

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH DAY OF APRIL 2018, 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.

Click here for meeting Video Link (subject to change)

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

Tom Hayden	Mayor
Don McDaniel	Mayor Pro Tem
Kevin Bryant	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Bryan Webb	Councilmember Place 2
Claudio Forest	Councilmember Place 5

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

Theresa Scott	Town Secretary
Ashley Dierker (4/16 & some of 4/17 meeting)	Town Attorney
Bryn Meredith (4/17 – some of the meeting)	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Chuck Russell	Town Planner
Tiffany Bruce	Engineering Manager
Andrea Roy	Director of Economic Development

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 Mike Liles gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Proclamation for Ken Parr, retiring Executive Director of Public Works
Mayor Hayden presented Mr. Parr with a Proclamation acknowledging his retirement.
2. National Economic Development Week (May 7 - 12) Proclamation
Mayor Hayden presented Ms. Roy and Lori Walker, President, Flower Mound Chamber of Commerce, with a Proclamation acknowledging National Economic Development Week.
3. Mayor’s Award of Excellence (to be presented April 17)
Mayor Hayden presented Police Chief Andy Kancel and Fire Chief Eric Greaser with the Mayor’s Award of Excellence Award.

E. 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.

	Speaker names and address	Subject (as written on the form)
1.	Lori Walker, 4913 Kingswood Dr	Flower Mound Chamber Leadercast
2.	Carol Kohankie, 4312 Lauren Way	Library Book Sale
3.	Douglas Brown, 1721 Ingleside Dr	Veterans Events

F. ANNOUNCEMENTS

Councilmember Webb announced that former First Lady Barbara Bush is in failing health and encouraged everyone to keep her and her family in their prayers.

Mayor Pro Tem McDaniel announced early voting and election day voting information and encouraged everyone to vote.

Mayor Hayden announced an upcoming meeting regarding the Town's cultural arts master plan.

G. TOWN MANAGER'S REPORT

Mr. Stathatos gave an update and there was discussion on:

1. Capital improvement projects
 - Heritage Park Phase III is almost finished
2. Economic Development projects
 - Mannetech new global headquarters (April 27th ribbon cutting)
 - New Restaurants: Costa Vita, The Catch, Hive Bakery

Mayor Pro Tem McDaniel expressed interest in doing a warrant study at Chaparral and 2499 (once the restaurant opens) to determine whether or not a traffic signal is needed at that intersection.

H. FUTURE AGENDA ITEMS

1. No future agenda items were presented.

I. COORDINATION OF CALENDARS

Discuss and consider:

- a. Rescheduling the Tuesday, May 8 regular Council meeting to Tuesday, May 15

There was Council consensus to keep the May 7, 2018 meeting as a placeholder for any cleanup, and conduct a special meeting on May 15th for the purpose of canvassing the election.

b. Cancelling the April 19 & May 17 work sessions

There was Council consensus to cancel both the April 19 and May 17 work sessions.

J. CONSENT ITEMS

1. Consider approval of the minutes from a special meeting of the Town Council held on March 27, 2018.

DRAFT MOTION: Move to approve the minutes from a special meeting of the Town Council held on March 27, 2018.

2. Consider approval of the minutes from a special joint work session with Council and the Transportation Commission held on March 27, 2018.

DRAFT MOTION: Move to approve the minutes from a special joint work session with Council and the Transportation Commission held on March 27, 2018.

3. Consider approval of the minutes from a regular meeting of the Town Council held on April 2, 2018.

DRAFT MOTION: Move to approve the minutes from a regular meeting of the Town Council held on April 2, 2018.

4. Consider approval of the minutes from a special joint work session with Council and the Planning and Zoning Commission held on April 4, 2018.

DRAFT MOTION: Move to approve the minutes from a special joint work session with Council and the Planning and Zoning Commission held on April 4, 2018.

5. Consider approval of naming the 3.3 acre public park located adjacent to the Flower Mound Public Library as Peters Colony Memorial Park.

DRAFT MOTION: Move to approve naming the 3.3 acre public park located adjacent to the Flower Mound Public Library as Peters Colony Memorial Park.

6. Consider acceptance of grant funds from the Texas Book Festival, which will be used to purchase additional materials for the Library's Chinese, Japanese, and Korean language collection.

DRAFT MOTION: Move to approve a resolution authorizing the acceptance of grant funds from the Texas Book Festival for the purchase of additional materials for the Library's Chinese, Japanese and Korean language collection, and authorize the use of funds pursuant to the standards of the grant program.

RESOLUTION NO. 08-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS BOOK FESTIVAL FOR THE PURCHASE OF ADDITIONAL MATERIALS FOR THE TOWN LIBRARY'S CHINESE, JAPANESE AND KOREAN LANGUAGE COLLECTION; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE COLLECTIONS ENHANCEMENT GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE

7. Consider approval of the 2018 US Army Corps of Engineer (USACE) Solicitation No. W9126G18T0004 for Contract with the Town of Flower Mound for law enforcement services at Lake Grapevine; and authorize the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve the 2018 US Army Corps of Engineer (USACE) Solicitation No. W9126G18T0004 for Contract with the Town of Flower Mound for law enforcement services at Lake Grapevine; and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval and final acceptance of the Police Jail and Locker Room Renovation project (TOFM contract number 2017-62) and authorization of final payment to Unified Services of Texas Inc., in the amount of \$66,265.39.

DRAFT MOTION: Move to approve final acceptance of the Police Jail and Locker Room Renovation project (TOFM contract number 2017-62) and authorization of final payment to Unified Services of Texas Inc., in the amount of \$66,265.39.

9. Consider approval of Change Order No. 1 and final acceptance of Bid No. 2017-7, the Bruton Orand Elevated Storage Tank Rehabilitation project, amending the contract with Utility Service Company, Inc., for a decrease in the contract in the amount of \$32,800.00, authorization for final payment to Utility Service Company, Inc., in the amount of \$57,632.50; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 and final acceptance of Bid No. 2017-7, the Bruton Orand Elevated Storage Tank Rehabilitation project, amending the contract with Utility Service Company, Inc., for a decrease in the contract in the amount of \$32,800.00, authorization for final payment to Utility Service Company, Inc., in the amount of \$57,632.50; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of Farm Lease between the Town of Flower Mound and the Wayne Haynes Estate for the Lease of Town Property located at 10300 Dunham Road; and authorize the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve Farm Lease between the Town of Flower Mound and the Wayne Haynes Estate for the Lease of Town Property located at 10300 Dunham Road; and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of Change Order No. 1 and final acceptance of the Canterbury Lane & Superior Place Reconstruction projects, amending the contract with 3D Paving and Contracting LLC, for a decrease to the contract in the amount of \$27,350.90, and authorizing final payment to 3D Paving and Contracting LLC, in the amount of \$57,336.03; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 and final acceptance of the Canterbury Lane & Superior Place Reconstruction projects, amending the contract with 3D Paving and Contracting LLC, for a decrease to the contract in the amount of \$27,350.90, and authorizing final payment to 3D Paving and Contracting LLC, in the amount of \$57,336.03; and authorization for the Mayor to execute same on behalf of the Town.

12. Consider approval of Change Order No. 1 and final acceptance of the Sheffield Court, and Colonial Drive Reconstruction projects, amending the contract with 3D Paving and Contracting, LLC., for an increase to the contract in the amount of \$5,879.20, and authorizing final payment to 3D Paving and Contracting, LLC., in the amount of \$88,254.67; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 and final acceptance of the Sheffield Court, and Colonial Drive Reconstruction projects, amending the contract with 3D Paving and Contracting, LLC., for an increase to the contract in the amount of \$5,879.20, and authorizing final payment to 3D Paving and Contracting, LLC., in the amount of \$88,254.67; and authorization for the Mayor to execute same on behalf of the Town.

13. Consider approval of a resolution appointing Clay Riggs as the Town's representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors to complete an existing four-year term ending May 19, 2019.

DRAFT MOTION: Move to approve a resolution appointing Clay Riggs as the Town's representative on the Upper Trinity Regional Water District (UTRWD) Board of Directors to complete an existing four-year term ending May 19, 2019.

RESOLUTION NO. 09-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPOINTING CLAY RIGGS AS THE TOWN'S REPRESENTATIVE ON THE UPPER TRINITY REGIONAL WATER DISTRICT (UTRWD) BOARD OF DIRECTORS TO COMPLETE AN EXISTING FOUR-YEAR TERM ENDING MAY 31, 2019; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Jason Webb moved to approve by consent Items 1-13. Mayor Pro Tem McDaniel seconded the motion. Each item, as approved by consent, is restated above along with the approved draft motion, and if applicable, the Ordinance or Resolution caption for each, for the record.

VOTE ON MOTION:*Motion passed***AYES: FOREST, J WEBB, BRYANT, MCDANIEL, B WEBB****NAYS: NONE**

At 6:36 p.m. Mayor Hayden announced that the Town Council is convening into closed session for consultation with the Town Attorney, and in accordance with 551.071. The Town Council reconvened at 6:54 p.m. and no action was taken.

K. REGULAR ITEMS

14. Consider approval the award of Bid No. 2018-51-B, to Joe Funk Construction, Inc., for the Lake Forest Boulevard Roadway Improvements, and Lake Forest 12-inch Water Line (Bridge Gap) projects, in the amount of \$1,332,670.69; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce provided background information regarding the purpose of this item.

Mayor Pro Tem McDaniel moved to approve Bid No. 2018-51-B, to Joe Funk Construction, Inc., for the Lake Forest Boulevard Roadway Improvements, and Lake Forest 12-inch Water Line (Bridge Gap) projects, in the amount of \$1,332,670.69; and authorization for the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: B WEBB, MCDANIEL, BRYANT, J WEBB****NAYS: NONE****ABSENT (DURING VOTE): FOREST**

15. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Duke Realty Limited Partnership (Lakeside Ranch BP-Lot4R, Blk A).

Staff Presentation

Ms. Roy gave a presentation identifying or noting:

- Proposed site
- Site plan
- PPG Relocation/Expansion Summary
- Proposed incentive
- Cost Benefit Analysis

and she responded to questions from Council as follows:

- Clarification regarding the rebate and proposed revenue

Mayor Hayden opened the Public Hearing at 7:01 p.m. No one spoke in support, opposition, or had questions. Mayor Hayden closed the public hearing at 7:01 p.m.

Deputy Mayor Pro Tem Bryant moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Duke Realty Limited Partnership (Lakeside Ranch BP-Lot4R, Blk A). Councilmember Bryan Webb seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J WEBB, BRYANT, MCDANIEL, B WEBB

NAYS: NONE

Mayor Hayden opened items 16 and 17 at the same time.

- 16. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement on a 17-acre tract located at the southeast corner of Lake Forest Blvd. & Lakeside Pkwy.

Staff Presentation

Ms. Roy gave a presentation for items 16 and 17 identifying or noting:

- Proposed Tax Abatement Reinvestment Zone
- DFW North 4 Site Plan
- Conceptual plans
- DFW North 4-Huntington company information
- Incentive Request

and she responded to questions from Council as follows:

- How does the incentive proposal compare to other communities in the Metroplex that are similar
- Clarification that the Town is out of space for industrial sites in the Lakeside Business District

Applicant Presentation

Steve Myer, Huntington Industrial

Mr. Myer did not have a formal presentation. He provided background information about the project and efforts that are underway, and he responded to questions or comments from Council as follows:

- What is the difference in developing this piece of land (per acre cost) as compared to other sites they have done
- Appreciation for the LEED certification aspects of the development

Mayor Hayden opened the Public Hearing for items 16 and 17 at 7:10 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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
		Janvier Werner, 2829 Bob White Ln

Mayor Hayden closed the Public Hearing at 7:10 p.m.

Councilmember Bryan Webb moved to approve an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-industrial tax abatement located on a 17-acre tract at the southeast corner of Lake Forest Boulevard and Lakeside Parkway. Deputy Mayor Pro Tem Bryant seconded the motion.

ORDINANCE NO. 10-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT, WITHIN THE TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: B WEBB, MCDANIEL, BRYANT, J WEBB, FOREST

NAYS: NONE

- 17. Public Hearing to consider approval of a Tax Abatement and Ch 380 Agreement with HIP DFW North DC IV LLC, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.

Councilmember Bryan Webb moved to approve the Chapter 380 and Tax Abatement Agreement between the Town of Flower Mound and HIP DFW North DC IV LLC, and authorize the Mayor to execute same on behalf of the Town. Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J WEBB, BRYANT, MCDANIEL, B WEBB

NAYS: NONE

Mayor Hayden opened items 18 and 19 at the same time.

- 18. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0014 – CVS Pharmacy #10907) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Estate Residential to Retail use, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and east of Lusk Lane. (The Planning and Zoning recommended denial by a vote of 6 to 0 at its March 26, 2018, meeting.)

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photos of the subject property
- Conceptual landscape plan
- Building elevations
- Unresolved items since the P & Z meeting
- Private deed restrictions

and he responded to questions from Council as follows:

- If the setback variances were granted, would those revert once the rest of the property develops or do they stay with this development

Applicant Presentation

Bobby Dollak, G & A Consultants, 111 Hillside Dr

Mr. Dollak gave a presentation identifying or noting:

- Location
- Aerial view
- Site photos
- Topography
- Land use plan
- Existing zoning
- 1171 and FM Road Intersection
- CVS Trade area
- Property survey
- Conceptual site plan
- Balekian residence (view corridor, residence driveway, front porch, 6' masonry wall)
- Pumpkin patch and tree farm illustration
- Remainder property layout example (future plans)
- Agreement
- Conceptual elevations

and he, or Mr. Meredith responded to questions from Council as follows, and some of which were as a result of the public hearing:

- Why the decision was made to ask for variances on the north side
- How would the CVS banding fit into the Town's ordinances
- Was a traffic study done at Lusk Lane, and if so, what was the impact results
- If the deed restrictions were applicable to the remainder of the property
- How would the Town bring in more control over the rest of the property (because at the moment it's just a letter of intent)
- Can a development agreement be entered into prior to zoning

Mayor Hayden opened the Public Hearing at 8:10 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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Tim Burch, 6200 Canyon Falls Dr, #300	Sandeep Sharma, 2504 Stillwater Ct	None
Diania L Hanson, 4048 Pepperwood	Dawn Bir, 4817 Rangewood Dr	
Amy Watkins, 2004 Reserve Ct	Jacquelyn Narrell, 4801 Lusk Ln	
Mark Stewart, 3932 Ridgecrest Dr	Larry Narrell, 4801 Lusk Ln	
Carol Kohankie, 4312 Lauren Way	Janvier Werner, 2829 Bob White Ln	

Melba Hayes, 9105 Seminole	Chuck Freeny, 4811 Lusk Ln	
Kendall Cooper, 5117 Connors Dr	Cathy Strathmann, 2612 Belmont	
Anita Cooper, 5117 Connors Dr	Katy Grote, 165 Double Oaks, Double Oak	
Amy Wallace, 2913 Trailwood Ln*	Lawrence Pruett, 705 Clydesdale Dr	
Ron Hilliard, 76226	Judith Collins, 1537 Simmons Rd	
Carolyn Seitz, 1125 Colony St*	Ralph Nasca, 4713 Clyesdale Dr	
Maria Nickerson, 2601 Halsey Dr*	Judith Collins, 1537 Simmons Rd*	
Rick Fitzgerald, 4621 Spruce	KC Walsh, 3525 High Rd*	
Jody Smith, 3705 Sarah Springs	Ciara Berry, 3357 Rolling Hills *	
Paul Stone, 4100 Broadway	Nick Stump, 3525 High Rd*	
Jessica Marick, 1416 Elmhurst Ln	Jay Estabrook, 4700 Hampshire Dr*	
Brenda Wendhem**	Mike Bir, 4817 Rangewood*	
Deborah and/or Stephen Cuzzo 1201 Timber Valley**	Nicole Kulas, 4913 Joshua Dr*	
David Smith, 3705 Sarah Springs**	Sara Freeny, 4811 Lusk Ln*	
Kent Nunn, 4909 Kingswood Dr**	John Fambrough, 4105 Spring Meadow Ln*	
Kathy Schmitt, 5104 Peaceful Cove**	Sandy Fambrough, 4105 Spring Meadow Ln*	
Patsy Mizeur, 1821 Castle Ct	Linda Sheehan, 4983 Lusk Ln*	
Jan Balekian, 5100 Cross Timbers Rd.**	Donna Sullivan, 4701 Clydesdale	
Tony Lawrence, 1121 Coker Dr**	William Sullivan, 4701 Clydesdale	
Christopher Kulas, 4913 Joshua Dr **	Kathy Blair, 5113 Forest Hill	
	Michael or Linda Sheehan, 4983 Lusk Ln	
	Dorene Pruett, 4705 Clydesdale Dr	

*submitted a speaker card; however, indicated did not wish to speak

**spoke but did submit a speaker card

Mayor Hayden closed the Public Hearing at 9:01 p.m.

Council Deliberation

There was Council discussion as follows:

- How the new property may or may not go along with the promise of Ms. Balekian
- Past discussion about a retail project for the SEC Lusk Lane and Flower Mound Road
- Other developments planned or in the works at 1171 and Lusk Ln
- What makes the most sense for this corner when you consider the long term community benefit
- Past recollections of great experiences and traditions at the Pumpkin Patch and how it is a part of Flower Mound; however, that is ancillary to the decision
- How you need to have the vision of what the corner will look like 5 or 10 years in the future
- How Council is not really talking about bringing in a CVS. It's about the zoning and land use of the property and how it fits into the surrounding area

- Is the MPA change to fit the area or start changes
- How CVS is a fine use for the corner given the other corners will not be retail (institutional uses) and the CVS serves the community, and there could be worse things on the corner in the future
- Things like lighting, etc. could be looked at in the future
- Each proposal that comes before council has to stand on its own merits
- How this proposal was brought to the Town, and not solicited by Council to come forward – this is the process a landowner has to go through
- How there are various districts in Town that offer different things, and the best way to respect those zones is to keep some of that separation, which in this case is primarily a residential core
- Potential options for the house to create some separation between the house and the business
- How the project doesn't work without some of the compromises previously discussed
- Whether the corner can support the retail
- Will CVS really address the ad valorem delta
- Is it going to provide something that is not already available

Councilmember Bryan Webb moved to approve a request for a Master Plan Amendment (MPA17-0014 – CVS Pharmacy #10907) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Estate Residential to Retail, and adopt an ordinance providing for said amendment. Councilmember Jason Webb seconded the motion.

Council Discussion

- If this item passes when the design comes forward later, interest in seeing more stone on the front

VOTE ON MOTION:

Motion failed

AYES: B. WEBB, J. WEBB, FOREST

NAYS: MCDANIEL, BRYANT

Administrative Note: a *supermajority vote is required for a Master Plan Amendment*

Town Council recessed at 9:40 p.m. and reconvened at 9:45 p.m.

19. Public Hearing to consider a request for rezoning (ZPD17-0018 - CVS Pharmacy #10907) from Agricultural District (A) to Planned Development District No. 160 (PD-160) with Retail uses, with certain modifications and exceptions to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and east of Lusk Lane. (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its March 26, 2018, meeting.)

Councilmember Bryan Webb moved to deny a request for rezoning (ZPD17-0018 – CVS Pharmacy #10907) from Agricultural District (A) to Planned Development District No. 160 (PD-160) with Retail uses, with certain modifications and exceptions to the Code of Ordinances. Councilmember Jason Webb seconded the motion.

Council Discussion

Councilmember Bryan Webb indicated he made the motion to deny because item 18 failed to obtain a super majority, and item 19 still needs to be addressed. He noted that because of inconsistency with the Master Plan he is unable to recommend approval for the zoning, and for that reason made the motion to deny.

VOTE ON MOTION:

Motion to deny passed

AYES: FOREST, J WEBB, BRYANT, MCDANIEL, B WEBB

NAYS: NONE

20. Public Hearing to consider a request for a Specific Use Permit No. 451 (SUP17-0008 - Wichita Trail Cell Tower) to permit a communication tower, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Wichita Trail and east of Skillern Road. (The Planning and Zoning Commission recommended denial by a vote of 5 to 1 at its March 12, 2018, meeting.)

Staff Presentation

Mr. Russell and Mr. Meredith gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the subject property
- Signal coverage
- Site plan
- Spacing
- Coverage
- Legal aspects for consideration as it relates to this item

and they, or Mr. Stathatos, responded to questions from Council as follows:

- How does the proposed tower compare to the one at Grace Baptist Church (Garden at Firewheel), particular from a height perspective
- What does staff recommend or what does the Town's ordinance dictate in the way of shielding and design
- Was there any tower presented in the past and denied, and if so, why

Applicant Presentation

Karl Crawley, Masterplan Consultants, 900 Jackson St, Dallas, Texas, representing Verizon Wireless

Tom Major and Miriam Estevez, 814 Clearwater Lane, Verizon, Keller

Kyra Bowman, representing Verizon (site acquisition)

Mr. Crawley gave a presentation identifying or noting:

- Site plan
- Flower Mound Wichita tower example
- Distance from area structures

- Area photographs demonstrating height
- Text message/outreach to Verizon customers

and he, Mr. Major, Ms. Estevez, or Ms. Bowman responded to questions from Council as follows, and some of which were as a result of the public hearing:

- Clarification that there is room for three additional providers
- What type of technology is going in on this tower, as there are some concerns that there is more up to date technology out there that isn't as intrusive as a tower
- How will this tower improve cell service for that area
- Will the tower be able to handle new technologies and not be obsolete in the future
- Is the cell structure itself going to have anchor wiring or is it self-supporting
- Is there another tower in the area that they could rent space from to accomplish the same goal
- Will this tower make any other tower owned by Verizon obsolete
- Council's interest in exploring options to improve cell signal coverage near the Home Depot (Lakeside at FM 2499 intersection)
- Clarification that the tower meets all the requirements as stipulated in the ordinance
- What other providers will be on the tower with them
- How was this site location picked
- 4g versus 5g technology
- Why doesn't the small cell technology work in this area of Flower Mound
- Will there be a need for additional macro towers in the future
- What is the coverage radius for the proposed tower
- What happened to all the 2g and 3g towers, and if 5g comes along is this tower convertible
- Are they considering monopoles (that makes the tower look like trees)

Mayor Hayden opened the Public Hearing at 10:10 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: Comments/Questions	Opposition: Comments/Questions	Question(s)/ Comments Only
Eddie White, 3104 Beaver Creek	John Legg, 1105 Noble Way	Steve Dixon, 4604 Wisdom Creek Ct
Beth Weimerskirch, 2305 Beachview Dr	Donald Beiler, 2805 Guardian Ct	
Kathy Schmitt, 5104 Peaceful Cove	Michael Kay, 2812 Guardian Ct	
John Neth, 470 Seafarer Ct	Darla Kay, 2812 Guardian Ct	
Jeanette Cates, 5108 Coral Springs Dr	Quon Louey, 4813 Dominion Ct With donated time from: Esther Louey, 4813 Dominion Ct	
Don Cates, 5108 Coral Springs Dr	Gary Jones, 4817 Dominion Ct	
Robert Maxey, 4809 Schooner Ct*	Denise Jones, 4817 Dominion Ct	
Karen Maxey, 4809 Schooner Ct*	Lynn Sanchez, 4805 Dominion Ct	
Brad Revering, 2908 Corkwood Cir	Alfredo Sanchez, 4805 Dominion Ct	

	John Fambrough, 4105 Spring Meadow*	
Jeff Brannon, 3728 Hillsdale**	Sandy Fambrough, 4105 Spring Meadow*	
Dallas Cothrum, 900 Jackson, Dallas (representing Verizon)	Tracey Jones Savcik, 4817 Dominion Ct	
	Tim Whisenant, P O Box 271484	

*submitted a speaker card; however, indicated they do not wish to speak

**spoke but did not submit a speaker card

Mayor Hayden closed the Public Hearing at 11:14 p.m.

Council Discussion

There was Council discussion regarding:

- How cell service is a real problem in the Lakeside area and encouraged the applicant to work with staff on anything that can be done to improve service in that area
- Safety concerns is a major factor and people need the coverage when they need to call 911 via their cell phone

Councilmember Bryan Webb moved to approve a request for a Specific Use Permit No. 451 (SUP17-0008 – Wichita Trail Cell Tower) to permit a communication tower, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Bryant seconded the motion.

ORDINANCE NO. 08-18

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 APPROVING SPECIFIC USE PERMIT NO. 451 (SUP-451) FOR A COMMUNICATION TOWER ON CERTAIN PROPERTY DESCRIBED AS BEING A TRACT OF LAND SITUATED IN THE J. M. GIBSON SURVEY, ABSTRACT NO. 459, AND ZONED AGRICULTURAL DISTRICT (A); 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:

AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST

NAYS: NONE

Motion passed

Town Council recessed at 11:30 p.m. and reconvened at 11:38 p.m.

Mayor Hayden opened items 21 and 22 at the same time.

21. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0012 – Tinley Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Retail to High Density Single Family Detached, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Flower Mound Road and west of Duncan Lane. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 9, 2018, meeting.)

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the subject property and vicinity
- Exceptions and modifications being requested by the applicant
- Conceptual site plan
- What has changed from when the item was heard by the Planning & Zoning Commission
- Conceptual landscape plan
- Unresolved items
- Park land dedication
- Park fees, and 4 draft motions

and he, Ms. Wallace, Mr. Dalton, or Mr. Meredith responded to questions from Council as follows:

- What should the setback be if the 60 is being waived
- What does staff think about acceptance of the park land
- Clarification regarding the type of fencing and access around the park area
- If this area was to be developed as retail, how much open park space would remain (once the parking in the retail gets added)

Applicant Presentation

Captain Reginald Rembert, Jr. 1400 Simmons Road

Mr. Rembert gave a presentation identifying or noting:

- Background information about the developer
- Current land use map
- Zoning map
- Master plan steering committee
- Plan and purpose
- Bluebonnet field
- Project specifics
- Pre P & Z Concept Plan
- Resident's concerns (drainage and rear yard setback)
- Town Council concept plan and conceptual landscape plan
- Lot area specifics
- Home builders
- Conclusion (proposal)

and he responded to questions from Council as follows, which some were as a result of the public hearing:

- Why was lot 3, Block B taken out in the first place
- For the homes on the west side, what price point do you expect those lots will bring
- What type of windows will there be and will it be a situation where bedrooms are looking into bedrooms
- Can the four homes that abut neighbors be structured with no windows on the second floor
- Can larger trees be purchased beyond what the Town's ordinance dictates to allow for better screening or separation
- For the trees, are those three 3" trees going to be in both the front and back yards, and what's the value of a 3" caliper tree
- The option of no balconies for 4 of the homes
- Is there truly only one house that has no 2nd story windows

Mayor Hayden opened the Public Hearing at 12:15 a.m. on Tuesday, April 17, 2018.

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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Suresh Agadz, 1809 Estes Dr	Brianna Bass, 1812 Estes Dr	Manish Misri, 1804 Estes Dr
	Dharmesh Joshi, 1808 Broughton Dr	Raghu Maclepolli, 201 Bridgewater
	Vamsi Rompicharla, 1808 Estes Dr	Asmish Sharma, 1804 Broughton Dr
	Sandeep Sharma, 2504 Stillwater Ct	Charles Jameson Bass, 1812 Estes Dr With donated time from: <ul style="list-style-type: none"> • 1816 Estes • Venkata Kondapalli, 1805 Estes • Ram Yalamanchir, 1809 Broughton
		Kishore Korrapati, 1801 Estes

Mayor Hayden closed the Public Hearing at 12:45 a.m.

Council Discussion

There was Council discussion regarding:

- How there have been changes made by the applicant as a result of a recent neighborhood meeting
- Not sure how Council can demand for a \$750,000 home to not have upstairs windows
- How this location is the entrance to our Town and deserves something better than tiny cookie cutter homes

- The site works because of the bluebonnet park, but there needs to be some adjustments with the lots to not take away from the entrance feature (the whole park needs to be open)
- Lot size and density
- Neighborhood transitions
- Process associated with park land dedication fees
- How this location will not get a grocery store or high end retail and interest in seeing a bluebonnet park than a hedge in front of parking
- How the home builder Darling does have a product with no 2nd floor windows

Councilmember Bryan Webb moved to approve a request for a Master Plan Amendment (MPA17-0012 – Tinley Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Retail to High Density Single Family Detached, and adopt an ordinance providing for said amendment. Mayor Pro Tem McDaniel seconded the motion.

ORDINANCE NO.13-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM RETAIL TO HIGH DENSITY SINGLE FAMILY DETACHED ON APPROXIMATELY 9.912 ACRES OF LAND SITUATED IN THE ROSANNAH BAKER SURVEY, ABSTRACT NUMBER 49; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

22. Public Hearing to consider a request for rezoning (ZPD17-0014 – Tinley Park) from Agricultural District (A) to Planned Development District No. 159 (PD-159) with Single-Family District-5 (SF-5) uses, with certain exceptions and modifications to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment, and acceptance of cash in lieu of land in the amount of \$235,872.00 in place of the otherwise required Park Land Dedication and Park Development Fees in the amount of \$54,132.00. The property is generally located south of Flower Mound Road and west of Duncan Lane. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 9, 2018, meeting.)

Councilmember Bryan Webb moved to approve a request for rezoning (ZPD17-0014 – Tinley Park) from Agricultural District (A) to Planned Development District No. 159 (PD-159) with Single-Family District-5 (SF-5) uses, with certain exceptions and modifications to the Code of Ordinances, and adopt an ordinance providing for said amendment, with the Tinley Park Approval amending C7A to change the rear yard setback from 20 to 25 feet per the revised lot layout and it is lots 2 – 5, block A, and by adding a new subsection under section D entitled Landscape standards requiring a minimum of three 3” caliper trees for each residential lot along the western property boundary for planting in the rear yard and that such trees will be selected from the Town’s approved planting list, one of which can be planted on the western neighbors lot (with permission), and by amending section C3 as follows: minimum lot width shall be 50 feet

subject to Section 98-1024 except for western side yards of block A, shall align with the side yards of adjacent subdivision Heritage Park Phase 2A, and amending Section C6 as follows: minimum side yard shall be 5 feet subject to section 98-1027 except the residential side yards of 2-5 block A shall be a minimum of 10 feet; and waive the 60' setback for lot 2 as shown on the conceptual site plan, and lot 3 block 3 is excluded from the development and shall be included as part of the area being excepted by the Town. Councilmember Jason Webb seconded the motion.

Deputy Mayor Pro Tem Bryant moved to amend the current motion to include a restriction on 2nd floor west side windows on block A; however, with the allowance of palladium style windows. Councilmember Jason Webb seconded the motion.

VOTE ON 2ND MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT

NAYS: MCDANIEL, B. WEBB

Councilmember Bryan Webb withdrew his original motion.

Deputy Mayor Pro Tem Bryant moved to approve a request for rezoning (ZPD17-0014 – Tinley Park) from Agricultural District (A) to Planned Development District No. 159 (PD-159) with Single-Family District-5 (SF-5) uses, with certain exceptions and modifications to the Code of Ordinances, and I further move that the development standards attached as Exhibit B of the Planned Development Ordinance be amended by 1) amending Section C7(a) to change the rear yard setback from 20 to 25 feet per the revised lot layout (as it is lots 2-5 block A), by adding a new subsection under title D called Landscape standards requiring a minimum of three 3" caliper trees for each residential lot along the western property boundary and such trees shall be selected from the Town's approved planting list, one of which can be planted on the western neighbors rear yard lot (with permission) and by amending section C3 as follows: the minimum lot width shall be 50' subject to section 98-1024 except for the western side lines of block A shall align with the side yard lines of the adjacent subdivision of Creekside Heritage Park Phase 2A by amending section C6 as follows: the minimum side yard shall be at least 5 feet subject to section 98-1027 except the western side yards residential lots 2-5 block A shall be a minimum of 10 feet, and the 60 foot building setback along 3040, lot 2 block A that exemption is added, and lot 3 block B is removed and is included into the open space and to include the restriction of no 2nd floor windows on the western lots or palladium windows (floor to ceiling). Councilmember Jason Webb seconded the motion.

Council Deliberation

- Privacy concerns as it relates to the 2nd story window factors and how many homes are impacted

Deputy Mayor Pro Tem Bryant withdrew the motion.

Councilmember Bryan Webb moved to reinstate his prior motion. Mayor Pro Tem McDaniel seconded the motion.

ORDINANCE NO.12-18

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 9.912 ACRES OF LAND SITUATED IN THE

ROSANNAH BAKER SURVEY, ABSTRACT NO. 49, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 159 (PD-159) WITH SINGLE-FAMILY DISTRICT-5 (SF-5) USES, 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; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: B. WEBB, MCDANIEL, FOREST****NAYS: BRYANT, J. WEBB**

The following motion is for the purpose of addressing the park element of the item.

Deputy Mayor Pro Tem Bryant moved to accept the park land and based on the applicants appraised value calculation, leaving the difference of \$2,846.30. Mayor Pro Tem McDaniel seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB****NAYS: NONE**

Mr. Rembert indicated they would like to honor Town of Flower Mound employees Eric Metzger (Fire Chief) and Danny Hartz (Building Official) by working with the families to name two streets within this new community - one being Danny Hartz Way and the other Eric Metzger Lane.

Mayor Hayden announced that regular Items 23 – 29, including the public hearing associated with each, are now open to meet legal posting requirements; however, no discussion or possible action will be taken until April 17. He further announced that the Town Council is in recess as of 1:30 a.m. until 6:00 p.m. on Tuesday, April 17, 2018.

Town Council reconvened into open session at 6:00 p.m. on Tuesday, April 17, 2018.

Mayor Hayden opened items 23 and 24 at the same time. He also announced that the applicant has requested these items be remanded back to the Planning and Zoning Commission, and he asked for legal advice regarding the process for that to happen.

23. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0015 – Magnolia Court) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density to High Density Single Family Detached, and to consider adopting an ordinance providing for said amendment. The property is generally located on the northwest corner of the intersection of Gerault Road and Spinks Road. (The Planning and Zoning Commission recommended denial by a vote of 5 to 0 at its March 26, 2018, meeting.)
24. Public Hearing to consider a request for rezoning (ZPD17-0020 – Magnolia Court) from Agricultural District (A) to Planned Development District No. 161 (PD-161) with Single-Family District-5 (SF-5) uses, with certain exceptions and modifications to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment, and acceptance of cash in lieu of land in the amount of \$263,088.00 in place of the otherwise

required Park Land Dedication and Park Development Fees in the amount of \$80,504.00. The property is generally located on the northwest corner of the intersection of Gerault Road and Spinks Road. (The Planning and Zoning Commission recommended denial by a vote of 5 to 0 at its March 26, 2018, meeting.)

Staff Presentation

There was discussion about date options for consideration.

Councilmember Bryan Webb moved to have items 23 and 24 remanded back to the Planning and Zoning Commission on April 23, 2018. Mayor Pro Tem McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

Mayor Hayden opened items 25 and 26 at the same time.

25. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0008 - Founder's Landing) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Estate Residential to Retail, and to consider adopting an ordinance providing for said amendment. The property is generally located east of Long Prairie Road and north of Aberdeen Drive. (The Planning and Zoning recommended approval by a vote of 6 to 0 at its April 9, 2018, meeting.)

Staff Presentation

Mr. Russell gave a presentation for items 25 and 26 identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the subject property
- Concept plan
- Exceptions and modifications requested by the applicant
- Elevations
- Perspective rendering
- Zoning exhibit

and he responded to questions or comments from Council as follows, and some of which were as a result of the public hearing:

- The location would be perfect for a Trader Joe's
- Concerns regarding adequate parking
- Concerns regarding the traffic impact as a result of this development

Applicant Presentation

Bobby Dollak, G & A Consulting, 110 Hillside, Lewisville

Mr. Dollak gave a presentation identifying or noting:

- Background information about the development name of Founder's Landing
- Location information
- Concept plan

And he responded to questions from Council as follows:

- Has LISD expressed any reservations regarding the setback next to their property

Mayor Hayden opened the Public Hearing at 6:15 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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Carol Kohankie, 4313 Lauren Way	Bjorn Vandug, 2016 Barton Creek Ln	Louis Tonery, 3110 Wood Hollow Dr**
Cathy Strathman, 2612 Belmont Ct**	Michael Swanson, 1009 Canongate Dr*	
Patsy Mizeur, 1821 Castle Ct**	Sara Swanson, 1009 Canongate Dr*	
Janvier Scott Werner, 2829 Bob White Ln	Bob Lauck, 1001 Inverness Ct*	
	Holly Lauck, 1001 Inverness Ct*	

*submitted a speaker card; however, indicated did not wish to speak

**did not submit a speaker card

Mayor Hayden closed the Public Hearing at 6:36 p.m.

Mayor Pro Tem McDaniel moved to approve a request for a Master Plan Amendment (MPA17-0008 – Founder's Landing) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Estate Residential to Retail, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Bryant seconded the motion.

ORDINANCE NO. 11-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM ESTATE RESIDENTIAL TO RETAIL ON APPROXIMATELY 17.69 ACRES OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NO. 1341; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST

NAYS: NONE

Motion passed

26. Public Hearing to consider a request for rezoning (ZPD17-0010 - Founder's Landing) from Agricultural District (A) to Planned Development District No. 157 (PD-157) with Retail District-2 (R-2) and Agricultural uses, and with certain modifications and exceptions to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located east of Long Prairie Road and north of Aberdeen Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 9, 2018, meeting.)

Councilmember Bryan Webb moved to approve a request for rezoning (ZPD17-0010 – Founder's Landing) from Agricultural District (A) to Planned Development District No. 157 (PD-157) with Retail District-2 (R-2) uses, and with certain modifications and exceptions to the Code of Ordinances, and adopt an ordinance providing for said amendment. Councilmember Forest seconded the motion.

There was discussion about Mr. Hilliard's long term standing in the Town and it was suggested that the development have some type of memento within the development that signifies the history of the location.

ORDINANCE NO.15-18

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 17.69 ACRES OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NO. 1341, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 157 (PD-157) WITH RETAIL DISTRICT-2 (R-2) 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; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

Mayor Hayden opened items 27 and 28 at the same time.

27. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0010 – Lakeside Village) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Campus Commercial use within the Lakeside Business District Area Plan to Mixed Use, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Lakeside Parkway and south of Lakeside Village Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its April 9, 2018, meeting.)

Staff Presentation

Mr. Dalton gave a presentation identifying or noting:

- Previous meetings summary
- Reoccurring concerns (towers and heights, public access)
- Historical information about the site
- Current zoning
- Towers and building heights
- Fine arts center
- Public access points/open space areas/The Boardwalk/amphitheater/water front bluff
- Updates since April 9
- Multi-family heights
- MU-ten land use table, microzone map
- Considerations (policy, technical)
 - New uses
 - Tree mitigation
 - Residential
 - Design
 - Bonus height
 - Park fees
 - Traffic
- Modifications
 - Land use changes (various)
 - Minimum block dimension
 - Parkway and planter widths
 - Reduction of floor to floor height
 - Bonus height
 - Max front setback for hotel and restaurants
 - Allowance for one cul-de-sac
 - EIFS on building 4 stories or taller
- Outstanding issues
 - Residential units
 - Bonus provisions
 - Park fees
 - Development agreement

and he, Mr. Stathatos, or Mr. Meredith responded to questions or comments from Council as follows:

- Did the concept of building height in that area get discussed in the late 80s
- Clarification that it was the FAA that put the restrictions on height
- Clarification regarding PD 39 and what happens over time
- What prompted the project (PD 39 with campus commercial uses – 40 stories) to come forward in 1999
- What type of building frame is required for 4 stories
- What type of hotel is included in the development agreement
- Will there be continuous access to the trail system during construction
- For the phasing, what is not said, but is reality is a lot of infrastructure needs to happen first

- for the fine arts center the concept was very hypothetical as the Town doesn't have a funding source, so if it wasn't a fine arts center what could go there
- clarification regarding the property value and corresponding park fees (hines track)
- clarification regarding phasing and residential protections
- Could a minimum square footage be set for the condos or lofts
- Clarification regarding why the project went to the parks board
- Is a linear park allowed by ordinance
- Has the project gone through the process with SMARTGrowth
- How long might it take for establishing a TIRZ District, as that may dictate the timing for a commitment of a fine arts facility

Applicant Presentation

Jimmy Archie, Realty Capital, 909 Lake Carolyn Pkwy, Irving, TX

Mr. Archie gave a presentation identifying or noting:

- Changes to zoning code since P & Z
- Building height limitations
- Building height variation requirements
- Restricted uses in MZ 1 zone
- Development agreement issues (residential unit/tower triggers)
- Scenario options for building units and heights
- Total residential units (scenarios)
- Lakeside tower units
- Lakeside tower prospect report
- Public questions and answers
 - Condo leasing restrictions
 - Open space

and he, or Mr. Richard Myers, also with Realty Capital, responded to questions or comments from Council as follows, some of which were as a result of the public hearing:

- For the hotel site with the loft option above, how many lofts would be included
- For the fine arts center, can the current trigger of 3 years (that makes it go back to commercial) be pushed out to 5 or 6 years
- Interest in having the hotel come before the fine arts center
- Interest in having no other building taller than the hotel in that particular zone so it remains a focus, with the exception of an office tower
- Clarification regarding commercial ready uses on the ground floor
- Clarification regarding the limit of 12 stories and if that means occupied stories or 12 stories above ground
- For the water taxi, the Gaylord has already agreed to being open to that and the Corp was acceptable to it as well
- Concerns regarding debris and erosion on the trails and how it needs to be a collective effort to maintain it
- What is the acreage and seating capacity of the amphitheater
- What is planned to preserve the house that Mr. Tarwater was born in
- Is the natural trail ADA accessible
- How is the HOA handled in this mixed used project
- Is there a percentage of residential versus commercial on an overall basis for the development

- Has there been conversations with the school district as to what is coming and if they can handle it
- How will parking issues be addressed to allow for enough convenience parking for patrons of the development
- Interest in having cross use agreements in the event ownership changes
- Does the development feel rushed from the applicant's perspective
- What and why are there linear parks in this development
- For the amphitheater, why did it get smaller from the original plan, and what kind of events would take place in this setting
- At what point can I see the lake from the boardwalk
- Is the development depending on having a tax investment zone created for the district for its success
- Clarification regarding the max height of some the towers
- Clarification that both fire and police will have an opportunity to review the plans as they come forward where they can raise concerns and they will be addressed going forward
- Clarification on the proposed changes that the applicant made

Mayor Hayden opened the Public Hearing for items 27 and 28 at 8:24 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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments/ Unknown
Kevin Stokes, 2500 Lakeside Pkwy, Ste 180	Suneetha Rajesh, 2681 Virginia Pkwy	Paul Stone, 4100 Broadway
Peter Stewart, 3717 Stratford, Dallas, TX	Darren Bothe, 3963 Holiday Dr, Colleyville	Dennis White, 1212 Sweetwater
Laird Sparks, 600 E Las Colinas Blvd, Irving	Holly Hennessey, 2612 Santa Monica*	Kalyan Siddabattula, 309 Hathaway*
Mike Siegel, 2705 Desco Dr	Jeffrey Blasko, 624 Loma Alta With donated time from: Nicholas Blasko, 624 Loma Alta Gale David, 4317 Wildwood Dr	
Roland Shepard, 728 Northwood Dr	Susan Wilson, 637 Loma Alta	
Peter Schwartz, 2617 Desco Dr	Anil Agrawal, 624 Heritage Ln	
Kathy Schmitt, 5104 Peaceful Cove	Terry Allen, 3501 Ophel Way	
Chance Robertson, 8300 FM 620, Suite K-100, Austin	Erica Brown, 2809 St. Andrews Dr	
Joe Roach, 4993 Lusk Ln	Adam Brown, 2809 Saint Andrews	
Laura Rauhauser, 2501 Lakeside Pkwy	Amy Canova, 605 Autumn Ln	
Jenice Pizzuto, 2629 Desco Dr	Judy Collins, 1537 Simmons	

FLOWER MOUND TOWN COUNCIL MEETING OF APRIL 16/17, 2018

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Cathy Perry, 2617 Desco Dr	Michael Creamer, 2008 Rose Bluff Terr	
Shelly Messerti, 2630 Virginia Pkwy	Lethe Creamer, 2008 Rose Bluff Terr	
Eric Merkle, 2604 Santa Monica St	Jim Engel, 5110 Bayberry St	
Aaron McDaniel, 2624 Santa Monica St	Sandy Fambrough, 4105 Spring Meadow Ln	
Clanton Lynch, 2604 Edgemere	Scott Fortado, 4408 Sorrel Ct	
Sandra Ludwig, 2621 Sedona St	Cindy Froese, 2905 Saint Andrews Dr	
Priscilla King, 348 Loma Alta Dr	William Goforth, 2717 Thistlewood Ct	
Brian King, 348 Loma Alta Dr	Sheryl Goforth, 2717 Thistlewood Ct	
Linda Jeffery, 528 Sandy Lane	Jason Hobbs, 1000 St Francis	
Holly Homer, 304 Loma Alta	Art Hunter, 2512 Stillwater Ct	
Kathy Frisbie, 2717 Desco Dr	Prasad Kanderi, 2631 Virginia Pkwy	
Curtis Frisbie, 2717 Desco Dr	Christina Lawrence, 1121 Coker Dr	
Matthew Cordner, 2625 Desco Dr	Jean Levenick, 2716 Gentle Dr	
Brandon Carter, 304 Hollow Way	Todd Marsh, 305 Hathaway	
Bret Berman, 621 Heritage Ln	Beth McIlhaney, 1504 Yaggi Dr	
Kathy Beck, 691 Sandy Ln	Joe McMahan, 1417 Mimosa Ct	
Richard Baldwin, 1700 Shadywood Ct	S.L. Marshall, 3200 Heatfield	
Darren Beck, 691 Sandy Ln	Tom Marshall, 3200 Heatfield	
Mercy Little, 2450 Lakeside Pkwy	Gil Metzger, 605 Loma Alta Dr	
Mike Palmer, 2613 Fairhill Ln	Patsy Mizeur, 1821 Castle Ct	
Jeff Coleman, 613 Heritage Ln	Rachel Muza, 1056 Saint Francis	
Roxann Taylor, 2451 Lakeside Pkwy	Dawn Peterson, 4125 Sharondale Dr	
Jayne Thompson, 2701 Desco Dr	Carol Robey-Miner, 1513 Fuqua Dr	
Chris Thompson, 2701 Desco Dr	Lois Sanger, 2771 Lakeside Pkwy, #221	
Lynn Titel, 728 Northwood Dr	Sandeep Sharma, 2504 Stillwater Ct With donated time from: William Langley, 913 Sugarberry Ln	

	Catherine Pendola, 5309 Balmoral Ln	
Christi Wade, 2625 Desco	Jon Spencer, 2812 Aberdeen Dr	
David Woodard, 724 Northwood Dr	George Stepp, 4409 Bent Gross Way	
Nicole Smith Woodard, 724 Northwood Dr	Cathy Strathmann, 2612 Belmont Ct	
Pam Siegel, 2705 Desco*	Emily Strittmatter, 4816 Mesquite St	
	Meenakshi Unapathy, 2617 Virginia Pkwy	
	Bjorn Vandug, 2016 Barton Creek Ln	
	Ram Vempati, 755 Sandy Ln	
	Seetha Vempati, 755 Sandy Ln	
	Lisa Watnous, 2624 Virginia Pkwy	
	Janvier Scott Werner, 2829 Bob White	
	Donna White, 1212 Sweetwater Ln	
	Amy Williams, 5204 Saddle Dr	
	Susan Wilson, 637 Loma Alta Dr	
	Ruth York, 609 Lake Bluff Dr	
	Wenya Yang, 1832 Trail Ridge Ln	
	Greg Wilson, 637 Loma Alta	
	Alicia Blasko, 624 Loma Alta	
	Connie Lystad, address not provided*	
	Lavanye, 629 Heritage Ln*	
	Name not provided, 901 Rosemary Dr*	
	Patrick and Anne Armstrong, address not provided*	
	Misty Fenner, address not provided*	
	Kyle Fenner, address not provided*	
	Garr Lystad, 1917 Whitchall Dr, Corinth*	
	Bob Lauck, 1001 Inverness Ct*	
	Lori Kline-Pearson, 5304 Singing Brook*	
	Linda Hogan, 5305 Singing Brook*	
	Marissa Peterson, 2612 Santa Monica*	
	Mike Pennington, 1029 Canongate Dr*	
	Name not provided, 4408 Sorrel Ct*	
	Tracy Ehlers, 1541 Redwood Crest Ln	
	Sara Swanson, 1009 Canongate Dr*	
	Holly Lauck, 1001 Inverness Ct*	
	Mary Strickland, 3204 Springwood*	
	John Fambrough, 4105 Spring Meadow*	
	Susie Stroope, 1405 Longbow Trail*	
	Sandra O'Hara, 1406 St. Francis*	

	Name not provided, 2621 Virginia Pkwy*	
	Sofie Delgado, 829 Glen Garry Dr*	
	Marianne Benton Sharp, 3200 Raintree Dr*	
	Michael Swanson, 1009 Canongate Dr*	
	Annette Engel, 5110 Bayberry*	
	Erick Paris, 2921 Queen Mary Dr*	
	Emily Hobbs, 1000 Saint Francis*	
	Carmen Vandug, 2016 Barton Creek*	
	Janice Stiff, 2312 Pinehurst Dr*	
	Kovitha Ilani, 2661 Virginia Pkwy*	
	Katy Grote, 165 Double Oaks, Double Oak*	
	Rodrica Goncalvet, 2630 Exall St*	
	Kathy Stockhausen, 3204 Kent Dr*	
	Address not provided, 3204 Kent Dr*	
	Lacy Swarvat, 2916 Queen Mary Dr*	
	Dianne Jackson, 1512 Redwood Crest*	
	Pat Bump, 1512 Redwood Crest*	
	Michael Blasko, 624 Loma Alta*	
	Carol Owens, 624 Loma Alta*	
	Loi Frilot, 2404 Northshore*	
	Andy Williams, 5204 Saddle Dr*	
	Greg George, 3508 Sutton Dr*	
	Brandon George, 3508 Sutton Dr*	
	Michael Miner, 1513 Fuqua Dr*	
	Bill Canova, 605 Autumn*	
	Stephen Whisenant, PO Box 271484*	
	Tim Whisenant, PO Box 271484*	
	Charlotte Jones, 3504 Devonshire*	
	Name not provided, 2621 Virginia Pkwy*	
	Name not provided, 2621 Virginia Pkwy*	
	Robert Sanders, 1406 St. Francis Ln*	

*submitted a speaker card; however, indicated did not wish to speak

**did not submit a speaker card

Mayor Hayden closed the Public Hearing at 11:13 p.m.

Mayor Hayden announced that in accordance with Texas Government Code, Chapter 551.071 the Town Council is convening into closed session for consultation with the Town Attorney. The Town Council reconvened into open session at 11:31 p.m.

Council Discussion

There was Council discussion as follows:

- Current and past successful economic development projects in the Town
- How the debt of the Town is not an issue, and some of the comments made during the public hearing were inaccurate
- When the site plan comes forward, consider materials or opportunities that allow accessibility to the public
- How there is not a threat of overcrowding in the school districts based on statistics
- How there are protections that include guarantees for the Town and many restrictions are in place
- The due diligence has been done on this development as there have been many meetings with citizens, business owners, and the applicant to discuss many of the points and concerns that have been brought up
- How there has been a lot of compromise in the process
- For the triggers, interest in having the hotel come forward before the restaurants; however, there needs to be flexibility in that area given the market will decide that
- As it relates to change, it can be a good thing so there shouldn't be a focus on keeping what was proposed in 2012 (need to look at where the market is today, where the money is coming from, etc.)
- How the retail environment has changed
- If there is a bonus for the additional units, there should be other desired amenities
- Moving the density down makes sense
- How the Town has nothing to lose because we don't have it today – and the only way we will is if it gets developed
- Residential versus commercial
- Background information about the property, including what was approved in 2012
- There needs to be a limit on the hotel with the lofts above (i.e. 10 – 15%)
- Example of an individual who works and lives in Lakeside and how it's a lifestyle choice
- Interest in using the Town's appraised value instead of the developer's
- How the majority of people are saying they like what is there today
- Past history and what happened with The Pearl
- Phasing options
- For the restaurants, they should be high quality given they overlook the lake (i.e. county line restaurant)
- Summary of points that need to be included with a proposed motion

Master Plan (#27):

Councilmember Bryan Webb moved to approve a request for a Master Plan Amendment (MPA17-0010 – Lakeside Village) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Campus Commercial use within the Lakeside Business District Area Plan to Mixed Use, and adopt an ordinance providing for said amendment. Councilmember Forest seconded the motion.

ORDINANCE NO.14-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, AND SECTION 2.0, AREA PLANS, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE DESIGNATION ON 9.0 ACRES OF LAND, BEING ALL OF LOT 1, BLOCK 1, OF THE LAKESIDE HOTEL ADDITION, FROM CAMPUS COMMERCIAL USE WITHIN THE LAKESIDE BUSINESS DISTRICT AREA PLAN TO MIXED USE; IN ACCORDANCE WITH SPECIFIC EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST****NAYS: NONE**

28. Public Hearing to consider a request for rezoning (MU17-0002 – Lakeside DFW/Lakeside Village) to amend Mixed Use District-1 (MU-1) to include additional land, amend certain conceptual plans and development standards in the Lakeside DFW Development Code, and request certain exceptions and modifications to the Code of Ordinances, 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, and acceptance of cash in lieu of land in the amount of \$2,893,094.40 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$317,852.00. The property is generally located west of Long Prairie Road along both sides of Lakeside Parkway. (The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its April 9, 2018, meeting.)

Zoning:

Councilmember Bryan Webb moved to approve a request for rezoning (MU17-0002 – Lakeside DFW/Lakeside Village) to amend Mixed Use District-1 (MU-1) to include additional land, amend certain conceptual plans and development standards in the Lakeside DFW Development Code, and certain exceptions and modifications to the Code of Ordinances, and adopt an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement and authorize for Mayor to execute same on behalf of the Town, with the following modifications: to include the modifications delivered this evening with respect to the zoning code associated with the rezoning ordinance and the development agreement amendments, and also including an amendment to the zoning code to permit no more than 15% of the hotel to contain residential units to be taken from the residential allocation in the zoning, and with respect to the fine arts facility, the Town shall render a formal vote by council on whether or not to proceed with the fine arts facility within 12 months (April 18, 2019) and commence construction by no later than December 31, 2022, and if not commercial shall be permitted on the location in accordance with the zoning. Councilmember Forest seconded the motion.

Park Fees:

Councilmember Bryan Webb moved to approve park fees utilizing the Town valuation at \$376,000, land dedication (utilizing the top row and as highlighted below) and granting the 50% reduction:

Value	Land Dedication (30 lots)	Cash in Lieu	Fee per unit (30 units)	Fee per unit (30 units) with 50% reduction
Town: \$376,000.00	1.008 acres	\$379,008.00	\$12,633.60	\$6,316.80
Applicant: \$108,888.89	1.008 acres	\$109,760.00	\$3,658.67	\$1,829.33

Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST

NAYS: NONE

ORDINANCE NO. 09-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NOS. 63-12, 12-13, 14-15, 58-15 AND 03-17, WHICH ESTABLISHED AND LATER AMENDED MIXED USE DISTRICT-1 (MU-1), ALSO KNOWN AS THE LAKESIDE DFW MIXED USE DEVELOPMENT; BY ADDING 9.0 ACRES OF LAND, BEING ALL OF LOT 1, BLOCK 1, OF THE LAKESIDE HOTEL ADDITION, TARRANT COUNTY, TEXAS; AND CHANGING THE ZONING ON THAT LAND FROM PLANNED DEVELOPMENT DISTRICT NO. 39 (PD-39) WITH COMMERCIAL DISTRICT-2 (C-2) USES TO MIXED USE DISTRICT-1 (MU-1), IN ACCORDANCE WITH THE TOWN'S MASTER PLAN; AND BY REPLACING EXHIBIT "B," TO ORDINANCE NO. 63-12, ENTITLED "LAKESIDE DFW DEVELOPMENT CODE," TO INCLUDE THE ADDITIONAL 9.0 ACRES OF LAND, TO AMEND CERTAIN DEVELOPMENT STANDARDS AND CONCEPTUAL PLANS APPLICABLE ONLY TO SUBZONES MU-TEN, MU-C(2) AND MU-C(3), AND TO INCORPORATE PRIOR AMENDMENTS APPROVED WITH ORDINANCE NOS. 12-13, 14-15, 58-15 AND 03-17 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: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

Town Council recessed at 1:15 a.m. on Wednesday, April 18, 2018, and reconvened at 1:20 a.m.

29. Public Hearing to consider approval of a Chapter 380 Agreement for the development of a speculative office project located on a 10-acre tract on the west side of Long Prairie Road, between Lakeside Pkwy. & Silveron Blvd.

Staff Presentation

Ms. Roy gave a presentation identifying or noting:

- Project details
- Office development
- Incentive Request
- Proposed agreement terms
- Building renderings
- Economic Impact Assumptions
- 20 year cost benefit analysis

and she, Ms. Wallace, or Mr. Meredith responded to questions from Council as follows:

- Economic development outreach to date regarding speculative office product
- Clarification regarding the type of water line
- If major infrastructure improvements are needed
- Clarification that the \$100,000 infrastructure grant is just toward the office component
- Can the Town pull funds from the fund balance (worst case scenario)
- Has this type of agreement been done in the Metroplex
- Interest in having a structured reporting process on a quarterly basis once the permit is pulled
- What is the break-even year
- Occupancy rate versus liability

Council Discussion

- Background information about why this item is on the agenda (Council interest in recruiting Class A office space)
- How this is a onetime deal to get things started to prove that Flower Mound is a viable location for Class A office space
- Wish that Realty Capital had a little bit more skin in the game and things like a feasibility analysis, etc. would have been done so the Town could have more assurances

Applicant Presentation

Alex Brown, Realty Capital, 909 Carolyn Pkwy, Irving, Tx

Mr. Brown gave a presentation identifying or noting:

- Project financing
- Debt service coverage

and he responded to questions from Council as follows:

- Define what occupancy means per the agreement
- What do you anticipate you will receive for rent
- So if this is approved, when will you apply for the entitlements
- How many stories are being considered, and what is your common space on each floor plate

- Is it possible the Town's obligation would be covered when you're at 50%
- When do you start paying principal
- What is the least amount to cover PMI
- If zoning isn't achieved is the agreement null

Mayor Hayden opened the Public Hearing at 1:30 a.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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Jim Engel, 5110 Bayberry		
Joe Roach, 4993 Lusk Ln		
Joe Roach, Jr., 4975 Lusk Ln		

Mayor Hayden closed the Public Hearing at 1:35 a.m.

Councilmember Jason Webb moved to approve the Chapter 380 Agreement for the development of speculative office project located on the 10 acre track on the west side of Long Prairie Road between Lakeside Parkway and Silveron Boulevard, and with a quarterly report beyond the permitting process. Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

M./N. CLOSED/OPEN MEETING

The Town Council did not convene into a closed meeting.

- 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.

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

No action taken

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 1:38 a.m. on Wednesday, April 18, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Thomas E. Hayden

THOMAS E. HAYDEN, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY