

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7TH DAY OF APRIL, 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
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Matt Woods	Director of Environmental Services

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:02 p.m.

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

Chaplain Jon Bell gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Certificate of Achievement presented to Lamar Middle School student Lokesh Nagineni for winning *The Dallas Morning News* Regional Spelling Bee.

Mayor Hayden presented Lokesh Nagineni with a Certificate of Achievement.

2. Presentation of Seniors In Motion promotional video.

Jaime Jaco-Cooper, Senior Programs Supervisor, played a Seniors in Motion promotional video called "What Does the Fox Say" which featured some of their members as the cast of characters.

E. SPECIAL ITEM

1. Discuss and consider appropriate action related to oil and gas development.

Mayor Hayden offered comments related to a recent study conducted by University of Texas (UT) Professor Rachael Rawlins. He indicated that the study was basically a critique of the Flower Mound cancer study that was done about 3 – 4 years ago. He pointed out there was a recent conference call with her and

other UT staff, as well as local, regional, and state elected officials or their representatives; consultants; and Town staff. Deputy Mayor Pro Tem Webb provided a summary of the discussion and Mr. Stathatos added his comments stating that Ms. Rawlins was complementary of Flower Mound and she acknowledged the Town as being a pioneer with respect to local government in this area.

Mr. Woods provided background information related to what the Town has done and is currently doing related to air monitoring.

Mayor Hayden requested staff to invite Dr. Kenneth Tramm to a future Council meeting for the purpose of updating Council and the public on air monitoring activities.

F. PUBLIC PARTICIPATION

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

Todd Smith, 3624 Bonanza Ln, Flower Mound, TX 75022

Mr. Smith expressed concern regarding issues related to the Flower Mound High School athletic field, and more specifically the height of the speakers and the use of the scoreboard lights. He requested that Council hold LISD accountable for commitments they made.

Steffani McQueen, 3313 Harris Rd, Flower Mound, TX 75022

Ms. McQueen echoed Mr. Smith's comments and indicated they were not informed in the beginning. She pointed out various issues with the use of the sound system and the height of the score board. She also requested Council hold LISD accountable.

Mayor Hayden indicated it's his understanding there should be a meeting about this matter in the next week or so.

Jodie Boutilier, 2201 Jester Ln, Flower Mound, TX

Ms. Boutilier expressed appreciation of staff for reaching out to her for questions she might have as a result of the recent oil and gas study. She encouraged Council to continue the research on air quality and indicated being disappointed with the state limitations in this area.

G. ANNOUNCEMENTS

Mayor Pro Tem Dixon had the following announcements:

- The recent Chamber golf outing was a success
- The Flower Mound Chamber is having their Leadership trip in Austin this week and Councilmember Walker will be attending.

Mayor Pro Tem Webb announced that the Summit Club built new crosses for the sunrise service on the Mound and they have been put in place.

H. TOWN MANAGER'S REPORT

1. Update from Waste Management on collection schedules.

Lance Butler, District Manager, Waste Management, responded to questions and concerns presented from Council regarding resident issues with delayed services.

2. Update and status report related to capital improvement projects (CIP)

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

- Chinn Chapel Road construction update
- For 2499 at Silveron the right turn lane has been completed

3. Update and discussion on Economic Development (ED) projects.

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

- Penn Station East Coast Subs is soon to be located at the Robertson's Creek Shopping Center
- Starwood Café will be opening at the end of April
- On Friday staff will be able to announce a regional headquarters that was recent landed by the Town

Councilmember Dixon asked for a follow up report related to the LISD meetings and how they are addressing the items they committed to.

Councilmember Dixon expressed concern related to the deteriorating condition of McKamy Creek Road near the electric substation.

Mayor Hayden indicated the following request are as a result of Mornings with the Mayor this past Saturday:

- Requested an update related to the extension of Kirkpatrick
- Entranceways on 2499 have poor visibility at night (i.e. College) and Council requested staff to look into where in Town can reflective paint be utilized to improve visibility

Mr. Stathatos indicated he would provide a follow up report on those items.

I. CONSENT ITEMS

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 10. 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 held on March 17, 2014.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on March 17, 2014.

2. **Consider approval of the minutes from a work session of the Town Council held on March 20, 2014.**

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on March 20, 2014.

3. Consider approval of canceling the July 7, 2014, regular meeting of the Town Council.

RECOMMENDATION: Move to approve the canceling the July 7, 2014, regular meeting of the Town Council.

4. Consider approval of Amendment No. 5 to the Fiscal Year 2013-2014 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 5 to the Fiscal Year 2013-2014 Capital Improvement Program.

5. Consider approval for the construction of Phase II of the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc. dba, Dean Construction, at a not to exceed amount of \$289,622.40, for a total CMR contract value of \$452,106.00.

RECOMMENDATION: Move to approve the construction of Phase II of the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk Agreement with Dean Electric, Inc. dba, Dean Construction, at a not to exceed amount of \$289,622.40, for a total CMR agreement value of \$452,106.00; and authorize the Mayor to execute the same on behalf of the Town.

6. Consider approval of Design Amendment No. 1 to the Professional Services Agreement with Wade Trim, Inc., to provide professional engineering services for the Raintree 12-inch Water Line project, for an increase of \$17,579.50.

RECOMMENDATION: Move to approve Design Amendment No. 1 to the Professional Services Agreement with Wade Trim, Inc., to provide professional engineering services for the Raintree 12-inch Water Line project, for an increase of \$17,579.50; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of Change Order No. 3 to the Operations and Maintenance Facility project, with CF Jordan Inc., for an increase of \$36,845.63.

RECOMMENDATION: Move to approve Change Order No. 3 to the Operations and Maintenance Facility project, with CF Jordan Inc., for an increase of \$36,845.63; and authorize the Mayor to execute the same on behalf of the Town.

8. Consider approval of Change Order No. 3 for the Timber Creek Reconstruction Phase I project, amending the contract with Jet Underground Utilities, Inc., for a decrease of \$39,093.07; final acceptance of the project; authorization of final payment to the contractor, Jet Underground Utilities, Inc., in the amount of \$57,834.66.

RECOMMENDATION: Move to approve Change Order No. 3 for the Timber Creek Reconstruction Phase I project, amending the contract with Jet Underground Utilities, Inc., for a decrease of \$39,093.07, final acceptance of the project, and authorization of final payment to the contractor, Jet Underground Utilities, Inc., in the amount of \$57,834.66; and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of a resolution authorizing the filing of a project application with the Office of the Governor, Criminal Justice Division and the North Central Texas Council of Governments for a Justice Assistance Grant Program; authorizing the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; acceptance of funds if awarded; and pledging that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division.

RECOMMENDATION: Move to approve a resolution authorizing the filing of a project application with the Office of the Governor, Criminal Justice Division for a Justice Assistance Grant Program; authorizing the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; acceptance of funds if awarded; and pledging that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division.

RESOLUTION NO. 3-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND AUTHORIZING THE FILING OF A PROJECT APPLICATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR A JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE TOWN OF FLOWER MOUND IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF FUNDING FOR THIS PROJECT IS RECEIVED THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROJECT REQUIREMENTS OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND THE CRIMINAL JUSTICE DIVISION (CJD) OF THE TEXAS STATE GOVERNOR'S OFFICE.

10. Consider approval of an ordinance amending Section 50-51 and Section 50-53 of the Code of Ordinances to bring the Town's regulations into conformance with state law.

RECOMMENDATION: Move to approve an ordinance amending Section 50-51 and Section 50-53 of the Code of Ordinances to bring the Town's regulations into conformance with state law.

ORDINANCE NO. 14-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 50-51 "DEFINITIONS" OF THE CODE OF ORDINANCES TO ADD A DEFINITION FOR "SPORT SHOOTING RANGE" AND AMENDING SECTION 50-53 "DISCHARGING FIREARMS" OF THE CODE OF ORDINANCES TO ADD AN EXCEPTION FOR THE DISCHARGE OF FIREARMS AND AIR GUNS AT A SPORT SHOOTING RANGE; FINDING THAT THE AMENDMENT IS NECESSARY TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH STATE LAW; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

Mayor Hayden opened items 11, 12, and 13 at the same time.

J. REGULAR ITEMS

11. Public Hearing to consider a request for rezoning (ZPD14-0003 – Hunter’s Glen) from Single-Family District-10 (SF-10) uses, Single-Family Estate District (SF-E) uses and Planned Development District No. 68 (PD-68) for Office District (O), Retail District-1 (R-1) and Retail District-2 (R-2) uses to Planned Development District No. 131 (PD-131) with Single-Family District-10 (SF-10) uses, with an exception to Section 90-302, “Concrete streets,” and an exception to Section 90-423, “Underground utilities,” of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road between Firewheel Drive and Fireside Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 24, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation for items 11, 12, and 13 identifying or noting:

- General location
- Land use and zoning
- Photographs of the site
- Concept plan
- Overhead utility line exhibit
- Concrete Street standard exception
- Modification requests
- Summary of modifications, including the basis for the changes

Mr. Powell responded to questions related to:

- Previous conditions related to location of overhead utility lines
- Road standards
- Ordinance conflict issues

Applicant Presentation

Chas Fitzgerald, Wilbow Corporation 4131 N. Central Expressway, Suite 1140, Dallas, Texas

Mr. Fitzgerald gave a presentation identifying or noting:

- Company background information
- Community outreach efforts
- Overhead power lines and frontage areas, conflicts that exists
- Lot setbacks and what multiple setbacks and j swings allow (visibility)
- Computer realization of drive through neighborhood to illustrate architecture and short block street design
- Summary of proposed community

- Letters of support received to date

Mr. Fitzgerald responded to questions from Council related to:

- Landscape plan
- Photographs of area where exceptions for overhead lines are being requested
- Impact to their landscape plan should they have to bury the overhead lines
- Conditions that exist on Arrowhead (decommissioned)

Mayor Pro Tem Dixon requested for a commitment from the developer to move the utilities from the short pole to the taller pole at the end of Fireside if the exception is granted.

Mr. Fitzgerald indicated being in agreement with doing that.

Mayor Hayden opened the Public Hearing for items 11, 12, and 13 at 7:21 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item:

Support: Comments/Questions
Pat Sanchez, 3451 Fireside Dr, Flower Mound, TX
Tracy Ehlers, 1541 Redwood Crest, Flower Mound, TX 75028
Judith Smith, 180 Cedarcrest Ln, Double Oak, TX 75077
Nick Melnychenko, 3404 Fireside, Flower Mound, TX 75028
Pat Sanchez, 3451 Fireside, Flower Mound, TX 75028

No one spoke in opposition.

Mayor Hayden closed the Public Hearing for items 11, 12, and 13 at 7:29 p.m.

Mayor Pro Tem Dixon moved to approve a request for rezoning (ZPD 13-0012 – Hunter’s Glen) from Single-Family District-10 (SF-10) uses, Single-Family Estate District (SF-E) uses and Planned Development District No. 68 (PD-68) for Office District (O), Retail District-1 (R-1) and Retail District-2 (R-2) uses to Planned Development District No. 131 (PD-131) with Single-Family District-10 (SF-10) uses, with an exception to Section 90-302, “Concrete streets,” and an exception to Section 90-423, “Underground utilities,” of the Code of Ordinances, and adopt an ordinance providing for said amendment, as modified in that the exception to the requirement that underground utilities be buried be granted solely for Fireside and Firewheel, and excepting the request for a waiver to bury utility lines on Arrowhead. Councilmember Levenick seconded the motion.

While there was a desire to have language related to removal of the extra utility pole at the Southeast corner of the development, it was not included in the motion given that condition is out of the control of the developer as it requires CoServ authorization. Mr. Fitzgerald indicated they would put forth their best efforts to persuade them to remove the extra pole.

ORDINANCE NO. 15-14

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 25.044 ACRES OF LAND SITUATED IN THE JESSE EADS SURVEY, ABSTRACT NO. 391, AND BEING ALL OF LOTS 6, 8, 9, 10, 11, 12, AND 13, OF THE ALLISON 1 ADDITION AND ALL OF LOT 1, HUNTER ADDITION, FROM SINGLE-FAMILY DISTRICT-10 (SF-10), SINGLE-FAMILY ESTATE (SFE), AND PLANNED DEVELOPMENT DISTRICT NO. 68 (PD-68) WITH OFFICE DISTRICT (O), RETAIL DISTRICT-1 (R-1), AND RETAIL DISTRICT-2 (R-2) USES TO PLANNED DEVELOPMENT DISTRICT NO. 131 (PD-131) 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; CONDITIONALLY GRANTING AN EXCEPTION TO SECTION 90-302, "CONCRETE STREETS," AND GRANTING AN EXCEPTION TO SECTION 90-423, "UNDERGROUND UTILITIES," OF THE CODE OF ORDINANCES; 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 THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

12. Councilmember Levenick moved to approve the requested permit for the removal of four (4) specimen trees on property proposed for development as Hunter's Glen. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

13. Consider a request for a Development Plan (DP14-0001 - Hunter's Glen) to develop a residential subdivision. The property is generally located south of Cross Timbers Road between Firewheel Drive and Fireside Drive. *(The Planning & Zoning Commission recommended approval by a vote of 6 to 0 at its March 24, 2014, meeting.)*

Councilmember Wise moved to approve a Development Plan (DP14-0001 - Hunter's Glen) to develop a residential subdivision, and acceptance of cash in lieu of land in the amount of \$164,640.00 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$97,160.00. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

14. Public Hearing to consider a request for a Site Plan (SP 14-0002 – South Texas Parts Addition) to develop an office/warehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located south of Justin Road and west of Meadow View. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 24, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- SPA 6 details
- Compatibility setback
- Overhead utility line factors
- Architectural renderings

Applicant Presentation - No applicant presentation.

Mayor Hayden opened the Public Hearing at 8:06 p.m. No one spoke in support or opposition of the item. Mayor Hayden closed the Public Hearing at 8:06 p.m.

Deputy Mayor Pro Tem Webb moved to approve a request for a Site Plan (SP 14-0002 – South Texas Parts Addition) to develop an office/warehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. Councilmember Walker seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

15. Public Hearing to consider a request for a Specific Use Permit (SUP 13-0007 - Justin Road Storage Center) to permit a miniwarehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and 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, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Justin Road and west of Meadow View. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 24, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photographs of site
- Conceptual site plan
- Driveways that serve the property
- Building elevations

Applicant Presentation

Jim Lee, 8413 Fischer Rd, Frisco, TX

Mr. Lee gave a presentation identifying or noting:

- Building elevations
- Aerial photo
- Existing and proposed driveways
- Details related to the existing property
- Current zoning
- Zoning modification
- Architectural upgrades planned
- Proposed site plan
- Zoning considerations
- Operational features
- Developer background information
- Photographs of properties to the west, south, and east, including the existing house on the property
- Photo examples of other storage facilities it will not look like
- Type of lighting planned
- Ingress and egress for the site and TxDOT signs currently in place

Mr. Lee responded to questions from Council related to:

- What is planned for the existing building within the site plan

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

Deputy Mayor Pro Tem Webb moved to approve a request for a Specific Use Permit (SUP 13-0007 - Justin Road Storage Center) to permit a miniwarehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and 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, and a restriction upon hours of operation between the hours of 7:00 a.m. and 10:00 p.m., and adopt an ordinance providing for said amendment. Councilmember Levenick seconded the motion.

ORDINANCE NO. 16-14

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 APPROVING SPECIFIC USE PERMIT NO. 421 (SUP-421) TO PERMIT A MINIWAREHOUSE FACILITY, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO, ON CERTAIN PROPERTY DESCRIBED AS 5.5226 ACRES OF LAND ON LOTS 1 AND 2, BLOCK A, OF THE UNIFIED ADDITION, AND ZONED INDUSTRIAL DISTRICT-1 (I-1); GRANTING EXCEPTIONS TO SECTIONS 82-302(1) AND 82-302(2), "COMPATIBILITY BUFFER," AND SECTION 82-303, "COMPATIBILITY SETBACK," OF THE CODE OF ORDINANCES; AND GRANTING AN EXCEPTION TO THE ACCESS MANAGEMENT POLICY AND CRITERIA REGARDING DRIVEWAY SPACING; 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 THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

16. Public Hearing to consider a request for a Specific Use Permit (SUP 14-0001 - AA Battey Sprint Site) to permit co-location of telecommunication antennas on an existing monopole tower and installation of related equipment, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Justin Road and west of Meadow View. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 24, 2014, meeting.)*

Staff Presentation

- Site location
- Land use and zoning
- SPA6 details
- Photographs of existing tower and antennas
- Photo simulation as to what it would look like

Applicant Presentation

No applicant presentation.

Mayor Hayden opened the Public Hearing at 8:33 p.m. No one spoke in support or opposition of the item. Mayor Hayden closed the Public Hearing at 8:33 p.m.

Councilmember Levenick moved to approve a request for a Specific Use Permit (SUP 14-0001 - AA Battey Sprint Site) to permit co-location of telecommunication antennas on an existing monopole tower and installation of related equipment, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 17-14

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 APPROVING SPECIFIC USE PERMIT NO. 422 (SUP-422) TO PERMIT CO-LOCATION OF TELECOMMUNICATION ANTENNAS ON AN EXISTING COMMUNICATION TOWER, AND INSTALLATION OF RELATED CABLES AND EQUIPMENT, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO, ON CERTAIN PROPERTY DESCRIBED AS 0.034 ACRES OF LAND ON LOT 4, BLOCK A, OF THE AA BATTEY ADDITION, AND ZONED INDUSTRIAL DISTRICT-1 (I-1) WITH SPECIFIC USE PERMIT NO. 131 (SUP-131) AND SPECIFIC USE PERMIT NO. 384 (SUP-384); 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 THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

K. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- a. Next Town Council meeting date is April 21, 2014.
- b. Confirmation of Strategic Planning Session for Friday, June 6th, 4:00 p.m.

All members of Council indicated being available for the April 17th Work Session, April 21st Regular meeting, and the June 6th Strategic Planning Session.

Mayor Pro Tem Dixon indicated he would like staff to put together a list of utility poles that are in the right-of-way, or simply in Flower Mound and have been abandoned.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:37 p.m. on April 7, 2014, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072 and 551.071 to discuss matters relating to economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 9:30 p.m. on April 7, 2014, to take action on the items as follows:

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

No action taken.

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

No action taken.

- c. Consultation with Attorney regarding:

- 1. Constitutional claim

- 2. Town of Flower Mound, Jimmy Stathatos, in his Official Capacity as Town Manager, Terry Welch, in his Official Capacity as Town Attorney, and Gregg Perry, in his Official Capacity as Town Engineer, v. Anas Alhaji

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:30 p.m. on Monday, April 7, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


THOMAS E. HAYDEN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY

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