

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 4TH DAY OF AUGUST, 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
Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

The following members were absent:

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
Doug Powell	Executive Director of Development Services
Chuck Russell	Town Planner
Ken Parr	Executive Director of Public Works
Eric Greaser	Fire Chief
Matt Woods	Director of Environmental Services
Mark Wood	Director of Economic Development
Greg Perry	Senior Project Engineer
James Hoefert	Environmental Review Analyst

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

Dawn Shapely with Valley Creek Church gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero banner to Justin Durham

Ashley Durham, wife of Justin Durham accepted the Hometown Hero banner and Proclamation.

2. Recognition to Keep Flower Mound Beautiful (KFMB) for their recent Lend-A-Hand Community Enhancement Initiative project

Marilyn Lawson, KFMB Board President and Lend-A-Hand volunteers accepted a Certificate of Appreciation for their efforts associated with the program.

E. PUBLIC PARTICIPATION

Drew Larson, 3814 Cortadera Ct, Flower Mound, TX 75028

Mr. Larson spoke in support of the Cortadera pond project as outlined in a budget item for tonight's agenda. He indicated having 317 signatures from around the neighborhood for their support of the pond project.

F. ANNOUNCEMENTS

Councilmember Dixon announced that the Chamber's Fiesta Flower Mound event is scheduled for October 25th.

G. TOWN MANAGER'S REPORT

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

Mr. Stathatos gave the following updates regarding capital improvement projects:

- Town of Flower Mound Senior Center

2. Update and discussion on Economic Development projects.

Mr. Stathatos indicated he would integrate his report with another item on the agenda.

Mayor Hayden requested to have periodic updates on Rheudasil Park, Town Hall, Twin Coves and the Dog Park to understand how they are progressing.

Mr. Stathatos gave an update on timing associated with Rheudasil Park and the dog park.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The next Town Council work session is scheduled for August 14th
2. The next regular Town Council meeting is scheduled for August 18th

Ms. Scott stated that staff will soon be seeking direction from Council relative to the board and commission application process and associated timing.

I. CONSENT ITEMS

Item 5 was pulled from Consent.

1. Consider approval of the minutes from a regular meeting of the Town Council held on July 21, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on July 21, 2014.

2. Consider approval of an ordinance establishing the 2014 certified appraisal roll.

RECOMMENDATION: Move to approve an ordinance establishing the 2014 certified appraisal roll.

ORDINANCE NO. 38-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2014 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

RECOMMENDATION: Move to approve the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

4. Consider accepting the submission of the notice of an effective tax rate of \$0.425787 per \$100 assessed valuation and a rollback tax rate of \$0.439596 per \$100 assessed valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

RECOMMENDATION: Move to approve the submission of the notice of an effective tax rate of \$0.425787 per \$100 assessed valuation and a rollback tax rate of \$0.439596 per \$100 assessed valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

6. Consider approval of a resolution authorizing the adoption of the Program Year 2014 Action Plan for Housing and Community Development Block Grant (CDBG); and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RECOMMENDATION: Move to approve a resolution authorizing the adoption of the Program Year 2014 Action Plan for Housing and Community Development Block Grant (CDBG); and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RESOLUTION NO. 10-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2014 ACTION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT;

AUTHORIZING THE MAYOR TO EXECUTE THE ACTION PLAN ON BEHALF OF THE TOWN AND SUBMIT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

7. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 18, 2014, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for August 18, 2014, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.

8. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 18, 2014, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.

RECOMMENDATION: Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District move to schedule a public hearing for August 18, 2014, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

9. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013, and ending on September 30, 2014, as adopted by Ordinance No. 45-13 and amended by Ordinance No. 60-13 and Ordinance No. 03-14 for adjustments to the General Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013, and ending on September 30, 2014, as adopted by Ordinance No. 45-13 and amended by Ordinance No. 60-13 and Ordinance No. 03-14 for adjustments to the General Fund.

ORDINANCE NO. 39-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013, AND ENDING ON SEPTEMBER 30, 2014, AS ADOPTED BY ORDINANCE NO. 45-13 AND AMENDED BY ORDINANCE NO. 60-13 AND ORDINANCE NO. 03-14, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL

FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING FOR PUBLICATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

10. Consider approval of Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Design Services with Freese and Nichols, Inc., for an increase of \$32,316.49; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Design Services with Freese and Nichols, Inc., for an increase of \$32,316.49; and authorization for the Mayor to execute same on behalf of the Town.

11. Consider approval of Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Construction Administrative Services with Freese and Nichols, Inc., for an increase of \$72,720.33; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Construction Administrative Services with Freese and Nichols, Inc., for an increase of \$72,720.33; and authorization for the Mayor to execute same on behalf of the Town.

12. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$57,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$57,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

13. Consider approval of Amendment No. 8 to the Fiscal Year 2013-2014 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 8 to the Fiscal Year 2013-2014 Capital Improvement Program.

Councilmember Webb moved to approve by consent Items 1-4; 6-13; Councilmember Dixon seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

VOTE ON MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

J. REGULAR ITEMS

5. Consider proposing a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015; scheduling the August 18, 2014, public hearings on the budget and tax rate, September 2, 2014, public hearing on the tax rate, and scheduling the September 15, 2014, adoption of said budget and tax rate; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.

Mr. Stathatos gave a report on recent economic development activities that resulted in staff being in a position to recommend a tax decrease.

There was Council discussion related to factors that led to being in the position to propose lowering taxes and the associated taxpayer benefit.

Mayor Pro Tem Levenick moved to propose a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015; scheduling the August 18, 2014, public hearings on the budget and tax rate, September 2, 2014, public hearing on the tax rate, and scheduling September 15, 2014, for the adoption of said budget and tax rate; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

14. Public Hearing to consider a request to amend the Land Development Regulations (LDR14-0002) by amending Subpart B, Chapter 98, of the Code of Ordinances, entitled "Zoning" through the amendment of Article IV, "Supplementary District Regulations," through the amendment of Division 2, "Uses," by amending Subdivision 3, entitled "Special Use Conditions," by adding a new Section 98-1002, "Solar panel systems," providing regulations for the construction, use, maintenance and abandonment of solar energy systems, 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 June 23, 2014, meeting.)(TC tabled by a vote of 3-0 to August 4, 2014, meeting.)*

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- July 21st meeting recap
 - 80% coverage
 - Engineer Seal
 - Fire Code Screening
- Current draft screening language

- Alternative draft screening language
- Accessory structures provisions

Mr. Russell or Mr. Powell responded to questions from Council related to:

- The section of the Ordinance that addresses the 80% language
- Purpose for including screening on this type of product versus any other product people might have in their yard
- Concerns related to getting permission from neighbors to do something on their own property
- Difference in having screening for ground mounted panels versus rooftops
- Examples of what ground mounted systems look like
- Purpose of the setback requirement
- HOAs role relative to having the ability to establish limitations within their covenants and state guidelines on the subject
- Clarification on the Town’s inspection process
- Concerns related to the ability of the panel system to support wind loads
- Whether or not the regulations apply to large land owners
- How was the eight foot maximum height standard for the ground mounted panels established
- The option of deleting language that classifies solar panels as an accessory use

Mr. Greaser responded to questions from Council related to:

- International Fire Code provisions related to the 3 foot setback within the roof

Mayor Hayden opened the Public Hearing at 7:36 p.m.

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

Support: Comments Questions	Opposition (oppose having regulations related to solar): Comments/Questions	Question(s)/ Comments Only
None	Kimberly Poe, 1720 Lansdale Dr, Flower Mound, TX	None
	David Gifford, 1202 Woodbine St, Flower Mound, TX	
	James Orenstein, 1802 Rocky Creek Dr, Duncanville, TX 75137	
	Jay Squyres, 3208 Village Crest Ct, Flower Mound, TX 75022	
	Rhonda Lundsguard, 3920 Hidden Trail, Flower Mound, TX	
	Joseph Willix, SWG Energy Ins, 3331 Prescott Ave, Dallas, TX	
	Christopher Cleveland, 2607 Spinks Rd, Flower Mound, TX	
	Don Shields, 3815 Cortedera Ct, Flower Mound, TX	

Mayor Hayden closed the Public Hearing at 8:00 p.m.

Council Discussion

- There was discussion related to alternative motion options that would incorporate some minor changes as discussed by Council

- Interest in having certification training for staff that inspects the systems in the most proper way
- A response to the comment that was made during the public hearing clarifying that the Town is doing things to improve the quality of life of the residents

Prior to making a motion Councilmember Webb clarified that the motion he is about to make is essentially going to remove the reference to a ground mounted system as an accessory building so it doesn't get counted in the count of accessory buildings or the total square footage of the accessory buildings allowed, but it will still apply in terms of zoning, etc. for setbacks. There will be a change made in terms of requiring a secondary engineer seal, and lastly, Section C (screening for ground mounted systems) will be deleted.

Councilmember Webb moved to approve a request to amend the Land Development Regulations (LDR14-0002) by amending Subpart B, Chapter 98, of the Code of Ordinances, entitled "Zoning" through the amendment of Article IV, "Supplementary District Regulations," through the amendment of Division 2, "Uses," by amending Subdivision 3, entitled "Special Use Conditions," by adopting the alternative solar panel Ordinance, as presented, which adds a new Section 98-1002, "Solar panel Systems," providing regulations for the construction, use, maintenance and abandonment of solar energy systems, with the following revisions: (1) that solar panel systems shall not be considered an accessory use but shall be subject to all zoning district set back requirements; (2) that subsection (c), on page 3 be deleted, and that subsection (4) on page 4 be revised to remove the reference to a professional engineer's seal. Councilmember Wise seconded the motion.

Council Deliberation

There was Council deliberation on the motion as follows:

- Deputy Mayor Pro Tem Walker stated there is no reason to single out solar because there isn't screening required on air conditions, pool equipment, etc.
- Councilmember Dixon stated he would be voting no on the motion as presented because he prefers having the screening in the Ordinance, structured where residents would talk to their neighbor and seek a waiver from them for the screening element.

ORDINANCE NO. 40-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 98, "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "USES," SUBDIVISION 3, "SPECIAL USE CONDITIONS," BY ADDING A NEW SECTION 98-1002, "SOLAR PANEL SYSTEMS FOR ON SITE RESIDENTIAL USE" PROVIDING REGULATIONS FOR THE CONSTRUCTION, USE AND MAINTENANCE OF SAID SOLAR PANEL SYSTEMS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, WISE

NAYS: DIXON

Town Council recessed at 8:30 p.m. and reconvened at 8:37 p.m.

Mayor Hayden opened items 15 -19 at the same time.

15. Public Hearing to consider a request for a Master Plan Amendment (MPA14-0001 - Villas at Woodlake Estates) 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 Lakeside Business District and Medium Density Residential uses to High Density Residential use on approximately 14.316 acres of land, and to consider an adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation for items 15 – 19 identifying or noting:

- Detailed site location
- Background information related to the proposed name change
- Land use and zoning
- Photographs of the site
- Development plan review
- Adjacent subdivisions
- Access connections (Aberdeen and FM 2499)
- Commercial use element within the Master Plan
- Trees that are slated to be removed and those that would be retained on the site
- Recommendations received and the process to date (Transportation and Planning and Zoning)

Applicant Presentation

Reginald Rembert, Rembert Enterprises, Developer, 3625 Bonanza Ln, Flower Mound, TX

Mr. Rembert gave a presentation identifying or noting:

- Background information about his company
- Site location
- Current land use map
- Mitigation plan for trees
- Master Plan steering committee recommendation
- Proposed changes plan
- Purpose of the proposed community
- How the Town's land development regulations impact a planned development (PD)
- A review of the Town's mission and vision statement

- Zoning exhibit (PD46, PD54, PD56)
- PD comparison chart
- Record plat comparison chart
- Front & rear yard setback comparison setback
- Planned development/density
- Net density minus open space
- Town's open space plan review
- Town's Scenic City certification designation
- Conservation/preservation
- Proposed development goals
- Open space plan
- Large trees saving
- Lot layout with aerial view
- Development plan
- Lot area specifics
- Home prices
- Lewisville ISD student enrollment information
- Traffic concerns
- Drainage flows
- Density
- Property line density comparison
- Property line: possible adjustment
- Opposition/complaints
- Street name change

Mr. Rembert responded to questions from Council related to:

- What can be done to minimize the impact of development for the adjacent homeowners

Mr. Powell responded to questions from Council related to:

- Clarification on the map for commercial and residential zoning
- Clarification with respect to lot line proximity for one of the trees slated to be removed
- What are the lot sizes in Woodlake Estates
- Has the Homeowner's Association endorsed the project
- Whether there would be more trees lost if commercial was developed on the site
- What could be built on the site without going through Council
- How was the proposed name of Woodlake Lane selected
- Clarification regarding past practice of developers naming the streets within the subdivision

Mr. Woods responded to questions from Council related to:

- Clarification regarding the Town's Tree Ordinance

There was Council discussion related to:

- Options for the site

- Importance of utilizing open space

Mayor Hayden opened the Public Hearing for items 15 – 17 at 9:36 p.m.

Support: Comments/Questions	Partial Opposition: Comments/Questions	Question(s)/ Comments Only
Christopher Cleveland, 2607 Spinks Rd, Flower Mound, TX		

Mayor Hayden closed the Public Hearing for items 15 - 17 at 9:38 p.m.

Councilmember Levenick moved to approve a request for a Master Plan Amendment (MPA 14-0001 – Villas at Woodlake Estates) 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 Lakeside Business District and Medium Density Residential uses to High Density Residential use on approximately 14.316 acres of land, and adopt an ordinance providing for said amendment. Councilmember Walker seconded the motion.

ORDINANCE NO. 41-14

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 REFLECTED ON THE LAND USE PLAN MAP FROM LAKESIDE BUSINESS DISTRICT AND MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON APPROXIMATELY 14.316 ACRES OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NUMBER 1341, AND TO REMOVE APPROXIMATELY 10.758 ACRES OF THE PROJECT AREA FROM THE LAKESIDE BUSINESS DISTRICT AREA PLAN MAP; 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 THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

16. Public Hearing to consider a request for rezoning (ZPD14-0002 – Villas at Woodlake Estates) from Agricultural District (A) to Planned Development District No. 132 (PD-132) with Single-Family District-5 (SF-5) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*

Councilmember Dixon moved to approve a request for rezoning (ZPD14-0002 – Villas at Woodlake Estates) from Agricultural District (A) to Planned Development District No. 132 (PD-132) with Single-Family District-5 (SF-5) uses, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 42-14

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 14.316 ACRES OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NUMBER 1341, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 132 (PD-132) WITH SINGLE-FAMILY DISTRICT-5 (SF-5) 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 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**

17. Public Hearing to consider an application for a tree removal permit for ten (10) specimen trees on property proposed for development as Villas at Woodlake Estates. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-0 at its May 6, 2014, meeting).*

Councilmember Wise moved to approve the requested permit for the removal of ten (10) specimen trees on property proposed for development as Villas at Woodlake Estates. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

**AYES: WISE, DIXON, LEVENICK, WEBB, WALKER
NAYS: NONE**

18. Consider a request for a Development Plan (DP14-0002 - Villas at Woodlake Estates) to develop a residential subdivision. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*

Mayor Pro Tem Levenick moved to approve a request for a Development Plan (DP14-0002 - Villas at Woodlake Estates) to develop a residential subdivision. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

19. Consider approval of an ordinance for a street name change (MISC14-0004) for Spinks Road (2500-2800 block) to Woodlake Lane. *(The Transportation Commission recommended changing of this street name by a vote of 5 to 0 at its June 10, 2014, meeting.) (This item was postponed at the July 21, 2014, Town Council meeting.)*

Councilmember Webb moved to approve an ordinance for a street name change (MISC14-0004) for Spinks Road (2500-2800 block) to Rembert Drive. Councilmember Dixon seconded the motion.

ORDINANCE NO. 43-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF SPINKS ROAD (2500-2800 BLOCK) TO REMBERT DRIVE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL 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

20. Public Hearing to consider a request to amend Chapter 90, "Subdivisions," (LDR13-0003) by amending Section 90-402 of the Town's Code of Ordinances, entitled "Minimum Drainage Standards," and adding two new sections, identified as Section 90-403, "FEMA Fully Developed Floodplain," and Section 90-404, "Special Flood Hazard Area (FEMA Floodplain)"; and for an amendment to Chapter 98, "Zoning," by amending Section 98-1081, "Floodplain Prefix to District Designation" all of which revisions modify the Town's floodplain standards, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended denial by a vote of 4 to 2 at its July 14, 2014, meeting.)*

Staff Presentation

Mr. Parr gave a presentation identifying or noting:

- Floodplain ordinance amendment summary
- Proposed floodplain ordinance
- Pre-1985 floodplain ordinance
- 1986 to 2007 floodplain ordinance
- 2007 to current floodplain ordinance

Mr. Powell offered background information related to the Town's designated floodplain.

Mr. Parr or Mr. Perry responded to questions from Council related to:

- Why did P & Z deny the item
- What are the risks to homeowners
- How could you control the slowing down of run-off water
- Clarification regarding the exception process
- Are there other cities using our floodplain definitions (area above FEMA)
- How the control of rate of flow would be handled
- What is being proposed to control any adverse conditions
- Drainage basins that would be used for various areas
- Clarification regarding the Town's protections
- How would this change impact areas such as Pecan Acres or Timber Creek in the event of a significant rainfall
- How the Ordinance from 2007 differs from what is proposed today

Mayor Hayden opened the Public Hearing at 10:56 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 10:56 p.m.

Councilmember Webb moved to approve a request to amend Chapter 90, "Subdivisions," (LDR13-0003) by amending Section 90-402 of the Town's Code of Ordinances, entitled "Minimum Drainage Standards," and adding two new sections, identified as Section 90-403, "FEMA Fully Developed Floodplain," and Section 90-404, "Special Flood Hazard Area (FEMA Floodplain)"; and for an amendment to Chapter 98, "Zoning," by amending Section 98-1081, "Floodplain Prefix to District Designation" all of which revisions modify the Town's floodplain standards, and adopt an ordinance providing for said amendment. Councilmember Dixon seconded the motion.

ORDINANCE NO. 44-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, "LAND DEVELOPMENT REGULATIONS," THROUGH THE AMENDMENT OF CHAPTER 90, "SUBDIVISIONS," THROUGH THE AMENDMENT OF ARTICLE VI, "STANDARDS," THROUGH THE AMENDMENT OF DIVISION 6, "DRAINAGE," BY THE AMENDMENT OF SECTION 90-402, ENTITLED "MINIMUM DRAINAGE STANDARDS," AND BY ADDING TWO NEW SECTIONS, IDENTIFIED AS SECTION 90-403, ENTITLED "FEMA FULLY DEVELOPED FLOODPLAIN," SECTION 90-404, ENTITLED "SPECIAL FLOOD HAZARD AREA (FEMA FLOODPLAIN)," REGARDING THE 100-YEAR FLOODPLAIN, AND THROUGH THE AMENDMENT OF CHAPTER 98, "ZONING," THROUGH THE AMENDMENT OF ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," THROUGH THE AMENDMENT OF DIVISION 5, "FLOODPLAIN," BY AMENDING SECTION 98-1081, ENTITLED "FLOODPLAIN PREFIX TO DISTRICT DESIGNATION"; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS; 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

Mayor Hayden opened items 21 – 25 at the same time.

21. Public Hearing to consider a request for a Master Plan Amendment (MPA 14-0002 – DFW North Distribution Center II) 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 Industrial and Campus Commercial uses to Campus Industrial on approximately 24.05 acres of land, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 23, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation for items 21 – 25 identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photographs of the site
- Proposed buildings and elevations
- Sight line and the view from Spinks

Applicant Presentation

Steve Myer, Dallas, Tx

- Mr. Myer offered comments related to the overhead utility line exception.

Mayor Hayden opened the Public Hearing for items 21 - 25 at 11:12 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing for items 21 – 25 at 11:12 p.m.

Mayor Pro Tem Levenick moved to approve a request for a Master Plan Amendment (MPA 14-0002 – DFW North Distribution Center II) 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 Industrial and Campus Commercial uses to Campus Industrial on approximately 24.05 acres of land, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

ORDINANCE NO. 45-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING 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 REFLECTED ON THE LAKESIDE BUSINESS DISTRICT AREA PLAN MAP FROM CAMPUS COMMERCIAL AND CAMPUS INDUSTRIAL USES TO CAMPUS INDUSTRIAL USES ON APPROXIMATELY 24.05 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NUMBER 692; 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 THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

22. Public Hearing to consider a request for rezoning (ZPD14-0001 – DFW North Distribution Center II) from Agricultural District (A) uses to Planned Development District No. 135 (PD-135) with Campus Industrial District (CI) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 23, 2014, meeting.)*

Councilmember Webb moved to consider a request for rezoning (ZPD14-0001 – DFW North Distribution Center II) from Agricultural District (A) uses to Planned Development District No. 135 (PD-135) with Campus Industrial District (CI) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. Councilmember Wise seconded the motion.

ORDINANCE NO. 46-14

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 24.05 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NUMBER 692, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 135 (PD-135) WITH CAMPUS INDUSTRIAL (CI) 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 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

23. Public Hearing to consider an application for a tree removal permit for four (4) specimen trees on property proposed for development as DFW North Distribution Center II. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-0 at its July 1, 2014, meeting)*

Councilmember Wise moved to approve an application for a tree removal permit for four (4) specimen trees on property proposed for development as DFW North Distribution Center II. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

24. Consider a request for a Record Plat (RC14-0014 – DFW North Distribution Center II) to create a non-residential subdivision, subject to the terms and conditions in the attached Development Agreement, and authorization for the Mayor to execute same on the behalf of the Town. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 1 at its July 28, 2014, meeting.)*

Deputy Mayor Pro Tem Walker moved to approve a Record Plat (RC14-0014 – DFW North Distribution Center II) to create a non-residential subdivision, subject to the terms and conditions in the attached Development Agreement, and authorization for the Mayor to execute same on the behalf of the Town. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

25. Consider a request for a Site Plan (SP14-0018 – DFW North Distribution Center II) to develop two warehouse/distribution buildings, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 28, 2014, meeting.)*

Councilmember Dixon moved to approve a Site Plan (SP14-0018 – DFW North Distribution Center II) to develop two warehouse/distribution buildings, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located

north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

Mayor Pro Tem Levenick opened items 26 and 27 at the same time.

26. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road.

Staff Presentation

Mr. Wood gave a presentation identifying or noting:

- Project details
- Site location
- Site plan
- Incentive summary
- Cost benefit analysis

Mr. Myer (applicant) responded to questions from Council related to:

- Type of tenant the new facility might attract

Mayor Hayden opened the Public Hearing for items 26 – 27 at 11:22 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing for items 26 – 27 at 11:23 p.m.

Mayor Pro Tem Levenick moved to an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road. Deputy Mayor Pro Tem Walker seconded the motion.

ORDINANCE NO. 47-14

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-WAREHOUSE 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; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

27. Public Hearing to consider approval of a 380 and Tax Abatement Agreement with Huntington Industrial Partners-Texas, L.L.C., a Delaware limited liability corporation, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Levenick moved to approve an a 380 and Tax Abatement Agreement with Huntington Industrial Partners-Texas, L.L.C., a Delaware limited liability corporation, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER
NAYS: NONE

28. Public Hearing to consider an application for a tree removal permit for five (5) specimen trees on property proposed for development as Saddlewood Addition. The property is generally located north of Cross Timbers Road and west of Trotter Lane. *(The Environmental Conservation Commission recommended approval by a vote of 4-0-1 at its July 1, 2014, meeting).*

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Site location
- Project information
- Tree survey
- Photographs of the trees proposed for removal

Mayor Hayden opened the Public Hearing at 11:29 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 11:30 p.m.

Councilmember Dixon moved to approve an application for a tree removal permit for five (5) specimen trees on property proposed for development as Saddlewood Addition. The property is generally located north of Cross Timbers Road and west of Trotter Lane. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, DIXON, WISE
NAYS: LEVENICK

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

L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 11:31 p.m. on August 4, 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 economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 11:49 p.m. on August 4, 2014, to take action on the items as follows:

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

No action taken.

- 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 and/or other municipal purposes and all matters incident and related thereto.

No action taken.

- d. Consultation with Attorney as follows:

1. Sherrie L. Novak v Town of Flower Mound
2. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
3. Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley
4. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
5. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs The Town of Flower Mound and The Flower Mound Oil and Gas Board of Appeals

Councilmember Webb moved to approve a settlement agreement in the Novak vs. Town of Flower Mound as discussed in executive session and authorize the Town Manager to execute same. Mayor Pro Tem Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 11:51 p.m. on Monday, August 4, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

THIS PAGE WAS INTENTIONALLY LEFT BLANK.