**

26. Public Hearing to consider a request for rezoning (ZPD16-0003 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to modify the exception to Section 98-147, "Topographical Slope Protection," and to consider adopting an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located south of Cross Timbers Road and west of Shiloh Road. *(The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its February 22, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Photos of site
- Amended development plan and modifications made by the applicant
- Revised ESA map
- Previous and revised slope map
- Development plan impact
- Exceptions
- Requested incentives fee reductions

Mr. Powell responded to questions from Council as follows:

- Were there any changes from the prior to most recent consideration from when P & Z saw it previously
- Clarification that what is being requested is not really the zoning but the exception for the environmental characteristics
- Clarification regarding the slope protection numbers

- How does what is being proposed flow with the existing neighborhood
- When were the waiver requests made and what is the justification
- Is the upland habitat calculated by acreage
- Traffic impact concerns
- How many past requests for topographical slope protection has there been

### **Applicant Presentation**

Dale Ridinger, Ridinger and Associates, 550 Edmunds Ln, Lewisville

Mr. Ridinger gave a presentation identifying or noting:

- Previously approved development plan
- New approved development plan:
  - o north and south sections
  - o uplands
  - o 12% slopes

Mayor Hayden opened the Public Hearing at 7:52 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

| <b>Support:</b><br><b>Comments/Questions</b> | <b>Opposition:</b><br><b>Comments/Questions</b> | <b>Question(s)/Comments</b><br><b>Only</b> |
|----------------------------------------------|-------------------------------------------------|--------------------------------------------|
|                                              | Neil VanCleve, 4008 Ridgecrest Dr               |                                            |

Mayor Hayden closed the Public Hearing at 7:54 p.m.

Town Council convened into closed session pursuant to Texas Government Code Chapter 551.071, for consultation with the Town Attorney for this item at 8:01 p.m. and reconvened into open session at 8:16 p.m.

Councilmember Webb moved to approve a request for rezoning (ZPD16-0003 – Hillside of Flower Mound) to amend Planned Development District No. 143 (PD-143) for a cluster development to modify the exception to Section 98-147, "Topographical Slope Protection," and to consider adopting an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement, provided that the upland habitat fee waiver is not being recommended, that the park dedication fee at 100% is not being recommended, and that the park development fee waiver is not being recommended, and authorization for Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

Mayor Hayden summarized that the motion allows for an exception to the slope waiver, however, not granting the fees beyond what was already done.

Mr. Meredith clarified that since that eliminates all elements of the development agreement, there would be no need to execute anything. It would simply do away with the development agreement.

Mr. Meredith responded to questions from Council as follows:

- Does the development agreement contain the 50% park dedication fee that was previously approved

**ORDINANCE NO. 19-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 64-15, WHICH AMENDED ORDINANCE NO. 56-15 ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS, TO INCLUDE ADDITIONAL DEVELOPMENT STANDARDS REGARDING TOPOGRAPHIC SLOPE EXCEPTIONS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: DIXON, BRYANT, WEBB, WISE**

**NAYS: GELBMAN**

27. Public Hearing to consider a request for rezoning (ZPD15-0014 – Red Hawk) from Agricultural District (A) uses to Planned Development District No. 144 (PD-144) with Single-Family Estate (SF-E) uses, with certain modifications, exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Simmons Road and south of Wichita Trail. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 22, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the site
- Concept plan
- Exception summary

**Applicant Presentation**

Matt Haskin, Homeyer Engineering, 206 Elm St, Ste 105, Lewisville  
and  
Curtis Grant, 2013 Bosbury Dr, Flower Mound

Mr. Haskin gave a presentation identifying or noting:

- Background information
- Proposed development plan
- Exceptions explanation

Mayor Hayden opened the Public Hearing at 8:28 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 8:28 p.m.

There was Council discussion regarding:

- Safety concerns associated with overhead utility lines

Deputy Mayor Pro Tem Gelbman moved to approve a request for rezoning (ZPD15-0014 – Red Hawk) from Agricultural District (A) uses to Planned Development District No. 144 (PD-144) with Single-Family Estate (SF-E) uses, with the exception of the underground utilities, with certain modifications, exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment.

The motion failed due to a lack of a second.

There was Council discussion regarding:

- Background information as it relates to the burying of overhead utility lines
- Clarification regarding situations where poles are in the right of way versus private property

Councilmember Bryant moved to approve a request for rezoning (ZPD15-0014 – Red Hawk) from Agricultural District (A) uses to Planned Development District No. 144 (PD-144) with Single-Family Estate (SF-E) uses, with certain modifications, exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. Councilmember Dixon seconded the motion.

**ORDINANCE NO. 16-16**

**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 4.16 ACRES OF LAND FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 144 (PD-144) WITH SINGLE-FAMILY ESTATE (SF-E) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS**

**CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: DIXON, BRYANT, WEBB, WISE**

**NAYS: GELBMAN**

28. Public Hearing to consider a request for rezoning (ZPD15-0018 – Lakeside Ranch Business Park) to amend Planned Development District No. 83 (PD-83) with Campus Industrial District (CI) uses, by amending the Development Standard(s) to add “Miniwarehouse” as a use that may be permitted upon approval of a Specific Use Permit on certain tract of land, and to consider a request for a Specific Use Permit No. 446 (SUP-446) to permit a Miniwarehouse with certain modifications, exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its March 14, 2016, meeting.)*

#### **Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Clarification that the item is to change a use that currently doesn’t exist
- How the item carries two parts – 1) to amend the PD to allow it and 2) to grant the SUP
- Detailed location
- Land use and zoning
- Site photographs
- Conceptual plan
- Conceptual elevations

Mr. Powell responded to questions from Council as follows:

- Does the project create traffic concerns
- Are there other self-storage locations in Flower Mound

#### **Applicant Presentation**

Rick Jones, Advantage Self Storage, 2600 Eldorado Pkwy, McKinney, Texas

Mr. Jones gave a presentation identifying or noting:

- Company background information
- Photograph of the type of product they deliver
- Site plan and variances
- Artist rendering of the building associated with the concept plan
- Proposed facility
  - o State of the art facility
  - o Fully enclosed within single three-story building
  - o All loading from rear facing loading area
  - o 107,415 gross SF

- o Approx. 82,000 net rentable
- o Approx. 650 individual storage units
- Variance request
- Proposed development (needs and expectations)
- Neighborhood support
- Examples of other properties they delivered

Mr. Jones or Mr. Powell responded to questions from Council as follows:

- Describe in more detail what the end product will look like
- Concerns regarding the intensity of the lighting as well as use of bright colors
- What will the building access hours be
- How do the rates vary with this type of facility as compared to most
- If the building is a good fit for Lakeside in general given the current economic growth the Town is experiencing
- What is the vision for the remaining 2 acres of the 4 acre property they are purchasing
- What are the rental rates and are they taxable

Mr. Jones responded to questions from Council as follows:

- Are there crime statistics associated with the industry of self-storage facilities
- Future vision for the hard corner site for another use (since purchasing 4 acres)

Mr. Jones indicated they would be agreeable to stating in the Ordinance that the doors that are visible would be of the same color, and match the earth tone colors they presented in their materials board. In addition, he expressed a willingness to work with staff to ensure that the lighting they provide is industry standard for office.

Mayor Hayden opened the Public Hearing at 8:56 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

| <b>Support:</b><br><b>Comments/Questions</b> | <b>Opposition:</b><br><b>Comments/Questions</b> | <b>Question(s)/Comments Only</b> |
|----------------------------------------------|-------------------------------------------------|----------------------------------|
| Warner Watkins, 2800 London Ln               | None.                                           | Jason Webb, 2445 Creekhaven      |

Mayor Hayden closed the Public Hearing at 8:58 p.m.

There was Council discussion, as well as feedback from Mr. Stathatos, as to if the mini storage warehouse was an acceptable use for the area.

Councilmember Webb moved to approve a request for rezoning (ZPD15-0018 – Lakeside Ranch Business Park) to amend Planned Development District No. 83 (PD-83) with Campus Industrial District (CI) uses, by amending the Development Standard(s) to add “Miniwarehouse” as a use that may be permitted upon approval of a Specific Use Permit on certain tract of land, and to consider a request for a Specific Use Permit No. 446 (SUP-446) to permit a Miniwarehouse with certain modifications, exceptions and waivers to the Code of Ordinances, including interior doors viewable from the outside to meet the development agreement standards for exterior doors and commercial office lighting on the interior, and adopt an ordinance providing for said amendment. Councilmember Dixon seconded the motion.

#### ORDINANCE NO. 17-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 94-04, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 83 (PD-83) WITH CAMPUS INDUSTRIAL DISTRICT (CI) USES, THROUGH THE AMENDMENT OF EXHIBIT C, "DEVELOPMENT STANDARDS," BY AMENDING SECTION A(3), ENTITLED "SPECIFIC USES," BY ADDING "MINIWAREHOUSE" AS A USE THAT MAY BE PERMITTED UPON APPROVAL OF A SPECIFIC USE PERMIT ONLY ON A 2.11 ACRE PORTION OF LOT 1R1, BLOCK C, OF THE LAKESIDE RANCH BUSINESS PARK ADDITION; APPROVING SPECIFIC USE PERMIT NO. 446 (SUP-446) FOR A MINIWAREHOUSE ON A 2.11 ACRE PORTION OF LOT 1R1, BLOCK C, OF THE LAKESIDE RANCH BUSINESS PARK ADDITION; GRANTING CERTAIN EXCEPTIONS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

#### VOTE ON MOTION:

*Motion passed*

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

29. Public Hearing to consider a request to amend the Land Development Regulations (LDR16-0001) by amending Section 98-2, entitled “Definitions,” and Section 98-980, entitled “Farmer’s Market,” of the Town’s Code of Ordinances to allow a farmer’s market to operate on any Town-owned property and to provide that all farmer’s markets must abide by Town regulations and applicable provisions of state law, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 6-0 at its February 22, 2016, meeting.)*

#### Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Proposal and section language

- How the proposed ordinance allows for the zoning, which would allow the Town to have a Farmer's Market on Town property

Mayor Pro Tem Dixon opened the Public Hearing at 9:13 p.m. No one spoke in support or opposition. Mayor Pro Tem Dixon closed the Public Hearing at 9:13 p.m.

Deputy Mayor Pro Tem Gelbman moved to approve a request to amend the Land Development Regulations (LDR16-0001) by amending Section 98-2, entitled "Definitions," and Section 98-980, entitled "Farmer's Market," of the Town's Code of Ordinances to allow a farmer's market to operate on any Town-owned property and to provide that all farmer's markets must abide by Town regulations and applicable provisions of state law, and to consider adopting an ordinance providing for said amendment. Councilmember Webb seconded the motion.

#### ORDINANCE NO. 18-16

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 98, ZONING, OF THE CODE OF ORDINANCES BY AMENDING SECTION 98-2, "DEFINITIONS;" PROVIDING AN UPDATED DEFINITION OF FARMER'S MARKET; BY AMENDING SECTION 98-980, "FARMER'S MARKET;" PROVIDING THAT ALL FARMER'S MARKETS MUST ABIDE BY PROVISIONS OF STATE LAW AND TOWN REGULATIONS AND ALLOWING A FARMER'S MARKET TO OPERATE ON ANY TOWN-OWNED PROPERTY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE**

**NAYS: NONE**

30. A Resolution of the Town Council of the Town of Flower Mound Texas, creating a Charter Review Commission approving a charge for the Charter Review Commission, providing that the Town Council shall appoint members to the Charter Review Commission; making findings relative thereto; and providing for an effective date.

**Staff Presentation**

Ms. Scott gave a presentation identifying or noting:

- Background information
- Proposed timeline and important dates
- Proposed charge for the Charter Review Commission (CRC)

Ms. Scott responded to questions from Council as follows:

- Clarification that this would be for a November election
- Clarification regarding publishing of captions in the newspaper

- For number six related to terms, add length of term
- Interest in CRC having the option to look at things they or the public would like to bring forward

Mayor Pro Tem Dixon moved to approve a resolution of the Town Council of the Town of Flower Mound Texas, creating a Charter Review Commission, approving a charge for the Charter Review Commission, providing that the Town Council shall appoint members to the Charter Review Commission; making findings relative thereto; and providing for an effective date. Councilmember Webb seconded the motion.

**RESOLUTION NO. 08-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CREATING A CHARTER REVIEW COMMISSION; APPROVING A CHARGE FOR THE CHARTER REVIEW COMMISSION; PROVIDING THAT THE TOWN COUNCIL SHALL APPOINT MEMBERS TO THE CHARTER REVIEW COMMISSION; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

**K. BOARDS/COMMISSIONS**

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Committee, Environmental Conservation Commission, Parks, Arts and Library Services Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

Ms. Scott reported there are a few vacancies and requested Council give some consideration regarding options for next steps relative to appointments.

**L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 9:26 p.m. on March 21, 2016, 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 economic development negotiations, real property, personnel, and consultation with attorney, and reconvened into an open meeting at 9:51 p.m. on March 21, 2016, to take action on the items as follows:

- a. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

No action taken.

- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.

No action taken.

- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.

No action taken.

**N. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 9:51 p.m. on Monday, March 21, 2016, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

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**THERESA SCOTT, TOWN SECRETARY**

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