

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH DAY OF JANUARY, 2014, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

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

Tom Hayden	Mayor
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Alan Lathrom	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:03 p.m.

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

Mayor Hayden gave the invocation and Troop 709 led the pledges.

D. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke.

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX, 75028

Ms. Kohankie announced an upcoming book sale for the Friends of the Library.

The following speakers spoke in support of the Mayor's personal comments related to the Year of the Bible proclamation:

Tracy Miller, 2810 Spring Hollow Ct, Highland Village, TX 75057

Dwayne Ryman, 366 E Main St, Lewisville, TX 75057

The following speakers spoke in opposition of the Mayor's personal comments related to the Year of the Bible proclamation:

Jennifer Lane, 2024 Bowling Green St, Denton, TX 76201

John Rigler, 3104 Lakeview Dr, Grapevine, TX 76051

Kyle Oyakawa, 9225 Harrisburg Ln, McKinney, TX 75071

Daniel Moran, 1840 Trail Ridge Ln, Flower Mound, TX 75028

Janie O., 9225 Harrisburg Ln, McKinney, TX 75071

Shayrah Akers, 1840 Trail Ridge Ln, Flower Mound, TX 75028

Scott Hurt, 10240 Mustang Downs, Ft. Worth, TX 76128

Roddi Schoneberg, 13532 Purple Sage, Dallas, TX 75240

Imam Rasheed Farah of I.A.L. Flower Mound, 3436 Peters Colony Rd, Flower Mound, TX 75022

Tony Beck, 280 W. Renner, Richardson, TX 75086

Whitney Waller, 1507 Alston Ave, Ft. Worth, TX 76104

E. ANNOUNCEMENTS

Webb: Announced that a friend of his (Mr. Smith) has been serving in the Peace Corp in Cambodia since 2012 and that this individual is hosting a youth development camp for high school boys called "Boys to Men". He further defined what the program entails and encouraged those interested in supporting this effort to contact him via his council email address or his Facebook page. All donations would be made through the Peace Corp and tagged to his project.

Walker: Offered thanks to the members of the Native Plant Society of Texas, and the Trinity Forks Chapter, and Mr. Tom Kirwan with the Flower Mound Foundation for providing voluntary input for the Town's landscaping plan for the future senior center, as well as the Town's Operations and Maintenance facility.

Hayden: Offered comments related to his personal proclamation related to the Year of the Bible.

F. TOWN MANAGER'S REPORT

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

Mr. Stathatos provided a status report on the following capital improvement projects:

- Twin Coves Master Plan design is approximately 30% complete and an update to the Parks, Arts, and Library Services Board will be scheduled soon
- The TxDOT northbound lane on FM 2499 will be closed starting tomorrow for road improvements as part of the DFW Connector project.
- FM 1171 - TxDOT is almost finished with utility relocation and they plan to issue the notice to proceed on March 1st for the widening to six lanes on 1171 and they have committed to have two full time crews work on the project. One will start at 35W at 1171 and the other crew will start at Shiloh at 1171. TxDOT will also do temporary turn lanes at 1171 at 377 and those will be finished by November.
- For the Wood Creek Road reconstruction project there have been some delays. Some changes have been made and the contractor is committed to substantial completion by March 21st, with completion by April 21st.

Hayden: Received comments related to the timing for the traffic signal at West Windsor and FM 2499 in that there is not enough time to get through that intersection.

Stathatos: Responded that he spoke with Mr. Parr and he and Matt Hotelling are going to come up with a plan.

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided a status report on the following economic development projects:

- Kroger expansion added 30,000 square feet and a formal grand re-opening is scheduled for January 29th
- La Madeleine will be opening January 30th

G. CONSENT ITEMS

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 4. Councilmember Levenick seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. **Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on December 16, 2013.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on December 16, 2013.

2. **Consider approval of Amendment No. 3 to the Fiscal Year 2013-2014 Capital Improvement Program.**

RECOMMENDATION: Move to approve Amendment No. 3 to the Fiscal Year 2013-2014 Capital Improvement Program.

3. **Consider approval of a "New Public Highway At-Grade Crossing Agreement" with Union Pacific Railroad Company and WS-DCF Development, LLC., for the reconstruction, widening, maintenance and use of a railroad crossing located at Stonecrest Road and US 377, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a "New Public Highway At-Grade Crossing Agreement" with Union Pacific Railroad Company and WS-DCF Development, LLC., for the reconstruction, widening, maintenance and use of a railroad crossing located at Stonecrest Road and US 377, and authorization for the Mayor to execute same on behalf of the Town.

4. **Consider approval of the dedication of a CoServ Electric Line Easement and Right-of-Way at the Stonehill Pump Station.**

RECOMMENDATION: Consider approval of the dedication of a CoServ Electric Line Easement and Right-of-Way at the Stonehill Pump Station.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

H. REGULAR ITEMS

5. **Public Hearing to consider approval of a Chapter 380 Incentive Agreement with CHI Lakeside Ridge, L.P., and authorization for the Mayor to execute same on behalf of the Town.**

Staff Presentation

Mark Wood gave a presentation identifying or noting:

- Project details
 - Crow Holdings has received approval to construct three office/warehouse buildings totaling approximately 580,000 square feet

- 40-acre tract at the southwest corner of Gerault Road and Lakeside Parkway within the Lakeside Business District
- The development will add more than \$15 million to the commercial tax base in real property alone
- Site work has begun but a building permit has not been issued
- Incentives already exist on the property from a previous 380 Agreement that runs with the land

- Tree Issue
 - Prior to receiving all needed approvals, a contractor removed a number of trees without authorization
 - These trees would have been allowed to be removed to develop the site with no issue or mitigation requirement had the contractor waited until all approvals had been received
 - Crow Holdings has been upfront regarding the mistake and staff has worked with them to find a solution to rectify the issue while still allowing the project to move forward

- Incentive Summary

The Chapter 380 Incentive Agreement provides for:

 - Crow Holdings will make a one-time payment to the Town in the amount of \$365,000 (equal to impact fees plus \$125,000)
 - Remainder of Crow Holdings' impact fees for road, water, and wastewater to be waived
 - Crow Holdings is required to plant an additional 75 trees onsite – valued at between \$20 – 30K
 - Building permit must be received by Crow Holdings for buildings A/B by Oct. 1, 2014, and site prep for building C must be complete by Dec. 31, 2014
 - We believe this is an amicable solution to keep the project moving forward while also making the Town whole on the unauthorized tree removal

Walker: Asked for clarification as to if the site can actually handle the additional trees being requested and commented that in the event it can't perhaps those trees could be used elsewhere in Town or cash in lieu of the trees for use by the Town at its discretion.

Woods: Summarized the discussion and responded that the site can handle the additional trees.

Applicant Presentation

Mr. Will Munding, Crow Holdings, 3819 Maple, Dallas, TX

Mr. Munding stated they can easily fit the trees on the site and they will thrive where they are planted. If there is a desire to take a portion of the trees elsewhere, they are okay with that as well. The positive thing for them staying on the site is

they can irrigate them and make sure they thrive. If they go somewhere else that is out of their control.

Mayor Hayden opened the Public Hearing at 7:04 p.m.

Public Participation

No one spoke in support or opposition of the item.

Mayor Hayden closed the Public Hearing at 7:04 p.m.

Council Discussion

Dixon: Appreciated the honesty of the applicant related to the taking down of trees and for the dialogue between the Town and the applicant in coming up with a fair and reasonable solution.

Councilmember Walker moved to approve a Chapter 380 Incentive Agreement with CHI Lakeside Ridge, L.P., and authorize the Mayor to execute same on behalf of the Town, Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

Mayor Hayden opened items 6, 7, and 8 at the same time.

- 6. Public Hearing to consider a request for a Master Plan Amendment to amend Section 1.0 Land Use Plan (MPA 13-0006 - Hilliard Tract) to change the current land use designation from Low Density Residential and Estate Residential uses to Medium Density Residential uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Lake Forest Boulevard, east of Long Prairie Road, and north of Aberdeen Drive. *(This item is being heard by the Planning and Zoning Commission on January 13, 2014.)***

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed site location
- Photographs of the site
- Layout of the development
- Connection access to an adjacent street (emergency access only)

Applicant Presentation

Matthew Alexander, Dowdy, Anderson & Associates, 5225 Village Creek Drive, Plano, Texas

Mr. Alexander gave a presentation identifying or noting:

- Land use plan
- In General entire site is 58 acres and 95 lots with 13 acres of open space
- Gross density across the entire site is 1.6 dwelling units per acre
- Objective in creating a land plan to protect the trees
- 50 specimen trees identified on the site
- Tree preservation examples
- One tree in question
- Site plan
- Parks, Arts, and Library Services Board agreed to 1.74 acres next to Bluebonnet Park and the Town is building the existing trail and they are going to pick up the trail extension at the southwest corner and extend it to the school
- Met with Town staff and their efforts in addressing the concerns related to land use, access concerns and the Master Plan
- 95 single family lots, average lot area 16,350 sf
- Home builder examples – Toll Brothers
- P & Z approval

Mr. Powell responded to an inquiry from Council related to the fire access gate on Sherri Lane and noted it will be lock and key.

Rob Paul, Toll Brothers, 1916 Reserve Ct, Flower Mound

Mr. Paul responded to questions from Council relative to:

- Vision of what the gate will look like where the neighborhood connects to Sherri Lane
- Their involvement in the construction of Aberdeen next to their development
- Whether there will be walls around the setback area from the pad site

Mayor Hayden opened the Public Hearing for items 6, 7, and 8 at 7:23 p.m.

Public Participation

Nancy Cain, 2501 Sherri Ln, Flower Mound, TX

Ms. Cain spoke in support of the project.

Ron Hilliard, 2461 Sherri Ln, Flower Mound, TX

Mr. Hilliard spoke in support of the project.

Mayor Hayden closed the Public Hearing for items 6, 7, and 8 at 7:26 p.m.

Councilmember Levenick moved to approve a request for a Master Plan Amendment to amend Section 1.0, Land Use Plan (MPA 13-0006 - Hilliard Tract) to change the current land use designation from Low Density Residential and Estate Residential uses to Medium Density Residential uses, and adopt an ordinance providing for said amendment, Deputy Mayor Pro Tem Webb seconded the motion.

ORDINANCE NO. 01-14

AN ORDINANCE OF THE TOWN COUNCIL 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 USES REFLECTED ON THE LAND USE PLAN MAP FROM LOW DENSITY AND ESTATE DENSITY USES TO MEDIUM DENSITY RESIDENTIAL USES ON APPROXIMATELY 58.435 ACRES OF LAND SITUATED IN THE J. WHITE SURVEY, ABSTRACT NO. 1341; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

7. **Public Hearing to consider a request for rezoning (ZPD 13-0007 - Hilliard Tract) from Agricultural District (A) uses to Planned Development District No. 129 (PD-129) with Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Lake Forest Boulevard, east of Long Prairie Road, and north of Aberdeen Drive. *(This item is being heard by the Planning and Zoning Commission on January 13, 2014.)***

Mayor Pro Tem Dixon moved to approve a request for rezoning (ZPD 13-0007 - Hilliard Tract) from Agricultural District (A) uses to Planned Development District-129 (PD-129) with Single-Family District-10 (SF-10) uses, and adopt an ordinance providing for said amendment, Councilmember Wise seconded the motion.

ORDINANCE NO. 02-14

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 58.435 ACRES OF LAND SITUATED IN THE J. WHITE SURVEY, ABSTRACT NO. 1341 FROM AGRICULTURAL (A) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT NO. 129 (PD-129) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO;

REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

8. Public Hearing to consider an application for a tree removal permit for the removal of three (3) specimen trees on property proposed for development as the Hilliard Tract. The property is generally located west of Lake Forest Boulevard, east of Long Prairie Road, north of Aberdeen Drive. *(This item was postponed at the October 1, 2013, meeting of the Environmental Conservation Commission). (The Environmental Conservation Commission recommended approval by a vote of 6 - 0 at its November 5, 2013, meeting).*

Deputy Mayor Pro Tem Webb moved to approve the requested permit for the removal of three (3) specimen trees on property proposed for development as the Hilliard Tract., Councilmember Walker seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

I. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

No discussion.

J./K. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:40 p.m. on January 16, 2014, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 11:03 p.m. on January 16, 2014, to take action on the items as follows:

- a. Discuss and consider Annual Performance Review of Town Secretary.

Mayor Pro Tem Dixon moved to approve a compensation change as discussed in executive session. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

- b. **Discuss and consider Annual Performance Review of Town Manager.**

Mayor Pro Tem Dixon moved to approve a compensation change as discussed in executive session. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

- c. **Discuss and consider applications in conjunction with Request for Qualification #2014-18 for the position of Town Attorney.**

Councilmember Levenick moved to appoint the law firm of Taylor, Olson, Adkins, Sralla, and Elam L.L.P. as Town Attorney. Mayor Pro Tem Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

- d. **Discuss and consider economic development incentives.**

No Action Taken.

- e. **Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.**

No Action Taken.

- f. **Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.**

For the Tax Increment Reinvestment Zone Number One Board, Mayor Pro Tem Dixon moved to appoint Bill Collins, Bryan Webb, and Jim Robertson (as Chair) with a term expiration of December 31, 2015. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

L. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 11:03 p.m. on Thursday, January 16, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

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