

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15TH DAY OF DECEMBER 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

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
Ken Parr	Executive Director of Public Works
Tommy Dalton	Director of Strategic Services
Mark Wood	Director of Economic Development
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

Councilmember Dixon gave the invocation Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Representatives of Northgate Constructors to provide an update on the DFW Connector project.

Brian Barth, Fort Worth District Engineer with TxDOT gave a presentation identifying or noting:

- Background information regarding funding and how this area got added back to the contract
- Introduction of various staff members

Kristin Stieg, Public Information Manager for the DFW Connector Project, Northgate Constructors, gave a presentation identifying or noting:

- Project team
- FM 2499 Overview: project scope and contract value (\$90 million)
- Schematic map of what the project will look like when complete
- 3D graphic rendering
- Completed project milestones and dates
- Upcoming project milestones
- Communication tools being used on the project and contact information
- Upcoming traffic pattern change

Mr. Barth or Ms. Stieg responded to questions from Council regarding:

- Timing associated with the construction
- Request for improvements related to:
 - Signage
 - Use of message boards
 - extending the area where traffic merge is
 - Signal light adjustments
- Where people can go to get updates on the project

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 noted.

Emily Strittmatter, 4816 Mesquite St

Ms. Strittmatter spoke against rezoning for high density for the Rippy Road development.

Scott Tarwater, 4613 Windmill Ln

Mr. Tarwater indicated he is representing Rainier Investments and announced they have received approval to go forward with a Courtyard Marriott with an anticipated opening of June 2016.

Kelly James, 5113 Bayberry St

Ms. James expressed opposition to any zoning change in the area of Rippy Rd.

Shyron Shenke, 5001 Rippy Rd

Ms. Shenke expressed opposition for the zoning change on Rippy Rd, however, expressed interest in hearing what the developer has to say.

The following speakers spoke in either support or opposition on item 30 – Victory Retail Development (non-public hearing item):

Renee Doyle, 920 Drake

Ms. Doyle outlined various things she would like to see for this development.

David Jones, 821 Wood Duck Way

Mr. Jones spoke in support of the development, however, noted there are still a few issues that need to be worked out.

Stuart Kissner, 1905 Ring Teal

Mr. Kissner expressed support for the Victory retail project and outlined various elements associated with the project he would like to see.

Bob Monroe, 1904 Ring Teal Ln

Mr. Monroe spoke in favor of the project, but he also asked for three considerations.

Barry Gabbert, 2017 Ring Teal Ln

Mr. Gabbert spoke in support of the development with a few modifications.

Bobby White, 2012 Canvasback Ln

Mr. White spoke in support of the development with a few modifications.

Kim Modrall, 2004 Widgon Way

Ms. Modrall spoke in support of the development, however, pointed out there are a few modifications needed.

Martin Rice, 908 Wood Duck Way

Mr. Rice expressed support of the development, however pointed out his concerns and indicated some adjustments are needed.

Administrative Note: The main areas of the concern were related to the original location of the dumpster (near the homes), the drive thru, and fencing restrictions in conjunction with the gas line.

F. ANNOUNCEMENTS

1. Announce recent and upcoming civic and social events.

Councilmember Webb expressed appreciation for Town staff and their work in putting on the first nighttime Christmas parade.

Mayor Hayden announced that the developer for the Rippy Road area project is considering a new alternative in that instead of multifamily apartments they are now talking about putting in single family homes (approximately 160 of them), noting it will still be considered high density due to the close proximity of each.

2. Discuss and receive direction on conducting a land use planning study (corridor plan) along FM 2499 between FM 3040 and FM 407, as discussed during the *Our Master Plan Project* in 2013.

Mr. Stathatos provided background information regarding past discussions about a corridor study, and more specifically during the Master Plan process.

Mr. Dalton gave a presentation identifying or noting:

- Land Use plan map
- Corridor map of FM 2499 between FM 3040 and FM 407

Mr. Stathatos or Mr. Dalton responded to questions or comments from Council regarding:

- Timing and duration of a study
- Impact of existing or future applications during the review process
- Potential inclusion of an area near Lakeside DFW in the review process
- Concerns that a consultant might end up putting together data based on interviews with a few council members
- In choosing a consultant there is a desire to have the process be resident driven and not an institutional process
- Interest in seeing the numbers related to consultant services

There was consensus of Council to proceed with the RFP process for a corridor study.

Mr. Stathatos indicated staff will bring forward scope of service options in January related to a corridor improvement study.

Mayor Hayden noted that some residents in the vicinity of Rippy Road were concerned about the road condition of Rippy Road and inquired as to where that project is on the CIP list.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos reported that staff is working closely with contractors in the DFW Connector project.

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided updates on the following economic development projects:

- The Town's 1st theatre
- Black Walnut
- Gloria's and The Table restaurants
- Hotel
- A new employer that is on tonight's agenda

Mr. Stathatos responded to questions from Council regarding:

- A bomb threat at Kroger's
- What feedback has been received from the public about the Christmas parade

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

The next Town Council meeting is scheduled for January 15, 2015.

I. CONSENT ITEMS

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

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on December 1, 2014.

2. Consider rescheduling the Monday, January 5, 2015, regular meeting to Thursday, January 15, 2015.

RECOMMENDATION: Move to approve rescheduling the Monday, January 5, 2015, regular meeting to Thursday, January 15, 2015.

3. Consider approval of a contract with HCC Life Insurance Company in the amount of \$417,373 for reinsurance coverage for the Town's Group Health Plan.

RECOMMENDATION: Move to approve a contract with HCC Life Insurance Company in the amount of \$417,373 for reinsurance coverage for the Town's Group Health Plan.

4. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

RECOMMENDATION: Move to approve Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

ORDINANCE NO. 67-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County.

6. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2015 Independence Fest.

RECOMMENDATION: Move to approve the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2015 Independence Fest.

7. 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, Ordinance No. 03-14, and Ordinance No. 39-14, for adjustments to the General Fund, General Debt Service Fund, Utility Fund, Stormwater Utility Fund, and the Health Insurance/Flex Account 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, Ordinance No. 03-14, and Ordinance No. 39-14, for adjustments to the General Fund, General Debt Service Fund, Utility Fund, Stormwater Utility Fund, and the Health Insurance/Flex Account Fund.

ORDINANCE NO. 62-14

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 AND ORDINANCE NO. 39-14 BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, GENERAL DEBT SERVICE FUND, UTILITY FUND, STORMWATER UTILITY FUND, AND HEALTH INSURANCE/FLEX FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2014, and ending on September 30, 2015, as adopted by Ordinance No. 53-14 for adjustments to the General Fund, Utility Fund, Parks and Recreation Special Activities Fund, and Vehicle, Equipment & Technology Replacement Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2014, and ending on September 30, 2015, as adopted by Ordinance No. 53-14 for adjustments to the General Fund, Utility Fund, Parks and Recreation Special Activities Fund, and Vehicle, Equipment & Technology Replacement Fund.

ORDINANCE NO. 63-14

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, 2014, AND ENDING ON SEPTEMBER 30, 2015, AS ADOPTED BY ORDINANCE NO. 53-14, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, PARKS AND RECREATION SPECIAL ACTIVITIES FUND, AND VEHICLE, EQUIPMENT & TECHNOLOGY 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.

9. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2013 and ending on September 30, 2014, as adopted by Resolution No. 23-13 and amended by Resolution No. 28-13.

RECOMMENDATION: Move to approve a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2013 and ending on September 30, 2014, as adopted by Resolution No. 23-13 and amended by Resolution No. 28-13.

RESOLUTION NO. 21-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, AS ADOPTED BY RESOLUTION NO. 23-13 AND AMENDED BY RESOLUTION NO. 28-13; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

10. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, as adopted by Resolution No. 16-14.

RECOMMENDATION: Move to approve a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, as adopted by Resolution No. 16-14.

RESOLUTION NO. 22-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER

MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, AS ADOPTED BY RESOLUTION NO. 16-14; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

11. Consider approval of the purchase of three (3) Ford Interceptor Police Sedans for the Police Department from Sam Pack Five Star Ford of Carrollton through the Texas Smartbuy Program at \$34,617.04 per unit for a total amount of \$103,851.12.

RECOMMENDATION: Move to approve the purchase of three (3) Ford Interceptor Police Sedans for the Police Department from Sam Pack Five Star Ford of Carrollton through the Texas Smartbuy Program at \$34,617.04 per unit for a total amount of \$103,851.12.

12. Consider approval of the purchase of one (1) new medic unit for the Fire Department from Professional Ambulance through the Texas Local Government Purchasing Cooperative program, in the total amount of \$217,500.

RECOMMENDATION: Move to approve the purchase of one (1) new medic unit for the Fire Department from Professional Ambulance through the Texas Local Government Purchasing Cooperative program, in the total amount of \$217,500.

13. Consider approval of the purchase of one (1) John Deere 410K Backhoe Loader for the Public Works Department from RDO Equipment Company through the Texas Local Government Purchasing Cooperative program, in the total amount of \$105,895.64.

RECOMMENDATION: Move to approve the purchase of one (1) John Deere 410K Backhoe Loader for the Public Works Department from RDO Equipment Company through the Texas Local Government Purchasing Cooperative program, in the total amount of \$105,895.64.

14. Consider approval of a Professional Services Agreement for monthly air monitoring by Modern Geosciences, LLC., in the amount of \$146,400.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement for monthly air monitoring by Modern Geosciences, LLC., in the amount of \$146,400.00; and authorization for the Mayor to execute same on behalf of the Town.

15. Consider approval of the purchase of five sirens to add to the Town's existing Outdoor Warning Siren System, in the amount of \$118,100.

RECOMMENDATION: Move to approve the purchase of five sirens to add to the Town's existing Outdoor Warning Siren System, in the amount of \$118,100.

16. Consider approval of the Final Acceptance and Change Order No. 2 for the construction of the Bakers Branch Collector Phase I project, amending the contract with North Texas Contracting, Inc., for a decrease in the amount of \$200, acceptance of the project, and authorization of final retainage payment to the contractor, North Texas Contracting, Inc., in the amount of \$25,466.40; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Final Acceptance and Change Order No. 2 for the construction of the Bakers Branch Collector Phase I project, amending the contract with North Texas Contracting, Inc., for a decrease in the amount of \$200, acceptance of the project, and authorization of final retainage payment to the contractor, North Texas Contracting, Inc., in the amount of \$25,466.40; and authorization for the Mayor to execute same on behalf of the Town.

Item 17 was pulled from consent.

18. Consider approval of Amendment No. 1 to the Fiscal Year 2014-2015 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 1 to the Fiscal Year 2014-2015 Capital Improvement Program.

Mayor Pro Tem Levenick moved to approve by consent Items 1 – 16 and 18. Deputy Mayor Pro Tem Walker 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, WISE

NAYS: NONE

ABSENT: DIXON

19. Consider approval of a Professional Services Agreement with Northgate Constructors, providing for preliminary design of the FM 2499 Drainage Improvements project, in the amount of \$492,168; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Northgate Constructors, providing for preliminary design of the FM 2499 Drainage Improvements project, in the amount of \$492,168; and authorization for the Mayor to execute same on behalf of the Town.

20. Consider approval of Professional Services Agreement Amendment 2 for the 2013 ADA Transition Plan and Implementation with Kimley-Horn and Associates, Inc. for an increase of \$54,000; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Professional Services Agreement Amendment 2 for the 2013 ADA Transition Plan and Implementation with Kimley-Horn and Associates, Inc. for an increase of \$54,000; and authorization for the Mayor to execute same on behalf of the Town.

21. Consider approval of Professional Services Agreement with Kimley-Horn and Associates, Inc., for the traffic signal designs of FM 1171 at Kirkpatrick – Reconstruction, and FM 1171 at Timber Creek – Reconstruction projects, in the amount of \$33,500; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Professional Services Agreement with Kimley-Horn and Associates, Inc., for the traffic signal designs of FM 1171 at Kirkpatrick – Reconstruction, and FM 1171 at Timber Creek – Reconstruction projects, in the amount of \$33,500; and authorization for the Mayor to execute same on behalf of the Town.

22. Consider approval of the purchase and installation of play equipment for the Lone Tree Park Playground project, from Recreation Consultants of Texas, through the Texas Local Government Purchasing Cooperative, in the amount of \$67,269.

RECOMMENDATION: Move to approve the purchase and installation of play equipment for the Lone Tree Park Playground project, from Recreation Consultants of Texas, through the Texas Local Government Purchasing Cooperative, in the amount of \$67,269.

23. Consider approval of the purchase of 125 desktop computers, 33 standard laptop computers, 4 ruggedized laptop computers, 1 Traffic workstation computer and 20 LCD Monitors from Centre Technologies, through a Texas Department of Information Resources (DIR) contract, in the amount of \$150,169.31.

RECOMMENDATION: Move to approve the purchase of 125 desktop computers, 33 standard laptop computers, 4 ruggedized laptop computers, 1 Traffic workstation computer and 20 LCD Monitors from Centre Technologies, through a Texas Department of Information Resources (DIR) contract, in the amount of \$150,169.31.

24. Consider the award of the purchase of a subscription with Emergency Reporting for Fire and EMS reporting and records management for an initial total not to exceed \$14,044.25. The agreement is for an initial one-year period with annual renewals.

RECOMMENDATION: Move to approve the purchase of a subscription with Emergency Reporting for Fire and EMS reporting and records management for an initial total not to exceed \$14,044.25. The agreement is for an initial one-year period with annual renewals.

25. Consider renewal of the Master Update and Support Agreement Contract No. C124505 between the Town of Flower Mound and Azteca Systems for continued use of the Cityworks® software program.

RECOMMENDATION: Move to approve the Master Update and Support Agreement Contract No. C124505 between the Town of Flower Mound and Azteca Systems for continued use of the Cityworks® software program.

26. Consider the award of Request for Quote 2015-17 for the purchase of one (1) 15-passenger window van, for the Parks and Recreation Department, to Randall Reed's Prestige Ford for an amount not to exceed \$32,350.00.

RECOMMENDATION: Move to approve the award of Request for Quote 2015-17 for the purchase of one (1) 15-passenger window van, for the Parks and Recreation Department, to Randall Reed's Prestige Ford for an amount not to exceed \$32,350.00.

Councilmember Dixon moved to approve by consent Items 19 – 26 and Councilmember Webb 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: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

J. REGULAR ITEMS

17. Consider approval of Final Acceptance for the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc. dba, Dean Construction, for a final payment of \$112.817.04.

Mayor Pro Tem Levenick stated she requested this item be pulled because she didn't want it to be included with the rest of the consent agenda items as a vote. She indicated she is not against the Twin Coves project; however, she is not in favor of the second expansion of the boat ramp.

Deputy Mayor Pro Tem Walker moved to approve Final Acceptance for the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc. dba, Dean Construction, for a final payment of \$112.817.04. Councilmember Dixon seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WALKER

NAYS: LEVENICK, WEBB

27. Public Hearing to consider approval of First Amended and Restated Tax Abatement Agreement between the Town of Flower Mound, Lakeside Parkway Distribution Center, LLC (successor in interest to Amstar HIP TX II, LLC), and MIWD Holding Company, LLC, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Wood gave a presentation identifying or noting:

- Company Name: MI Windows and Doors - Huntington
- Project details
- Site location

Mr. Stathatos responded to questions from Council regarding:

- Where the company would rank with respect to largest employers in Town, and he noted they would be in the top three largest private employers.

Applicant Presentation

JR Minnich, General Manager with MI Windows and Doors, provided background information about the company and spoke about why they are seeking to locate their business to Flower Mound.

Mr. Minnich responded to questions from Council regarding:

- If they are wholesale and retail, or just wholesale

Mayor Hayden opened the Public Hearing at 7:34 p.m. and no one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 7:34 p.m.

Mayor Pro Tem Levenick moved to approve First Amended and Restated Tax Abatement Agreement between the Town of Flower Mound, Lakeside Parkway Distribution Center, LLC (successor in interest to Amstar HIP TX II, LLC), and MIWD Holding Company, LLC, and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

Administrative Note: Item 28 was heard after items 29 and 30.

28. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Avanti Assisted Living. The property is generally located west of Long Prairie Road and south of Windsor Drive. *(The Environmental Conservation Commission recommended approval by a vote of 4-0 at its December 2, 2014, meeting).*

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Previous aerial and the request for removal of nine trees
- Detailed explanation associated with the request for one additional tree to be removed
- Photograph of the tree

Mayor Hayden opened the Public Hearing at 8:25 p.m.

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

Question(s)/Comments Only

Sherillyn Flick, 3220 Miracle Lane, Flower Mound

Mayor Hayden closed the Public Hearing at 8:26 p.m.

Council Discussion

There was Council discussion with respect to the tree removal application process and mitigation efforts in general.

Councilmember Webb moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as Avanti Assisted Living. The property is generally located west of Long Prairie Road and south of Windsor Drive. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

Administrative Note: Items 29 and 30 were heard after Item 27 and Mayor Hayden opened items 29 and 30 at the same time.

29. Public Hearing to consider an application for a tree removal permit for five (5) specimen trees on property proposed for development as Victory Retail. The property is generally located north of Flower Mound Road and east of Morriss Road. *(The Environmental Conservation Commission recommended approval for three specimen trees by a vote of 3-2 at its November 4, 2014, meeting and recommended approval for the remaining two specimen trees by a vote of 3-1 at its December 2, 2014, meeting).*

Staff Presentation

Mr. Powell gave a presentation for items 29 and 30 identifying or noting:

- Map of general location
- Map of detailed location
- Land Use and Zoning
- Photos of the site
- Site plan and various attributes
- The two exceptions (developer's inability to build a masonry fence due to the gas line and the tree removal)
- Summary of discussions at the Planning & Zoning meeting
- Location of specimen trees
- Zoning requirements
- SMARTGrowth regulation details and reasons why a TIA was not warranted in this project
- Building elevations

Mr. Powell responded to questions from Council regarding:

- Proposed dumpster location
- Restrictions associated with the pipeline currently at the site and that is the reason for the exception coming forward to Council (compatibility wall)
- What options Council has with respect to the drive-thru
- Does the tree still need to be removed with the relocation of the dumpsters
- Current and proposed grading information would be helpful going forward to show the grade difference
- SPA language on the monument sign
- When was the SPA created

Mr. Meredith clarified the authority level that Council has regarding the drive-thru element, noting that Council has two elements that are discretionary and that is to approve the exception compatibility requirements and then to approve the tree removal permit application, otherwise the site plan itself is purely administrative.

Mr. Stathatos clarified that QSR means quick service restaurant and an example of that type of restaurant would be Zoe's Kitchen, Fuzzy's, or Twisted Root where customers go to the counter and order their food with no wait staff.

Applicant Presentation

Kris Ramji, Victory @ FM 3040, LLC, Irving and Brad Gough, Kimley-Horn, Dallas gave a presentation identifying or noting:

- Changes that have been made to the site since the Planning & Zoning meeting
- Proposed coded gate location
- Elevations
- Project rendering
- Screen wall (type and length)

Mr. Ramji or Mr. Gough responded to questions or comments from Council regarding:

- Can a wall go up first
- How important is it to have a drive-thru
- Can a fence go up where the pipeline is
- What type of businesses are anticipated for the development
- How do you incorporate the smaller monument sign around the dumpster area
- Interest in making sure the dumpster is not an eyesore given the location in the front
- Be cautious in working with the utility company regarding the gas line
- Why do the two trees on the far east side need to go
- How many of the larger trees are being saved

Mayor Hayden opened the Public Hearing for the tree removal item at 8:12 p.m.

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

Support:	Opposition:	Question(s)/Comments Only
	Renee Doyle, 920 Drake Trl (for the removal of two of the trees)	Bobby White, 2012 Canvasback Ln

Mayor Hayden closed the Public Hearing at 8:15 p.m.

Councilmember Webb moved to approve the requested permit for the removal of five (5) specimen trees on property proposed for development as Victory Retail. The property is generally located north of Flower Mound Road and east of Morriss Road. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

30. Consider a request for a Site Plan (SP14-0023 - Victory Retail) to develop a retail center, with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. The property is generally located north of Flower Mound Road and east of Morriss Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Mayor Pro Tem Levenick moved to approve a request for a Site Plan (SP14-0023 - Victory Retail) to develop a retail center, with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

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

31. Public Hearing to consider a request for a Replat (RP 14-0022 – Post Oak West Addition, Lots 1A-R1 & 1A-R2) to create two residential lots, with an exception to Section 90-423, Underground utilities, of the Code of Ordinances. The property is generally located south of Cross Timbers Road and west of Post Oak Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its December 8, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Land use and zoning
- Photographs of the site
- Plat
- Concerns raised by adjacent neighbors related to deed restrictions
- Exception being requested regarding overhead lines

Mayor Hayden opened the Public Hearing at 8:40 p.m. and no one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 8:40 p.m.

Councilmember Wise moved to approve a request for a Replat (RP 14-0022 – Post Oak West Addition, Lots 1A-R1 & 1A-R2) to create two residential lots, with an exception to Section 90-423, Underground utilities, of the Code of Ordinances. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

32. Public Hearing to consider a request for rezoning (Z14-0009 – Brighton Place) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Peters Colony Road and east of Auburn Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed location (aerial)
- Land use and zoning
- Photos of the site
- Zoning exhibit
- No correspondence has been received regarding this item

Mayor Hayden opened the Public Hearing at 8:43 p.m. and no one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 8:43 p.m.

Councilmember Dixon moved to approve a request for rezoning (Z14-0009 – Brighton Place) from Agricultural District (A) uses to Single-Family District-15 (SF-15) uses, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 64-14

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 2.287 ACRES OF LAND SITUATED IN THE P. MALONE SURVEY, ABSTRACT NUMBER 836, FROM AGRICULTURAL DISTRICT (A) USES TO SINGLE-FAMILY DISTRICT-15 (SF-15) 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

33. Public Hearing to consider a request for a Comprehensive Sign Package (CSP14-0006 – Towne View Plaza) for the Towne View Plaza. The property is generally located south of Flower Mound Road, east of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Land use and zoning
- Existing signs and distance between them
- New monument sign being proposed and spacing
- No comments have been received on this item

Mayor Hayden opened the Public Hearing at 8:46 p.m. and no one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 8:46 p.m.

Council Discussion

Various members of Council expressed excitement in having a tenant for a building that has been vacant nearly seven years and echoed Mr. Powell's comments that this a great example of the use of the comprehensive sign package.

Councilmember Dixon moved to approve a request for a Comprehensive Sign Package (CSP14-0006 – Towne View Plaza) for the Towne View Plaza. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

Mayor Hayden opened items 34 and 35 at the same time.

34. Public Hearing to consider a request for a Specific Use Permit No. 425 (SUP14-0015 – Children's Learning Adventure) to permit a day care center, with a request for a deviation to the required parking standard pursuant to Section 82-73 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 and west of Churchill Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photos of the site
- Site plan
- Identification of trees requested to be removed and mitigation efforts
- Parking options
- Use of underground detention
- Background information from when they previously came to Council at a different site

Mayor Hayden opened the Public Hearing at 8:52 p.m. for items 34 and 35. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 8:52 p.m.

Council Discussion

Various members of Council expressed appreciation for the applicant coming back because there was agreement with the concept and philosophy when they came before Council about a year ago, however, at that time it was for a very intense use that didn't work for the site, and the new location fits the use perfectly.

Councilmember Dixon moved to approve a request for a Specific Use Permit No. 425 (SUP14-0015 – Children's Learning Adventure) to permit a day care center, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances, and adopt an ordinance providing for said amendment. Mayor Pro Tem Levenick seconded the motion.

ORDINANCE NO. 65-14

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. 425 (SUP-425) FOR A DAY CARE FACILITY ON CERTAIN PROPERTY IN THE TOWN CENTER WEST ADDITION ZONED OFFICE DISTRICT (O) USES; AND GRANTING A DEVIATION TO THE REQUIRED PARKING STANDARD; 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

35. Public Hearing to consider an application for a tree removal permit for four (4) specimen trees on property proposed for development as Children's Learning Adventure. The property is generally located south of Cross Timbers Road and west of Churchill Drive. *(The Environmental Conservation Commission recommended approval by a vote of 3-1 at its December 2, 2014, meeting).*

Councilmember Dixon moved to approve the requested permit for the removal of four (4) specimen trees on property proposed for development as Children's Learning Adventure. The property is generally located south of Cross Timbers Road and west of Churchill Drive. Mayor Pro Tem Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

Mayor Hayden opened items 36 and 37 at the same time.

36. Public Hearing to consider a request for rezoning (ZPD14-0012 – KW Flower Mound Development) to amend Planned Development District-77 (PD-77) with Retail District-1 (R-1) uses to include additional land, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Yucca Drive and south of Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation for items 36 and 37 identifying or noting:

- General location
- Land use and zoning
- Existing building
- Overall plan
- Elevations
- Comments from P & Z related to the fire lane

Mayor Hayden opened the Public Hearing for items 36 and 37 at 8:58 p.m. and no one spoke in support or opposition for either item. Mayor Hayden closed the Public Hearing for items 36 and 37 at 8:58 p.m.

Mayor Pro Tem Levenick moved to approve a request for rezoning (ZPD14-0012 – KW Flower Mound Development) to amend Planned Development District-77 (PD-77) with Retail District-1 (R-1) uses to include additional land, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

ORDINANCE NO. 66-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 50-03, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 77 (PD-77) WITH RETAIL DISTRICT-1 (R-1) USES ON APPROXIMATELY 2.004 ACRES OF LAND IN THE J. T. STEWART SURVEY, BY ADDING APPROXIMATELY 0.873 ACRES OF LAND IN THE J. T. STEWART SURVEY TO THE PLANNED DEVELOPMENT DISTRICT IN ACCORDANCE WITH SPECIFIC REQUIREMENTS AS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON

NAYS: NONE

ABSTAIN: WISE

37. Consider a request for a Site Plan (SP14-0029 – Keller Williams) to develop an office building. The property is generally located west of Yucca Drive and south of Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 8, 2014, meeting.)*

Mayor Pro Tem Levenick moved to approve a request for a Site Plan (SP14-0029 – Keller Williams) to develop an office building. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: DIXON, LEVENICK, WEBB, WALKER

NAYS: NONE

ABSTAIN: WISE

K. BOARDS/COMMISSIONS

(Executive Conference Room)

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

No action taken.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:00 p.m. on December 15, 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, personnel, and consultation with attorney, and reconvened into an open meeting at 10:02 p.m. on December 15, 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. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.

No action taken.

- d. Consultation with Attorney as follows:

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

No action taken.

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:02 p.m. on Monday, December 15, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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