

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20TH DAY OF APRIL 2015, 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
Eric Greaser	Fire Chief
Andy Kancel	Police Chief
James Hoefert	Environmental Review Analyst

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:05 p.m.

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

Mayor Hayden gave the invocation, Garrett & Dylan Olson led the pledges.

D. PRESENTATIONS

1. Motorcycle Safety and Awareness Month (May) Proclamation.

Jason York, of the Lost Riders Denton County Motorcycle Club, accepted the proclamation.

E. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

Carol Kohankie, 4312 Lauren Way
Susan Dawson, 3425 Camden Dr
Mark Behrens, 4020 Mattise Dr
Jim Engel, 5110 Bayberry St
Peggy Cord, 10539 Maple Ridge Dr, Dallas
Kevin Bryant, 1537 Yaggi Dr
Renee Doyle, 920 Drake Trail
Brian Rountree, 3200 Jameston
Judy Collins, 1537 Simmons
Kim Cloud, 3018 Creek Haven, Highland
Village

Nicolas Strittmatter, 4816 Mesquite St
Emily Strittmatter, 4816 Mesquite St
Marsha Gavitt, 6501 Meadowcrest Ln
Katie Lowe, 3113 Springwood Rd
Wendy Kiessler, 4908 Cedar St
Deborah Fitzpatrick, 2908 Raven Cir
Sharon Gentry, 2750 Bob White Ln
Janvier Scott, 2829 Bob White Ln
Gloria Jones, 2816 Guardian Ct

F. ANNOUNCEMENTS

Announce recent and upcoming civic and social events

Councilmember Webb and Chief Kancel introduced the new Online Exchange Zone program now being offered by the Police Department.

Mayor Hayden announced and encouraged residents to participate in the CCA food pantry drive.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mayor Hayden presented various concerns that were expressed by residents in the Grand Park Estates neighborhood at the last Mornings with the Mayor event on April 4th.

Mr. Sims responded to concerns about the neighborhood park (weed abatement, lack of trees, lights in the park near the sidewalk, amount of ant beds, and a request to add other activities like a basketball court, etc.). Mr. Stathatos responded to the road safety concerns (request for two additional stop signs to slow traffic on the small hill on Valley Ridge Blvd between Browning and Frost Lane).

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

- Dog Park Construction
- Heritage Park Phase II – Design and anticipated timing
- Twin Coves Park – Construction (Phase I) and anticipated timing
- Rheudasil Park – Master Plan
- Fire Station No. 6
- New Town Hall (elements, status, and next steps)

Mr. Stathatos responded to questions from Council related to:

- Request for an update on Fire Station No. 7 (Skillern property) as there is some concern that this area is not covered in the response times based on a map previously reviewed.
- Request for an update on Fire Station No. 6 (Canyon Falls development area)

2. Update and discussion on Economic Development projects

Mr. Stathatos gave the following economic development update:

- A report on occupancy rates for retail and office space and noted Flower Mound has a 5% vacancy rate for retail space
- There will be a Chamber/Town Economic Development forum next Wednesday at Town Hall and an update on the feasibility study for an entrepreneurial center will be presented, with a full report coming later.

3. Legislative update

Mr. Meredith gave an update on HB40 and members of Council offered their comments related to legislative action on this matter.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

The next Town Council meeting is a scheduled for May 4th.

Future Agenda Items Requests

Mayor Hayden asked the Town Manager about adding an item regarding the classification/designation of high density. He pointed out that the Town has the same classification for high density; whether it's an apartment all the way up to a lot that's 10,000 square feet, and it's something that needs clarified as to if it's still appropriate for the Town and if there needs to be some adjustments to that.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 6, 2015.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 6, 2015.

2. Consider acceptance of grant funds from the Texas State Library and Archives Commission for the Edge Reimbursement Program.

RECOMMENDATION: Move to approve acceptance of grant funds from the Texas State Library and Archives Commission for the Edge Reimbursement Program.

3. Consider approval of an Interlocal Agreement for Construction and Maintenance of Outdoor Warning Sirens on School Property with the Lewisville Independent School District, an Access Easement at Garden Ridge Elementary and an Access Easement at Flower Mound High School for the installation of outdoor warning sirens.

RECOMMENDATION: Move to approve an Interlocal Agreement for Construction and Maintenance of Outdoor Warning Sirens on School Property with the Lewisville Independent School District, an Access Easement at Garden Ridge Elementary and an Access Easement at Flower Mound High School for the installation of outdoor warning sirens.

4. Consider approval of Amendment No. 3 to the Fiscal Year 2014-2015 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 3 to the Fiscal Year 2014-2015 Capital Improvement Program.

5. Consider approval of a resolution reappointing Ken Parr as the Town's representative, to serve on the Upper Trinity Regional Water District (URTWD) Board of Directors for a four-year term ending May 19, 2019.

RECOMMENDATION: Move to approve a resolution reappointing Ken Parr as the Town's representative, to serve on the Upper Trinity Regional Water District (URTWD) Board of Directors for a four-year term ending May 19, 2019.

RESOLUTION NO. 09-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REAPPOINTING KENNETH PARR AS THE TOWN'S REPRESENTATIVE ON THE UPPER TRINITY REGIONAL WATER DISTRICT (UTRWD) BOARD OF DIRECTORS FOR A FOUR-YEAR TERM ENDING MAY 31, 2019; AND PROVIDING AN EFFECTIVE DATE.

6. Consider approval of Change Order No. 6, and the final acceptance of the Chinn Chapel Road Phase I project; amending the contract with XIT Paving & Construction, Inc., for a decrease of \$58,985.97, authorization for final payment to the contractor in the amount of \$89,961.51; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 6, and the final acceptance of the Chinn Chapel Road Phase I project; amending the contract with XIT Paving & Construction, Inc., for a decrease of \$58,985.97, authorization for final payment to the contractor in the amount of \$89,961.51; and authorization for the Mayor to execute same on behalf of the Town.

7. Request approval for an exception to the Town's floodplain ordinance section 90-402, allowing the placement of fill material within the FEMA Fully Developed floodplain.

RECOMMENDATION: Move to approve an exception to the Town's floodplain ordinance section 90-402, allowing the placement of fill material within the FEMA Fully Developed floodplain.

8. Consider approval of a Professional Services Agreement for Construction Contract Administration, with Kimley Horn and Associates, Inc., for the construction of Regency Park Booster Pump Station project, in the amount of \$28,000.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement for Construction Contract Administration, with Kimley Horn and Associates, Inc., for the construction of Regency Park Booster Pump Station project, in the amount of \$28,000.00; and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the Bruton Orand Elevated Storage Tank Rehabilitation project in the amount of \$55,600.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the Bruton Orand Elevated Storage Tank Rehabilitation project in the amount of \$55,600.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Dixon moved to approve by consent Items 1 – 9. 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: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

J. REGULAR ITEMS

Administrative Note: The items below don't necessarily reflect the order in which they were heard as Mayor Hayden opted to open items 17 and 18 first given the amount of public speakers that came forward during regular public participation, as it is not a public hearing item.

Mayor Hayden opened items 10, 11, and 12 at the same time (8:00 p.m.)

10. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0001 – Highland Court) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plans, to change the land use designation from Low Density Residential, Professional Office, and Neighborhood Retail uses to High Density Residential and Medium Density Residential uses within Specific Plan Area 5 (SPA 5), and to amend certain development controls outlined within SPA 5 that apply to the subject property, and to consider adopting an ordinance providing for said amendment. The property is

generally located west of Long Prairie Road and north and east of Rippy Road. *(The Town Council remanded this item back to the Planning and Zoning Commission by a vote of 5 to 0 at its April 6, 2015, meeting.) (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its April 13, 2015, meeting.)*

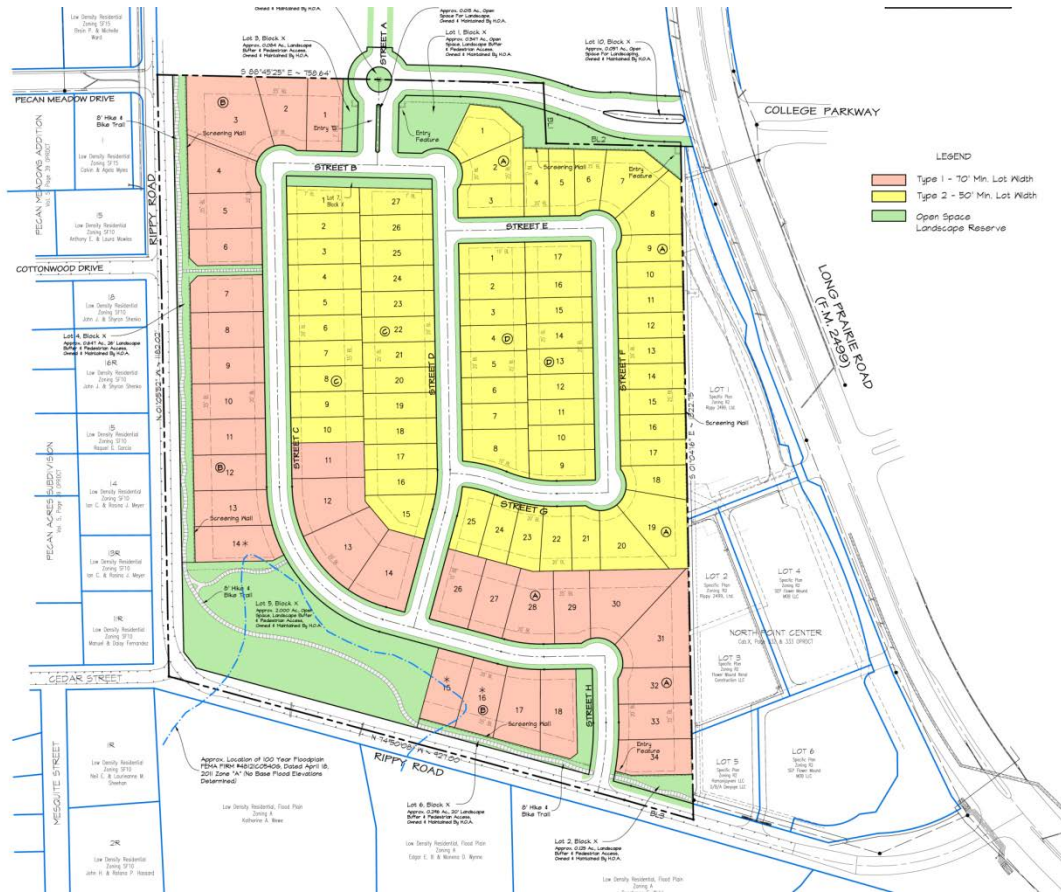
11. Public Hearing to consider a request for rezoning (ZPD15-0001 – Highland Court) from Agricultural District (A) to Planned Development District No. 137 (PD-137) with high density and medium density single family detached residential uses, and to consider adopting an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Town Council remanded this item back to the Planning and Zoning Commission by a vote of 5 to 0 at its April 6, 2015, meeting.) (The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its April 13, 2015, meeting.)*

12. Public Hearing to consider an application for a tree removal permit for four (4) specimen trees on property proposed for development as Highland Court. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Environmental Conservation Commission recommended denial by a vote of 3-2-1 at its February 3, 2015, meeting). (The Town Council postponed this item to April 20, 2015 at its April 6, 2015, meeting).*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Land use and zoning
- Specific Area Plan # 5 details
- Photographs of the site
- Revised concept plan and clarification regarding next steps and the process, and the lot size differences



	SF 10	Type 1 Lots
Min lot size	10,000 sf	10,000 sf
Min lot width	70 ft	70 ft
Min front yard	25 ft	20 ft
Min side yard	10 ft	10 ft
Min rear yard	25 ft (35)	35 ft
Max lot coverage	40%	40%
Max height	3/35	2/26
Min dwelling unit size	1,800 sf	1,500 sf

	SF 5	Type 2 Lots
Min lot size	5,000 sf	6,500 sf
Min lot width	50 ft	50 ft

Min front yard	20 ft	20 ft
Min side yard	5 ft	5 ft
Min rear yard	20 ft	25 ft
Max lot coverage	55%	55%
Max height	3/35	2/26
Min dwelling unit size	1,500 sf	1,500 sf

- The College extension is not part of the agenda for discussion tonight
- Flood plain area
- Tree being requested for removal and the recommendation from ECC
- Additional correspondence has been received and provided to Council members

Mr. Powell, Mr. Parr, Mr. Hoefert, Mr. Stathatos, or Mr. Meredith responded to questions from Council as follows:

- Clarification regarding the number of trees slated for removal
- How could the property be built on the lower area near the flood plain
- Who determines whether a certain area is in a flood plain (the Town or FEMA) and does the Town have standards above FEMA
- Where is Rippy Road on the Town's CIP
- What is the difference between an urban and rural collector
- What were the results of the Traffic Impact Analysis
- What is the timing for signalization at College and FM 2499
- What would be the impact of Rippy Rd should it be improved with curb and gutter
- If the hill on FM 2499 is part of this application
- What is the mitigation requirements between commercial and residential development
- At what point in the Town's history did medium density become high density
- If someone came in and wanted to do something different would they be required to do a MPA

Applicant Presentation

David Watson, Managing Principle, Direct Development

Mr. Watson gave a presentation identifying or noting:

- Property location (30 acres)
- SPA 5 location/information
- Significant MPA & zoning changes that have impacted the property
- Transition (residential and commercial)
- Flood plain area

- Current conditions
- Journey through the process
- 3/18 concerns addressed: buffering, park, smaller lots should be as big as possible, smaller lots should be interior only, ample backyard space, review added value of park, masonry wall disrupts view, preserve as many trees as possible, building height
- Two concept plan options based on resident input
- Core group 3/22 requirement list
- Raw land value
- Lot size comparisons (existing Flower Mound neighborhoods)
- Preserving Rippy Rd is a central goal
- View from neighboring homes (renderings)
- Video rendering of what is planned
- Traffic impact analysis results
- Visual impact (what does it look like when you drive by) and land use intensity
- Land coverage
- Southwest park (privately supported community park)
- Current thoroughfare plan
- Highland Court – less aggressive street profile
- Proposed plan saves 12 trees
- Flower Mound home development comparison
- Map of different type of lots in the Town
- Flower Mound existing home sales
- Demand for product (DFW & nation)
- Flower Mound projects by Direct Development
- Their belief on what Highland Court would mean to the area
- Summary of changes

The applicant responded to questions or comments made during the public hearing related to the following subject matter:

- Clarification regarding the various lot sizes (6,500 sf minimum, 7,800 sf average, and 10,000 sf lots, with the largest lot being 20,000 sf)
- Who hired the traffic engineer
- They are actually proposing a plan with lower density based on land that is zoned commercial

Mr. Watson responded to questions from Council related to:

- How much concrete area is there
- The number of lots
- The number of trees that would go away
- Is one of the plans feasible given it is located in the flood plain
- Who conducted the neighborhood poll
- What is the minimum, largest and average lot sizes
- Is there a water element planned for the park
- Visual of what in Town is a 50,000 sf grocery store and if it would fit on the property

- What happened with the senior housing component of the project
- Clarification regarding their statement about protecting Rippy
- How many lots are there at the elbow in the top vs. bottom concept where the park is
- For the specimen tree at the northeast corner (given it's near the entrance and in what appears to be a green area), would you be willing to try and save that tree
- If the park was omitted, could there be larger lots
- Has consideration been given regarding change the name of the neighborhood to something with Pecan in it
- Clarification regarding the per square foot cost
- Clarification regarding how sales are in line with inventory

Town Council recessed at 9:20 p.m. and reconvened at 9:30 p.m.

Mayor Hayden opened the public hearing for items 10, 11, and 12 at 9:31 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item. Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated. Names in italics represent individuals that completed a speaker card (support or opposition); however, didn't want to speak.

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
<ol style="list-style-type: none"> 1. Vicki Tribble, 3980 Rochelle Dr 2. Jody Boutillier, 2201 Jester Ln 3. Todd Eaddy, 3305 Pecan Meadows 4. Beverly Meador, 3301 Juniper St 5. Brad Ruthrauff, 3302 Pecan 6. Denis Toth, 2020 Skelton St 7. Don Shields, 3815 Cortadera Ct 8. Sam Anderson, 1421 Big Falls Dr 9. Patsy Mizeur, 1821 Castle Ct 10. Carol Kohankie, 4312 Lauren Way 11. <i>Amy Wallace, 2913 Trailwood</i> 12. <i>Tom Kline, 5104 Singing Brook Rd</i> 13. <i>Gina Weltner, 4861 Rippy Rd</i> 14. <i>Scott Weltner, 4861 Rippy Rd</i> 15. <i>Jan Balekian, 5100 Cross Timbers Rd</i> 16. <i>Robert Windham, 3896 Quail Run</i> 17. <i>Brenda Windham, 3896 Quail Run</i> 18. <i>Cari Shropshire, 4612 Sandera Ln</i> 	<ol style="list-style-type: none"> 1. Emily Strittmatter, 4816 Mesquite St 2. Cindy Spilberg, 5204 Bayberry St 3. Jim Engel, 5110 Bayberry St 4. Sherilyn Flick, 3220 Miracle Ln 5. Judy Nesmith, 3306 Juniper St 6. Wil Nesmith, 3306 Juniper St 7. Katie Lowe, 3113 Springwood Rd 8. Missy Grant, 3303 Sycamore Dr 9. Wendy Kiessler, 2908 Cedar St 10. Kevin Bryant, 1537 Yaggi Dr 11. Shyron Shenko, 5001 Rippy Rd 12. Kelly James, 5113 Bayberry St 13. Nicholas Strittmatter, 4816 Mesquite St 14. Janvier Scott, 2829 Bob White 15. Eddie Wynne, 4841 Rippy 16. Sharon Gentry, 2750 Bob White Ln 17. Rob Dohrman, 4916 Cedar St 18. Katy Grote, 165 Double Oaks, Double Oak 19. Naomi Lyons, 5121 Bayberry St 20. <i>Mark Malone, 5025 Bayberry</i> 21. <i>Lisa Malone, 5075 Bayberry</i> 22. <i>Kammi Petersheim, 5112 Singing Brook Rd</i> 23. <i>Nelson Petersheim, 5112 Singing Brook Rd</i> 24. <i>Kyle Grant, 3303 Sycamore Dr</i> 25. <i>Payton Scott, 3709 Burlington Dr</i> 26. <i>John Wegner, 2829 Bob White Ln</i> 27. <i>Cathy Neth, 1915 Rosebud Ct</i> 28. <i>Judy Collins, 1537 Simmons Rd</i> 29. <i>JoAnn Saberre, 5100 Singing Brook Rd</i> 30. <i>Kristina Thompson, 1612 Flatwood Dr</i> 31. <i>Gwenn Neth, 1915 Rosebud Ct</i> 32. <i>Harold Clark, 5100 Singing Brook Rd</i> 33. <i>Tara White, 1261 Grove Dr, Lewisville</i> 	<ol style="list-style-type: none"> 1. Marsha Gavitt, 6501 Meadowcrest Ln 2. Renee Doyle, 920 Drake Trl 3. Brian Rountree, 3200 Jameston

Mayor Hayden closed the public hearing for items 10, 11, and 12 at 11:15 p.m.

Council Discussion

There was Council comments and/or discussion related to:

- Appreciation for the residents being involved with the project, including the neighborhood survey they conducted
 - Concern regarding some of the comments that were made toward elected officials
 - Concept of visual density
 - Summary of the comments made
 - There is not a perfect solution, however, a compromise was presented
 - If approved, things like screening will need to be addressed
 - Importance of keeping traffic off of Rippy Rd as much as possible
 - How the proposed development is a blend of high and medium density
 - What is allowed by right
 - With this development will there be less trees to remove, College not going through, and there will be emphasis on shielding with the wall, and the park is a nice addition, as opposed to what could be there
 - How the site is zoned both commercial and residential, and residential is a less dense use and the compromise is different because of the Master Plan commercial element
 - Appreciation for developments with a variety of lot size options
 - There has been a continued interest by members of Council to listen, despite what the outcome of the vote might be
10. Councilmember Webb moved to approve a request for a Master Plan Amendment (MPA15-0001 – Highland Court) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plans, to change the land use designation from Low Density Residential, Professional Office, and Neighborhood Retail uses to High Density Residential and Medium Density Residential uses within Specific Plan Area 5 (SPA 5), and to amend certain development controls outlined within SPA 5 that apply to the subject property, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Walker seconded the motion.

ORDINANCE NO. 22-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, AND SECTION 3.0, SPECIFIC PLANS, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO CHANGE THE CURRENT LAND USE REFLECTED ON A PORTION OF SPECIFIC PLAN AREA NUMBER 5 FROM LOW DENSITY RESIDENTIAL, PROFESSIONAL OFFICE, AND NEIGHBORHOOD RETAIL USES TO HIGH DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL USES ON APPROXIMATELY 30.123 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324, DENTON COUNTY, TEXAS; 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, WALKER, WEBB

NAYS: NONE

11. Councilmember Webb moved to approve a request for rezoning (ZPD15-0001 – Highland Court) from Agricultural District (A) to Planned Development District No. 137 (PD-137) with high density and medium density single family detached residential uses, and adopt an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town, with the addition of a masonry wall. Councilmember Wise seconded the motion.

ORDINANCE NO. 23-15

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 30.123 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324, DENTON COUNTY, TEXAS; FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 137 (PD-137) WITH HIGH DENSITY AND MEDIUM DENSITY DETACHED SINGLE FAMILY RESIDENTIAL USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

12. Councilmember Webb moved to approve the requested permit for the removal of one(1) specimen tree (# 5090) on the property proposed for development as Highland Court. The property is generally located west of Long Prairie Road and north and east of Rippy Road. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

Town Council recessed at 12:00 a.m. on Tuesday, April 21, 2015 and reconvened at 12:10 a.m.

13. Consider approval of a Construction Agreement with 2L Construction, LLC, for the dog park section of the Heritage Park Phase II project, in the amount of \$796,709.50, and selected bid options itemized in this agenda, for a possible total award not to exceed \$919,311.50; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Sims gave a presentation identifying or noting:

- Background information

Consultant Presentation

Clint Woffard, Schrickel, Rollins and Associates

Mr. Woffard gave a presentation identifying or noting:

- Base bid costs
- Other options
- Park elements in the base bid
- Bid tabulations

Mr. Woffard responded to questions from Council related to:

- Clarification regarding the existing tree canopy and shade relief options at the cost of \$45,000
- Why are there two types of chain link fencing

Mr. Simms responded to questions from Council related to:

- What does staff recommend
- Would like to have a better sense of what could be deferred
- Interest in exploring sponsorship
- What is the timing for construction

There was Council discussion regarding interest in perhaps making some adjustments to get the costs lower.

Councilmember Webb moved to approve the construction with 2L Construction, LLC, for the dog park section of the Heritage Park Phase II project, in the amount of \$796,709.50 and authorization for the Mayor to execute same on behalf of the Town. Mayor Pro Tem Levenick seconded the motion.

Council Discussion

There was council discussion relative to the overall high cost of putting in a dog park.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, WISE

NAYS: DIXON

Administrative Note: Item numbers referenced below coincide with the bid tabulation/bid options as presented.

Councilmember Webb moved to add to the dog park contract item 38 (soil amendments) for a cost of \$19,602; Item 42 (removing boulders) for a cost of \$5,000; and Item 43 (12 pedestrian benches) for a cost of \$18,000, and Item 40 (entry sign) Mayor Pro Tem Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, WISE

NAYS: DIXON

Councilmember Webb moved to add to the dog park contract Item 37 (two shade structures), for a cost of \$30,000.

The motion failed due to a lack of a second.

14. Public Hearing to consider an application for a tree removal permit for two (2) specimen trees on property proposed for development as Surrey Lane Addition. The property is generally located west of Surrey Lane and south of Solano Drive. *(The Environmental Conservation Commission recommended approval by a vote of 6-0 at its April 7, 2015, meeting).*

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Location
- Project information
- Aerial image
- Background information
- Photographs of trees requested for removal

Mayor Hayden opened the public hearing at 12:50 a.m. on Tuesday, April 21, 2015.

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

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
No speakers.	No speakers.	Brian Rountree,3200 Jameston Dr

Mayor Hayden closed the public hearing at 12:51 a.m. on Tuesday, April 21, 2015.

Councilmember Webb moved to approve the requested permit for two (2) specimen trees on property proposed for development as Surrey Lane Addition. The property is generally located west of Surrey Lane and south of Solano Drive. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, WALKER, WEBB

NAYS: LEVENICK

Mayor Hayden opened items 15 and 16 at 12:55 a.m. on Tuesday, April 21, 2015.

15. Public Hearing to consider a request for a Master Plan Amendment (MPA 14-0004 – Southgate at Flower Mound) 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 uses to Campus Commercial uses on approximately 28.03 acres of land, and to consider adopting an ordinance providing for said amendment. The property is generally located east of Gerault Road and north of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 10, 2014, meeting.) (The Town Council postponed this item until April 20, 2015, at its April 6, 2015, meeting.)*

16. Public Hearing to consider a request for rezoning (ZPD14-0006 – Southgate at Flower Mound) from Planned Development District No. 47 (PD-47) with Commercial District-2 (C-2) and Industrial District-2 (I-2) uses to Planned Development District No. 134 (PD-134) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan, and with certain exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located east of Gerault Road and north Long Prairie Road. *(The Planning and Zoning Commission recommended denial by a vote of 4 to 2 at its December 8, 2014, meeting.) (The Town Council postponed this item until April 20, 2015, at its April 6, 2015, meeting.)*

Mr. Powell gave a presentation identifying or noting:

- Location
- Current zoning
- PD 47
- Regulating plan
- Illustrative concept plan
- Photos of the site
- Photos of the property to the North on Gerault
- The MPA is only to change a portion of the property and to move it from campus industrial to campus commercial
- Area plan
- Changes since the P & Z meeting
- Major changes
- Waivers and exemptions
- Development Agreement provisions

Mr. Powell or Mr. Meredith responded to questions from Council as follows:

- Clarification regarding limitations in the development agreement
- Clarification regarding the park installation component
- Clarification regarding SMARTGrowth waivers
- Is there mitigation for some of the trees that need to be removed

Applicant Presentation

Bobby Dollak 111 Hillside Drive, Lewisville, TX 75057

Mr. Dollak gave a presentation identifying or noting:

- Background information related to the site
- Overview of discussion points
- Concept Plan
- Constants (things that haven't changed)
- The regulating plan
- Land use
- What does PD-134 regulate
- Zone standards
- Quantity of open space required and specifications for the various park types
- The central open space
- Main gate feature
- Design standards for town homes and detached homes
- Southgate Master Plan goals
- Traffic Impact Analysis summary

Mr. Dollak responded to questions from Council as follows:

- How many trees are being planted and how many will be removed
- Clarification that the gun range is interior
- Are there any developers out there building 50-unit apartment buildings
- What is the timing in coming forward with specific plans

Council Discussion

There was Council discussion related to:

- Comments made by the public regarding being acceptable with the MPA
- The topography of the area
- Interest in the possibility of introducing a flex concept (retail in the front and semi-warehouse in the back) as it's a product that doesn't currently exist now
- Interest in adding a designated senior housing element
- The impact in relation to the schools and clarification regarding LISD's role
- Concerns about the apartments element of the project
- Modifications that were made regarding green space
- The interior gun range would be a nice addition to the development

Mayor Hayden opened the public hearing for items 15 and 16 at 1:38 a.m. on Tuesday, April 21, 2015.

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

ITEM 15

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
David Vaught, 2208 Lake Lugano Dr	Brian Rountree, 3200 Jameston Dr (general opposition, however; favored some parts plus had questions)	Sherillyn Flick, 3220 Miracle Ln
Katie Lowe, 3113 Springwood	Emily Strittmatter, 4816 Mesquite St	Patsy Mizeur, 1821 Castle Ct
Carol Kyer, 2616 Crepe Myrtle Dr	Marsha Gavitt, 6501 Meadowcrest Ln (Favored some aspects; however, didn't like other elements)	Kevin Bryant, 1537 Yaggi Dr
Kris Thompson, 1612 Flatwood Dr		
Emily Strittmatter, 4816 Mesquite St (with questions as well)		

ITEM 16

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
David Vaught, 2208 Lake Lugano Dr	Brian Rountree, 3200 Jameston Dr (general opposition, however; favored some parts plus had questions)	Katie Lowe, 3113 Springwood
	Marsha Gavitt, 6501 Meadowcrest Ln (Favored some aspects; however, didn't like other elements)	Emily Strittmatter, 4816 Mesquite St
	Kristina Thompson, 1612 Flatwood Dr	Patsy Mizeur, 1821 Castle Ct
		Sherillyn Flick, 3220 Miracle Ln

Mayor Hayden closed the public hearing for items 15 and 16 at 2:01 a.m. on Tuesday, April 21, 2015.

15. Councilmember Webb moved to approve a request for a Master Plan Amendment (MPA14-0004 – Southgate at Flower Mound) 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 uses to Campus Commercial uses on approximately 28.03 acres of land, and adopt an ordinance providing for said amendment. Councilmember Dixon seconded the motion.

ORDINANCE NO. 24-15

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 LAKESIDE BUSINESS DISTRICT AREA PLAN MAP

FROM CAMPUS INDUSTRIAL USES TO CAMPUS COMMERCIAL USES ON APPROXIMATELY 28.69 ACRES OF LAND SITUATED IN THE J. TURNER SURVEY, ABSTRACT NUMBER 1251; 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: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

16. Councilmember Webb moved to approve a request for rezoning (ZPD14-0006 – Southgate at Flower Mound) from Planned Development District No. 47 (PD-47) with Commercial District-2 (C-2) and Industrial District-2 (I-2) uses to Planned Development District No. 134 (PD-134) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan, and with certain exceptions and waivers to the Code of Ordinances, and adopt an ordinance providing for said amendment, subject to the terms and conditions in the attached Development Agreement, and authorize Mayor to execute same on behalf of the Town. Councilmember Dixon seconded the motion.

ORDINANCE NO. 25-15

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 78.69 ACRES OF LAND SITUATED IN THE J. KNIGHT SURVEY, ABSTRACT NUMBER 692, AND APPROXIMATELY 28.69 ACRES OF LAND SITUATED IN THE J. TURNER SURVEY, ABSTRACT NUMBER 1251, FROM PLANNED DEVELOPMENT DISTRICT NO. 47 (PD-47) WITH COMMERCIAL DISTRICT-2 (C-2) AND INDUSTRIAL DISTRICT-2 (I-2) USES TO PLANNED DEVELOPMENT DISTRICT NO. 134 (PD-134) WITH BOTH NON-RESIDENTIAL AND RESIDENTIAL USES, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB

NAYS: WALKER

17. Consider approval of the Contract of Sales Agreement for the acquisition of a 0.122 acre public access and utility easement and a 0.024 acre public access and sidewalk easement from Janvier Scott in the amount of \$100,000.00.

Staff Presentation

Mr. Parr or Mr. Powell gave a presentation identifying or noting:

- Summary of meeting with the property owner, in which options were presented and discussed, resulting in an agreement
- Part of the agreement includes a gap in the sidewalk on FM 2499, and so the agreement also includes a 15 foot easement to make that connection

Mayor Hayden offered background information about the property and also offered a summary of the discussion from that same meeting regarding access, property ownership, and noted that the agreement clarifies that it's the Town's responsibility to maintain the road.

Mr. Parr or Mr. Powell responded to questions from Council regarding:

- Spine road connectivity and ultimately where is it going to end up
- What can be done in the future so this same situation doesn't occur again

At 7:48 p.m. Mayor Hayden announced that per Chapter 551.071 of the Texas Government Code, the Town Council will convene into closed session for consultation with the Town Attorney. Town Council reconvened into open session at 7:55 p.m.

At the request of Councilmember Webb, Mr. Meredith provided clarification regarding discussions with the property owner and their legal counsel, and noted several of their requests have been incorporated into the contract.

Councilmember Webb moved to approve the Contract of Sales Agreement for the acquisition of a 0.122 acre public access and utility easement and a 0.024 acre public access and sidewalk easement from Janvier Scott in the amount of \$100,000.00. Councilmember Dixon seconded the motion.

VOTE ON THE MOTION

AYES: DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

ABSTAIN: WISE

18. Consider approval of a resolution of the Town of Flower Mound, Texas authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining fee simple title to approximately 0.966 acres of property located at 2700 Bob White Lane, Flower Mound, Denton County, Texas, as right-of-way necessary for construction and maintenance of roadway improvements, and for other public purposes permitted by law. *(The Town Council postponed this item until April 20, 2015, at its February 2, 2015, meeting)*

Administrative Note: Item 18 was not heard because an agreement was reached (see Item 17), therefore resulting in no action taken by Council on this item; and furthermore, it will not be included as a future agenda item.

Mayor Hayden opened items 19 and 20 at 2:20 a.m. on Tuesday, April 21, 2015

19. Public Hearing to consider a request for rezoning (ZPD14-0014 – Bunn Gourley West) from Agricultural District (A) to Planned Development District No. 138 (PD-138) for a cluster development, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and west of Flower Mound Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 13, 2015, meeting.)*

20. Public Hearing to consider an application for a tree removal permit for eleven (11) specimen trees on property proposed for development as Bunn Gourley West. The property is generally located south of Cross Timbers Road and west of Flower Mound Road. *(The Environmental Conservation Commission recommended approval by a vote of 6-0 at its April 7, 2015, meeting).*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Land use and zoning
- Site location
- Photos of the site
- Concept plan
- Map of trees requested for removal

Mr. Powell responded to questions from Council related to:

- If the development is in compliance with the Master Plan
- Clarification that sewer is not being proposed as part of this project

Applicant Presentation

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

Mr. Paul gave a presentation identifying or noting:

- Process
- Vicinity map
- View corridors (existing site and scenic features)
- Open space diagram/imagery example
- Circulation and trail diagram
- Examples of home product
- Conservation development easement – conceptual plan
- Specimen tree locations
- Lot sizes

Mr. Paul responded to questions from Council regarding:

- What's the pace of sales (opening to build out)
- Will sewer ever be asked for on this project

Mayor Hayden opened the public hearing for items 19 and 20 at 2:38 a.m. on Tuesday, April 21, 2015.

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

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
No speakers	No speakers	Sherillyn Flick, 3220 Miracle Ln

Mayor Hayden closed the public hearing for items 19 and 20 at 2:40 a.m. on Tuesday, April 22, 2015.

Council Discussion

Comments from Council included:

- How this cluster development sets the standard and is exactly what was anticipated when the concept was brought forward

19. Councilmember Webb moved to approve a request for rezoning (ZPD14-0014 – Bunn Gourley West) from Agricultural District (A) to Planned Development District No. 138 (PD-138) for a cluster development, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Walker seconded the motion.

ORDINANCE NO. 26-15 _____

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 170.96 ACRES OF LAND SITUATED IN THE W. GIBSON SURVEY, ABSTRACT NO. 461, THE J. MALONE SURVEY, ABSTRACT NO. 857 AND THE M.E.P. & P.R.R. SURVEY, ABSTRACT NO. 935, DENTON COUNTY, TEXAS; FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 138 (PD-138) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

20. Councilmember Wise moved to approve the requested permit for eleven (11) specimen trees on property proposed for development as Bunn Gourley West. The property is generally located south of Cross Timbers Road and west of Flower Mound Road. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

K. BOARDS/COMMISSIONS (Executive Conference Room)

The Town Council did not discuss item K, therefore no action was taken.

L./M. CLOSED/OPEN MEETING

The Town Council did not convene into a closed meeting, therefore no action was taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at **2:46** a.m. on Tuesday, April 22, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY