

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF MAY 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 (left at 7:48 p.m.)
Jason Webb	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Sandeep Sharma	Councilmember Place 2
Kevin Bryant	Councilmember Place 3
Jim Engel	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Engineering Manager
Andy Kancel	Police Chief
Wendell Mitchell	Assistant Police Chief
Matt Hotelling	Traffic Engineer
Chuck Russell	Planning Manager
James Hoefert	Environmental Review Analyst
Shane Jennings	Police Captain

**A. CALL REGULAR MEETING TO ORDER**

Mayor Pro Tem Webb 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 Pro Tem Webb led the pledges.

**D. PRESENTATIONS**

1. National Public Works Week Proclamation

Mayor Pro Tem Webb recited the National Public Works Week Proclamation and presented it to Tiffany Bruce, Engineering Manager.

2. Presentation and introduction from Denton County Friends of the Family

This presentation rescheduled for June 4<sup>th</sup>.

## 3. Proclamation for Children's Mental Health Awareness Day

Mayor Pro Tem Webb recited the Proclamation for Children's Mental Health Awareness Day and presented it to Whitney McGee, PSY.D, Co-Chair for the Education Work Group for the Wellness Alliance for Total Children's Health (WATCH) of Denton County.

**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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Paul Stone, 4100 Broadway	Congratulations
2.	Rich Rosenkranz, 2921 Raven Circle	School Safety
3.	Steve Dixon, 4604 Wisdom Ct	Congratulations
4.	Mark Allison, 415 S Garden Ridge, Lewisville	DCTA
5.	Nancy Sansom, 415 S Garden Ridge, Lewisville	DCTA transportation from Lewisville to Flower Mound medical facilities
6.	Dick Roland, 415 S Garden Ridge, Lewisville*	DCTA

*\*unavailable when called*

Mayor Hayden provided a statement of fact noting that the school district holds the decision making responsibility as it relates to school safety, such as implementation of metal detectors. He pointed out that the Town provides school resource officers at various schools.

Mayor Hayden provided a statement of fact noting that the Town doesn't have a funding mechanism to join DCTA; however, we have an agreement with SPAN.

**F. ANNOUNCEMENTS**

Councilmember Bryant announced various upcoming veteran related events.

Councilmember Forest announced that there are flags lining the sidewalk next to The Mound with markers that tell a story about some of our veterans.

**G. TOWN MANAGER'S REPORT**

Ms. Wallace provided a report and update on the following CIP or Economic Development projects:

1. Capital improvement projects
  - Eastbound turn lane at FM 1171 and 2499 opening soon
  - Yucca and Churchill road improvements going out for bid in June
2. Economic Development projects
  - New office building at 4961 Long Prairie opened and at 100% occupancy
  - Shape Fit Fitness soon to open

## 3. Other

She announced that the Cultural Arts Master Plan survey is underway.

and she or Ms. Bruce responded to the following questions from Council:

1. Given the traffic signal lights are up at College and Long Prairie, when are they expected to be activated?

**H. FUTURE AGENDA ITEMS**

1. There were no items requested for a future agenda.

**I. COORDINATION OF CALENDARS**

1. The next Town Council regular meeting is scheduled for Monday, June 4, 2018.

Mayor Hayden announced that the next regularly scheduled meeting will be June 4, 2018.

**J. CONSENT ITEMS**

Mayor Hayden announced that for item # 3 the word "cleaning" will replace "concrete" on the contract (attachment 1).

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 15, 2018.

**DRAFT MOTION:** Move to approve the minutes from a regular meeting of the Town Council held on May 15, 2018.

2. Consider approval of the First Amendment to the Services Agreement with SPAN, Inc., providing Demand Response Transit Service for Town citizens who are age sixty-five (65) or older and/or Town citizens with verifiable disabilities that prevent them from driving, for the addition of a new trip purpose and to increase the maximum one-way rides per month; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve the First Amendment to the Services Agreement with SPAN, Inc., providing Demand Response Transit Service for Town citizens who are age sixty-five (65) or older and/or Town citizens with verifiable disabilities that prevent them from driving, for the addition of a new trip purpose and to increase the maximum one-way rides per month; and authorization for the Mayor to execute same on behalf of the Town.

3. Consider approval of a Contract for Services Agreement with Festac Building Construction, Inc. to provide housekeeping services for Twin Coves Park, at the unit prices bid and to establish an annual bid price contract for routine housekeeping services to clean the rented cabins in an annual estimated amount of \$35,000.00; and authorization for the Mayor to execute same on behalf of the Town. This is the award of Bid No 2018-75-A and the contract is for one-year with four one-year renewal options.

**DRAFT MOTION:** Move to approve a Contract for Services Agreement with Festac Building Construction, Inc. to provide housekeeping services for Twin Coves Park, at the unit prices bid and to establish an annual bid price contract for routine housekeeping services to clean the rented cabins in an annual estimated amount of \$35,000.00; and authorization for the Mayor to execute same on behalf of the Town. This is the award of Bid No 2018-75-A and the contract is for one-year with four one-year renewal options.

*Items 4 and 5 were removed from Consent to Regular items.*

6. Consider approval of an ordinance amending Chapters 2, 14, and 58 of the Code of Ordinances of the Town of Flower Mound relating to Americans with Disability Act (ADA) language in the respective chapters in accordance with the recommendations of the Town's ADA Transition Plan.

**DRAFT MOTION:** Move to approve an ordinance amending Chapters 2, 14, and 58 of the Code of Ordinances of the Town of Flower Mound relating to Americans with Disability Act (ADA) language in the respective chapters in accordance with the recommendations of the Town's ADA Transition Plan.

#### ORDINANCE NO. 17-18

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING DIVISION I, "GENERALLY" OF ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS, OF CHAPTER 2, "ADMINISTRATION" OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS BY ADDING SECTION 2-91 "REASONABLE ACCOMMODATIONS" REQUIRING THE TOWN TO PROVIDE CERTAIN REASONABLE ACCOMMODATIONS; AMENDING SECTION 2-604 "DISCRIMINATION PROHIBITED" OF CHAPTER 2, "ADMINISTRATION," ARTICLE X, "FAIR HOUSING," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS TO REQUIRE MULTI-FAMILY PROJECTS BE CONSTRUCTED IN ACCORDANCE WITH FAIR HOUSING GUIDELINES; AMENDING SUBSECTION (MMM) OF SECTION 14-32 "LOCAL AMENDMENTS TO INTERNATIONAL CODE," OF ARTICLE II "BUILDING CODE" OF CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS TO AMEND A LOCAL EXCEPTION ALLOWING FOR ACCESSIBLE DESIGN; AMENDING SECTION 58-33 "PERMIT REQUIRED FOR CERTAIN ALTERATIONS; CONSTRUCTION SPECIFICATIONS" OF ARTICLE II, "SIDEWALKS" OF CHAPTER 58, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS TO REQUIRE THAT SIDEWALK MODIFICATIONS ARE CONSTRUCTED IN COMPLIANCE WITH ACCESSIBILITY STANDARDS; AMENDING SECTION 58-34 "RESPONSIBILITY FOR CONSTRUCTION AND REPAIR; REPAIR PROGRAM OF DEFECTIVE SIDEWALKS" OF ARTICLE II, "SIDEWALKS" OF CHAPTER 58, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS TO PROVIDE STANDARDS FOR**

**SIDEWALK CONSTRUCTION AND ALTERNATIVE ROUTES DURING CONSTRUCTION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of the Wastewater Treatment Plant Auxiliary Power final acceptance, and authorize the final payment of \$504,654.09, to CoServ Electric.

**DRAFT MOTION:** Move to approve the Wastewater Treatment Plant Auxiliary Power final acceptance, and authorize the final payment of \$504,654.09, to CoServ Electric.

8. Consider approval of Change Order No. 2 and Final Acceptance of the Shady Point Acres Water Line Replacement project, amending the contract with Wildstone Construction LLC, for a decrease to the contract in the amount of \$82,987.50, and authorization of final payment to Wildstone Construction LLC, in the amount of \$59,264.34; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve Change Order No. 2 and Final Acceptance of the Shady Point Acres Water Line Replacement project, amending the contract with Wildstone Construction LLC, for a decrease to the contract in the amount of \$82,987.50, and authorization of final payment to Wildstone Construction LLC, in the amount of \$59,264.34; and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of a Development Agreement with CDAR Holdings, LLC for the construction of Town infrastructure associated with the Southgate, Phase 1 non-residential development; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve a Development Agreement with CDAR Holdings, LLC for the construction of Town infrastructure associated with the Southgate, Phase 1 non-residential development; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval to fund the data and TV cabling project for the new Town Hall, through a Texas Department of Information Resources (DIR) Contract, with BlackBox Services, in the amount of \$119,999.00.

**DRAFT MOTION:** Move to approve the data and TV cabling project for the new Town Hall, through a Texas Department of Information Resources (DIR) Contract, with BlackBox Services, in the amount of \$119,999.00.

Mayor Pro Tem Webb moved to approve by consent Items 1 – 3; 6-10. Deputy Mayor Pro Tem Forest 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:**

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

*Motion passed*

**K. REGULAR ITEMS**

4. Consider approval of an agreement renewal with All City Management Services, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Captain Jennings gave a presentation identifying or noting:

- This year's successes
  - Crosswalks fully staffed at school start
  - Successfully transitioned existing guards
  - Less than 4 hours of police officer coverage
  - \$0 officer overtime
  - Zero hours of volunteer coverage
  - No reported injuries
- Purpose for maintaining ACMS
  - Years of successful local and national experience in crosswalk safety and crossing guard management
  - Keeps officers available to respond to calls for services
  - Reduce the Town's overall liability associated with staffing the crosswalks
  - Available resources to maintain crossing guard staffing levels to insure crosswalks are adequately staffed
  - Remain competitive with pay for trained and returning crossing guards
- Proposed continuation of ACMS
  - Maintain staffing of 51 guards for 76 crosswalks next school year, for nearly 27,000 hours of crosswalk coverage
  - Maintained budget control by staying within contracted amount, with the 4% increase in personnel and associated cost
    - 3% wage increase for returning crossing guards
    - 1% overhead increase for taxes, workers comp, and payroll processing fees, etc.
  - Continued successful and safe administration of the Town crossing guard program

Chief Kancel commented about the positive aspects of the agreement with ACMS.

Captain Jennings or Chief Kancel responded to questions regarding:

- How is turnover going with supervisors, as there were concerns in that area during the transition last year
- How many of the crossing guards are Flower Mound residents
- What is the ball park savings gained for not having to pay out overtime
- For the performance matrix next year, interest in knowing how many crossing guards leave after this year, along with an explanation as to why

Deputy Mayor Pro Tem Forest moved to approve an agreement renewal with All City Management Services, and authorization for the Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

*Motion passed*

5. Consider approval of an agreement with Public Safety Priority Dispatch System for an

emergency medical and police incident call response system, and authorization for the Mayor to execute same on behalf of the Town.

### Staff Presentation

Assistant Chief Mitchell or Chief Kancel responded to questions from Council regarding:

- A request for an update in the area of dispatch personnel

Councilmember Bryant moved to approve an agreement with Public Safety Priority Dispatch System for an emergency medical and police incident call response system, and authorization for the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Forest seconded the motion.

### VOTE ON MOTION:

*Motion passed*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

Mayor Hayden opened items 11 and 12 at the same time.

11. Public Hearing to consider a request for a Master Plan Amendment (MPA18-0002 – Morriss Road Thoroughfare Plan Amendment) to amend Section 7.0, Thoroughfare Plan, by changing the designation of Morriss Road from a Major Arterial to a specified Urban Minor Arterial between Justin Road (FM 407) and Flower Mound Road (FM 3040) and by amending text related to Morriss Road being six lanes, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 23, 2018, meeting.)

### Staff Presentation

Mr. Hotelling and Ms. Bruce gave a presentation for items 11 and 12 identifying or noting:

- Thoroughfare designations
- Major arterials
- Urban minor arterials
- Base project
- Project options
- 12-foot lanes (and with bike lane), including estimated cost and other factors for consideration
- Fuqua and FMS right turn lane, including estimated cost and other factors for consideration
- FM 3040 intersection improvements
- Crosswalk striping options, in-pavement flashing lights
- Garden intersection
- Cost of flashers
- Warning signs
- Dynamic speed limit signs
- Westbound exclusive right turn lane at Forest Vista
- No truck signs on Morriss

- Kirkpatrick crosswalk
- Eason crosswalk
- Valley Ridge intersection improvements

and he or Ms. Bruce responded to the following questions from Council, some of which were as a result of the public hearing:

- For 3040 improvements, would Regional Toll Funds (RTF) be utilized
- Clarification regarding the panel replacement locations
- General funding sources that would be utilized, and concerns that there wouldn't be enough funds to cover all of the panels that need to be replaced
- What is the time line for the project duration
- Does the cost provided include consultants
- What is the process on future councils should they desire to make changes
- Clarification regarding the specific area for the designation change

Mayor Pro Tem Webb opened the Public Hearing for item 11 at 7:49 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: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Cathy Strathmann, 2612 Belmont Ct	None	None
Mary Strickland, 3204 Springwood Rd		
Adam Schiestel, 2205 Waterford Dr		
Kim Berg, 2012 Barton Creek Ln		
Paul Stone, 4100 Broadway		
Steve Dixon, 4604 Wisdom Creek Ct		
Julian Jazques, 2109 Welch Ct*		
Sandy Fambrough, 4105 Spring Meadow Ln*		
John Fambrough, 4105 Spring Meadow Ln*		
Lawrence E. Ford II, 1921 Shenandoah Ln*		
Tim Whisenant, PO Box 271484*		

*\*Submitted a card; however, indicated do not wish to speak*

Mayor Pro Tem Webb closed the Public Hearing for item 11 at 8:02 p.m.

### **Council Discussion**

There was Council discussion regarding:

- How the MPA can be changed by a future Town Council, and the action today is the best situation for now
- Whether changing the Morriss Road classification is really needed
- How the change will increase the level of difficulty to change it back in the future
- How the change allows for predictability to the point the residents have peace of mind and they know what to expect

Councilmember Bryant moved to approve a request for a Master Plan Amendment (MPA18-

0002 – Morriss Road) to amend Section 7.0, Thoroughfare Plan, by changing the designation of Morriss Road from a Major Arterial to a specified Urban Minor Arterial between Justin Road (FM 407) and Flower Mound Road (FM 3040) and by amending text related to Morriss Road being six lanes., and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Forest seconded the motion.

**ORDINANCE NO. 18-18**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO AMEND SECTION 7.0, THOROUGHFARE PLAN, BY CHANGING THE DESIGNATION OF MORRISS ROAD TO AN URBAN MINOR ARTERIAL ON THE THOROUGHFARE PLAN MAP; AND AMENDING TEXT IN SECTION 7.0, THOROUGHFARE PLAN, RELATED TO THE CLASSIFICATION OF MORRISS ROAD, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

12. Consider Improvement Plan Options to be included in the Morriss Road Improvements Project.

**Council Discussion**

There was Council discussion regarding:

- Pros and cons on the various plan options presented

Councilmember Bryant moved to approve that the following items: G, M, N, P, and S as presented in the Morris Road Improvements plan options presentation (and indicated below). Councilmember Forest seconded the motion.

<u>G</u>	<u>FM 3040 Intersection Improvements</u>
<u>M</u>	<u>Garden Intersection</u>
<u>N</u>	<u>Garden @ Firewheel - 3-Way Stop</u>
<u>P</u>	<u>Extend SB Left Turn Lane at Forest Vista</u>
<u>S</u>	<u>Warning Signs at Curves</u>

*Motion passed*

**VOTE ON MOTION:**

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

Ms. Wallace pointed out there will be a future CIP amendment coming forward in June.

Mayor Pro Tem Webb opened items 13 and 14 at the same time.

13. Public Hearing to consider an application for a tree removal permit for six (6) specimen trees on property proposed for development as Flower Mound Church of Christ. The

property is generally located south of Karnes Road and east of Old Settlers Road. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 6, 2018, meeting).

### Staff Presentation

Mr. Russell gave a presentation for items 13 and 14 identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the subject property
- Site plan
- Specimen trees
- Exceptions
- Elevations

and he responded to the following questions from Council:

- Are there any staff issues with respect to the fire lane
- Has CoServ stopped providing cost estimates regarding burying the underground lines

Mayor Pro Tem Webb opened the Public Hearing for items 13 and 14 at 8:55 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: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Byron McCollum (project architect), 217 N Wood St, McKinney	None	None

Mayor Pro Tem Webb closed the Public Hearing for items 13 and 14 at 8:56 p.m.

Councilmember Sharma moved to approve the requested permit for the removal of six (6) specimen trees on property proposed for development as Flower Mound Church of Christ. The property is generally located south of Karnes Road and east of Old Settlers Road. Councilmember Bryant seconded the motion.

### VOTE ON MOTION:

*Motion passed.*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

14. Public Hearing to consider a request for a Site Plan (SP17-0022 – Flower Mound Church of Christ) to develop a church building, with exceptions to Section 90-423, "Underground utilities," and Section 82-242, "Street buffer landscaping," of the Code of Ordinances. The property is generally located south of Karnes Road and east of Old Settlers Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 23, 2018, meeting).

Councilmember Engel moved to approve a request for a Site Plan (SP17-0022 – Flower Mound Church of Christ) to develop a church building, with exceptions to Section 90-423, "Underground utilities," and Section 82-242, "Street buffer landscaping," of the Code of

Ordinances. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

15. Public Hearing to consider an application for a tree removal permit for three (3) specimen trees on property proposed for development as Lakeside Crossing. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Environmental Conservation Commission recommended approval for Tree #83 by a vote of 6-0-0 at its April 3, 2018, meeting and recommended approval for Tree #'s 4804 and 4805 by a vote of 6-0-0 at its May 1, 2018, meeting).

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Map of 27 specimen trees that are to remain on the property
- Upland habitat area
- Picture of the 3 trees requested to be removed

and he responded to the following questions from Council:

- How were the 3 trees missed initially

Mayor Pro Tem Webb opened the Public Hearing at 9:06 p.m. No one spoke in support or opposition. Mayor Pro Tem Webb closed the public hearing at 9:06 p.m.

**Council Discussion**

There was Council discussion regarding:

- How the applicant is going above and beyond the landscape requirements
- How the line was drawn before knowing the trees were there

Deputy Mayor Pro Tem Forest moved to approve the requested permit for the removal of three (3) specimen trees on property proposed for development as Lakeside Crossing. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

16. Consider a request for a Site Plan (SP18-0004 - Service First) to develop an auto repair garage, and a waiver to certain Architectural Standards in the Town's Urban Design Plan. The property is generally located south of Justin Road and east of Stone Hill Farms Parkway. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 14, 2018, meeting.)

**Staff Presentation**

Mr. Russell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Subject property photos
- Site plan
- Elevations
- Waiver request

and he or Mr. Dalton responded to questions from Council as follows:

- A request for the picture shown at the P & Z meeting that demonstrated what the pitch would look like
- What is the actual reason for the exception request
- Is residential near the property
- How would the roof compare to the car dealer

Councilmember Bryant moved to approve a request for a Site Plan (SP18-0004 - Service First) to develop an auto repair garage, and a waiver to certain Architectural Standards in the Town's Urban Design Plan. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

17. Consider a request for a Site Plan (SP18-0003 - Lake Forest Plaza, Lot 10) to develop an office/retail building, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located north of Flower Mound Road and west of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 14, 2018, meeting.)

**Staff Presentation**

Mr. Russell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the site
- Landscape plan
- Reason for the exception

and he or Mr. Dalton responded to the following questions from Council:

- Clarification regarding the flow of east bound traffic to the drive thru and building circulation in general
- Clarification that the Town requires two entrances into the property
- Was Wells Fargo required to have two entrances

Councilmember Bryant moved to approve a request for a Site Plan (SP18-0003 – Lake Forest Plaza, Lot 10) to develop an office/retail building, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:***Motion passed.***AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST****NAYS: NONE**

Mayor Pro Tem Webb opened items 18 and 19 at the same time.

18. Public Hearing to consider a request for rezoning (ZPD18-0002 – Pepper Creek Ranch) from Agricultural District (A) and Interim Holding District (IH) to Planned Development District No. 162 (PD-162) for a cluster development with certain modifications and exceptions 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 \$55,020.00 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$69,400.00. The property is generally located north of Cross Timbers Road and west of Montalcino Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 14, 2018, meeting.)

**Staff Presentation**

Mr. Russell gave a presentation for items 18 and 19 identifying or noting:

- General and detailed location (94.6 acres)
- Land use and zoning
- Subject property photos
- Development plan (50 residential lots)
- Landscape plan
- Tree survey
- Cross Timbers Conservation District (CTCD) requirements
- Open space plan
- Environmentally sensitive areas
- Topographic slopes
- Slope exception
- Cul-de-sac exception

and he or Mr. Dalton responded to the following questions from Council:

- The purpose of cluster development
- Clarification that they are meeting the CTCD requirements in their entirety

**Applicant Presentation**

Randi Rivera, Land Planner, G & A Consulting, 111 Hillside Dr, Lewisville, TX

Ms. Rivera gave a presentation identifying or noting:

- Background information about the client
- Land use and zoning

- Town trail map they are complying with, including equestrian trail
- Aerial of the site
- Existing conditions
- Existing view sheds
- Concept plan (47 acres of open space and ¾ to 1 acre lots, and 8,000 feet of internal trails)
- Drainage
- Specimen tree survey
- Entry plan view
- Amenity lot plan view
- Representative amenities – barns
- Zoning concept plan/development plan
- Open space management plan
- Exceptions: cul-de-sac length
- Exceptions: slopes >12%

and she, or Mr. Dalton, responded to the following questions from Council, some of which were as a result of the public hearing:

- How many homes are impacted within the slope exception
- What is the percentage of open space
- What are the Town’s regulations regarding drainage
- Does staff have any concerns regarding what is being proposed
- Whether or not the development meets the intent of a cluster development, and does it truly preserve open space
- Clarification on the calculation of cash in lieu of land
- Topographic slopes have the potential to offer open space instead of being developed

Mayor Pro Tem Webb opened the Public Hearing at 9:52 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: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
None	None	Don Harvey, 8801 Cross Timbers Rd*

*\*speaker card not submitted*

Mayor Pro Tem Webb closed the Public Hearing at 9:53 p.m.

Councilmember Bryant moved to approve a request for rezoning (ZPD18-0002 –Pepper Creek Ranch) from Agricultural District (A) and Interim Holding District (IH) to Planned Development District No. 162 (PD-162) for a cluster development with certain modifications and exceptions to the Code of Ordinances, and adopt an ordinance providing for said amendment, and accept cash in lieu of land in the amount of \$55,020.00 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$69,400.00. Deputy Mayor Pro Tem Forest seconded the motion.

## ORDINANCE NO. 19-18

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 94.61 ACRES OF LAND SITUATED IN THE J. C. MCGOWAN AND C. G. PITCOCK SURVEY, ABSTRACT NUMBER 959, FROM AGRICULTURAL DISTRICT (A) AND INTERIM HOLDING DISTRICT (IH) TO PLANNED DEVELOPMENT DISTRICT NO. 162 (PD-162) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS 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: FOREST, ENGEL, BRYANT, WEBB

NAYS: SHARMA

19. Consider a request for a Development Plan (DP18-0002 - Pepper Creek Ranch) to develop a residential subdivision. The property is generally located north of Cross Timbers Road and west of Montalcino Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 14, 2018, meeting.)

Councilmember Bryant moved to approve to approve a request for a Development Plan (DP18-0002 – Pepper Creek Ranch) to develop a residential subdivision. Deputy Mayor Pro Tem Forest seconded the motion.

## VOTE ON MOTION:

*Motion passed.*

AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST

NAYS: NONE

L. BOARDS/COMMISSIONS (Executive Conference Room)

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

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 10:20 p.m. on Monday, May 21, 2018, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 10:46 p.m. on Monday, May 21, 2018, to take action on the items as follows:

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

Councilmember Bryant moved to appoint David Moraine to Place 5 of the Board of Adjustment/Oil and Gas Board of Appeals, with a term expiration date of September 30, 2019. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA**

**NAYS: NONE**

- b. 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.

- c. 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.

- d. Consultation with Attorney as follows:

- 1. Limited engagement of outside counsel to represent the Town's Gas Board of Appeals and Zoning Board of Adjustment

Deputy Mayor Pro Tem Forest moved to approve an engagement letter with outside counsel to represent the Board of Adjustment as discussed in executive session. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST**

**NAYS: NONE**

- 2. EagleRidge Operating application for variance, appeal of administrative interpretation of the gas well regulations and preemption determination appeal.

No action taken.

**O. ADJOURN REGULAR MEETING**

Mayor Pro Tem Webb adjourned the meeting at 10:47 p.m. on Monday, May 21, 2018, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Jason Webb*

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**JASON WEBB, MAYOR PRO TEM**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**