

**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 3RD DAY OF AUGUST 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
Steve Dixon	Mayor Pro Tem
Itamar Gelbman	Deputy Mayor Pro Tem
Brian Rountree	Councilmember Place 1
Bryan Webb	Councilmember Place 2
Kevin Bryant	Councilmember Place 3

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
Mark Wood	Director of Economic Development
Matt Woods	Director of Environmental Services
Tom Vyles	Environmental Services Manager
Kari Biddix	Park Development Manager
Mark Wood	Director of Economic Development
Andy Kancel	Police Chief

**A. CALL REGULAR MEETING TO ORDER**

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

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

Chaplain Mike Liles gave the invocation and led the pledges.

**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.*

<b>Speaker Name and Address</b>	<b>Subject (as noted on speaker card)</b>
1. Nicholas Strittmatter, 4816 Mesquite	Social media

- |   |   |
|---|---|
| 2. Emily Strittmatter, 4816 Mesquite      | Social media, public participation, P & Z Commission – indicated she would like any discussions about her P & Z appointment to be done in closed session. |
| 3. Sandy Fambrough, 4105 Spring Meadow Ln | Donations and Agenda item 2   |
| 4. Jason Hitt, 912 Woodduck               | Not noted   |
| 5. Marsha Gavitt, 6501 Meadowcrest Ln     | Boards and Commissions  |
| 6. David Hodges, 2708 Compton Ct          | Flower Mound Chamber of Commerce  |
| 7. Rachael Tiepe, 2505 Windchase Dr       | Prairie Commons Development   |
| 8. Paul Stone, 709 Lakebluff              | Town Charter  |
| 9. Jody Smith, 3705 Sarah Springs         | Social media  |
| 10. Patsy Mizeur, 1821 Castle Court       | Social media  |
| 11. Jay Marks, 2105 Larkspur              | Not noted   |

**F. ANNOUNCEMENTS**

- Deputy Mayor Pro Tem Gelbman reminded the people that spoke negatively about a commitment they made earlier to say kind words
- Councilmember Bryant reported having attended the Texas Municipal League Newly Elected Officials conference. He also expressed concern regarding negative comments circulating in the community and the need for it to stop for the betterment of the community.

**G. TOWN MANAGER'S REPORT**

**Update and discussion on:**

1. Report related to capital improvement projects

Mr. Stathatos gave the following update on capital improvement projects:

- 2499 from the Hwy 121 bridge
- Sagebrush Road

2. Economic Development projects

Mr. Stathatos gave the following economic development update:

- Custom Ink is hiring
- Restaurant and retail survey soon to be underway
- Remarks related to recent recognition of Economic Development Director Mark Wood

3. Community Garden

Mr. Sims provided background information as it relates to past discussions about bringing forward a community garden.

There was council discussion on the topic regarding:

- Future opportunities with a new park(s) out west
- Temporary versus permanent locations
- Use of existing community gardens

4. Farmer's Market

Mr. Stathatos provided a status update and background information as it relates to a farmers market, noting that the River Walk still seems to be the targeted located based on feedback from the property owners.

There was council discussion on the topic regarding:

- Past interest by developers and option of accepting a proposal
- There should be one farmers market in Town
- Permitting element in having a farmers market
- Time frame involved if the River Walk is an option for the location
- Possibility of having a temporary location

5. Rules and guidelines associated with Food Establishments (restaurants) inspections and scoring

Mr. Woods gave a presentation identifying or noting:

- A review of the environmental health service programs
- Explanation of the food inspection program
- Staff contacts

Mr. Woods or Mr. Vyles responded to questions from Council regarding:

- Amount of time a business has to correct an issue
- What is the breakdown of the score ranges
- What are the pros and cons associated with posting the scores at the restaurant
- Opportunities to expand the QR Code scoring information for accessibility on a mobile device
- Requirements to provide the scoring information by the restaurant owner

**H. FUTURE AGENDA ITEMS**

Mayor Pro Tem Dixon requested the Town put together a street map, including the street going to Murrell Park, and another one that goes into Twin Coves Park, to illustrate how high the water got in each one of the areas along those streets and give Council an update of where the water level is today.

Councilmember Bryant requested the agenda packet be distributed by end of day

Thursday. Councilmember Webb noted there would be a need for everyone to realize an addendum posting doesn't equate to some type of error or omission. Mayor Pro Tem Dixon requested someone on staff provide Council a brief overview of what goes into putting the packet together, including what is statutorily required so Council and the public can have an idea as to what is involved.

**I. COORDINATION OF CALENDARS**

The next Town Council meeting is scheduled for Thursday, August 13<sup>th</sup> (work session)

Mayor Hayden confirmed the attendance of Council members for this meeting, recognizing two members of Council would be absent (Webb and Bryant).

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a special and regular meeting of the Town Council held on July 20, 2015.

**RECOMMENDATION:** Move to approve the minutes from a special and regular meeting of the Town Council held on July 20, 2015.

2. *Pulled from Consent and moved to Regular items.*

3. Consider approval of an ordinance establishing the 2015 certified appraisal roll.

**RECOMMENDATION:** Move to approve an ordinance establishing the 2015 certified appraisal roll.

**ORDINANCE NO. 45-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2015 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2015, and ending September 30, 2016.

**RECOMMENDATION:** Move to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2015, and ending September 30, 2016.

5. Consider accepting the submission of the notice of an effective tax rate of \$0.415252 per \$100 assessed valuation and a rollback tax rate of \$0.450389 per \$100 assessed valuation for the fiscal year beginning October 1, 2015, and ending September 30, 2016.

**RECOMMENDATION:** Move to accept the submission of the notice of an effective tax rate of \$0.415252 per \$100 assessed valuation and a rollback tax rate of \$0.450389 per \$100 assessed valuation for the fiscal year beginning October 1, 2015, and ending September 30, 2016.

6. Consider proposing a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2015, and ending September 30, 2016; scheduling the August 17, 2015, public hearings on the budget and tax rate, September 8, 2015, public hearing on the tax rate, and scheduling the September 21, 2015, 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.

**RECOMMENDATION:** Move to propose a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2015, and ending September 30, 2016; scheduling the August 17, 2015, public hearings on the budget and tax rate, September 8, 2015, public hearing on the tax rate, and scheduling the September 21, 2015, 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.

7. *Pulled from Consent and moved to Regular items.*

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 17, 2015, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 21, 2015, 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 Crime Control and Prevention District move to schedule a public hearing for August 17, 2015, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 21, 2015, 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. 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 17, 2015, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 21, 2015, 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 17, 2014, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 21, 2015, 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.

10. Consider approval of a Release, Waiver and Indemnification Agreement, with Webber, LLC; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Release, Waiver and Indemnification Agreement, with Webber, LLC; and authorization for the Mayor to execute same on behalf of the Town.

11. Consider approval of the award of Bid No. 2015-79 to North Texas Contracting, Inc., for the Lakeside Lift Station and Force Main project, in the amount of \$2,213,379.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the award of Bid No. 2015-79 to North Texas Contracting, Inc., for the Lakeside Lift Station and Force Main project, in the amount of \$2,213,379.00; and authorize the Mayor to execute same on behalf of the town.

12. Consider approval of an Interlocal Agreement with the Argyle Independent School District, for the reimbursement of the installation of a 12-inch Reuse Waterline, in the amount not to exceed \$249,840.00; and authorization for the Mayor to execute the same for the Town.

**RECOMMENDATION:** Move to approve an Interlocal Agreement with the Argyle Independent School District, for the reimbursement of the installation of a 12-inch Reuse Waterline, in the amount not to exceed \$249,840.00; and authorization for the Mayor to execute the same for the Town.

13. Consider approval of the final acceptance for the Dixon Park Improvements as a part of the Individual Parks Improvement project, with North Rock Construction, Inc., with final payment in the amount of \$6,673.47; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the final acceptance of the Dixon Park Improvements as part of the Individual Park Improvements project, with North Rock Construction, Inc., with final payment in the amount of \$6,673.47; and authorize the Mayor to execute same on behalf of the Town.

14. *Pulled from Consent and moved to Regular items.*

Councilmember Webb moved to approve by consent Items 1; 3 – 6; 8 - 13 and Deputy Mayor Pro Tem Gelbman 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: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

Motion passed.

**K. REGULAR ITEMS**

*Items 2, 7, and 14 were pulled from consent and included in the regular items below.*

2. Consider approval of an ordinance ordering a special election to be held on the 3rd day of November, 2015, for the purpose of submitting to the qualified voters of the Town of Flower Mound, Texas, a ballot proposition to reauthorize the Street Maintenance Sales and Use Tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

**Staff Presentation**

Ms. Scott, Mr. Stathatos, or Mr. Meredith responded to questions from Council regarding cost and timing associated with the election in response to a resident inquiry during public participation, as well as consequences should the proposition not be approved. For future reauthorizations it was suggested by some members of Council to revisit this item at the three year mark to determine if it would be acceptable for a May ballot item instead of November.

Councilmember Webb moved to approve an ordinance ordering a special election to be held on the 3rd day of November, 2015, for the purpose of submitting to the qualified voters of the Town of Flower Mound, Texas, a ballot proposition to reauthorize the Street Maintenance Sales and Use Tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice. Mayor Pro Tem Dixon seconded the motion.

**ORDINANCE NO.46-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE TOWN OF FLOWER MOUND, A BALLOT PROPOSITION TO REAUTHORIZE A LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR ELECTION PROCEDURES AND OFFICERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE**

**NAYS: NONE**

Motion passed.

7. Consider approval of a resolution authorizing the adoption of the Town of Flower Mound's Program Years 2015-2019 Consolidated Plan for Housing and Community Development, Program Year 2015 One-Year Action Plan, Citizen Participation Plan, Residential Anti-Displacement and Relocation Assistance Plan, Analysis of Impediments to Fair Housing Choice, and Employment and Training Opportunities Section 3 Plan, which are required under the Town's Community Development Block Grant Project #B-15-MC-48-00420; 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.

**Staff Presentation**

Ms. Wallace responded to questions from Council as it relates to transportation services for this item and if what is being presented is something new or if it was a program already in place.

Councilmember Bryant moved to approve the Program Years 2015-2019 Consolidated Plan for Housing and Community Development; Program Year 2015 One-Year Action Plan; Citizen Participation Plan; Residential Anti-displacement and Relocation Assistance Plan; Analysis of Impediments to Fair Housing Choice; and Employment and Training Opportunities Section 3 Plan; and authorize the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development. Mayor Pro Tem Dixon seconded the motion.

**RESOLUTION NO. 13-15**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR ADOPTION OF THE TOWN OF FLOWER MOUND'S PROGRAM YEARS 2015-2019 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT, PROGRAM YEAR 2015 ONE-YEAR ACTION PLAN, CITIZEN PARTICIPATION PLAN, RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN, ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE, AND EMPLOYMENT AND TRAINING OPPORTUNITIES SECTION 3 PLAN, WHICH ARE REQUIRED UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT #B-15-MC-48-0042; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION**

**AYES: ROUNTREE, WEBB, BRYANT, DIXON**

**NAYS: NONE**

**ABSENT: GELBMAN**

Motion passed.



14. Consider approval of Design Amendment No. 1 to the Professional Services Agreement with Nathan D. Maier Consulting Engineers, Inc., to provide additional design services in the amount of \$9,500.00 for Rheudasil Park; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Hayden noted the item is being pulled from consent due to the need to correct the amount of \$9,500.00 to \$11,000.00 for this item.

**Staff Presentation**

Mr. Parr responded to questions from Council regarding how this item compares to item 16 on the agenda. He further clarified what the item accomplishes.

Councilmember Webb moved to approve Design Amendment No. 1 to the Professional Services Agreement with Nathan D. Maier Consulting Engineers, Inc., to provide additional professional engineering services in the amount of \$9,500.00 for Rheudasil Park; and authorize the Mayor to execute same on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON MOTION**

**AYES: GELBMAN, DIXON, BRYANT, WEBB**

**NAYS: NONE**

**ABSENT: ROUNTREE**

Motion passed.

15. Social Media Advisory Committee report by Chairman Jeff Tasker. (Discussion item only)

Chairman Tasker offered a summary report on the committee, including: process, findings, discussion summary, and recommendations.

Mr. Tasker, Mr. Meredith, Ms. Wallace, or Mr. Stathatos responded to questions from Council regarding:

- Concerns regarding overly broad definitions in the Town's policy, including in the area of Internet gaming (on Facebook for example) as it relates to Town employees, and associated legalities to ensure the interest of the Town is protected
- Disclosure of information regarding court matters
- If a legal review of the Town's personnel manual is needed
- The process for when changes to the Town's personnel manual are needed (requires Town Manager and/or Town Council approval)
- Concerns related to information coming from the court, for example, and the policy being silent on that
- If the committee believes additional work is needed

Chairman Tasker asked for direction related to next steps for the committee.

Councilmember Bryant commented it would be his preference to wait for the Town

Attorney's review and response prior to disbanding the committee.

Mr. Stathatos clarified that the request for a review of the personnel manual is specific to social media and not necessarily the entire manual. Mayor Hayden and Councilmember Bryant confirmed that is correct.

16. Request direction to staff on Rheudasil Park improvements including Mechanical Pond Dredging, Bank Stabilization, and Phasing recommendations. *(Discussion item only)*

**Staff Presentation**

Ms. Biddix gave a presentation identifying or noting:

- Correction regarding a posting in the neighborhood that incorrectly stated what is to be discussed
- Floodplain boundary, recommendations
- Bank stabilization recommendations
- Pond dredging recommendations

Ms. Biddix responded to questions from Council regarding:

- Dredging process and interest in communicating to the residents that the work being done has to do with improvements to the pond
- Clarification regarding where the silt will be moved to
- Turnaround time associated with the project
- Importance of addressing the odor situation there
- Clarification regarding the cost breakdowns and funding source options
- How often would the pond need to be dredged going forward

Mayor Hayden summarized that prior to offering staff direction there was consensus of Council that the funding source for the \$2,500,000 would need to be identified first.

17. Public Hearing to consider a request for an exception to Section 90-423, "Underground utilities," of the Code of Ordinances to permit the relocation of overhead utilities along Rembert Drive to maintain current electric service to three existing residences (MISC15-0002).

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Power utility line plans
- Photographs
- Impact of trees should the utility poles get moved
- Available options

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

- Why weren't the power issues known at the time of application
- Purpose for the item coming forward
- Clarification regarding options
- Why can't the lines be put underground in a right of way
- Can the Town mandate someone to change their utility provider
- What are the options for off-site easements to provide utilities
- Prescriptive right of way as it relates to Spinks (where does it start and end)

- How can the Town force the developer to bury the lines based on the Ordinances
- What is the impact to the trees relative to Mr. Rembert or any other private property owner
- Cost associated with locating the utility lines underground

**Applicant Presentation**

Mr. Reginald Rembert gave a presentation identifying or noting:

- Photos of the site
- Project update (Parkside at Woodlake)

Mr. Rembert responded to questions from Council regarding:

- Has the process of burying the lines started
- Why not opt to go with CoServ instead of Oncor
- Why was there an assumption that most people would want to go with Oncor
- Clarification regarding what is the preferred plan
- Condition of trees on the site
- Are any of the options comparable to CoServ

Mayor Hayden opened the Public Hearing at 9:19 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
None.	1. Christopher Cleveland, 2607 Spinks Rd	None.
	2. Felipe & Belinda Delgado, 2601 Spinks Rd	

Mayor Hayden closed the Public Hearing at 9:25 p.m.

At 9:30 p.m. Mayor Hayden announced that per 551.071 of the Texas Government Code Town Council is convening into closed session for consultant with the Town Attorney on the item. The Town Council reconvened into open session at 9:45 p.m.

Deputy Mayor Pro Tem Gelbman moved to deny an exception to Section 90-423, "Underground Utilities," of the Code of Ordinances to permit the relocation of overhead utilities along Rembert Drive to maintain current electric service to three existing residences (MISC15-0002). Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, BRYANT, GELBMAN**

**NAYS: ROUNTREE, DIXON**

Motion passed (to deny).

18. Public Hearing to consider a request for a Comprehensive Sign Package (CSP15-0002 – Mavex Shops at Flower Mound) for Lot 4, Block A, of the Mavex Shops Flower Mound Addition. The property is generally located east of Browning Drive and south of Justin Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its June 22, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Location
- Photographs
- Comprehensive sign package explanation
- Summary of discussion at the planning and zoning commission meeting
- Proposed monument sign
- Dolce sign and lighting component as it relates to wall washing

Mr. Powell responded to questions from Council as follows:

- Have adjacent business owners expressed any concerns
- Modifications to the sign ordinance, specifically as it relates to lighting and Deputy Mayor Pro Tem Gelbman requested a future agenda item to discuss further
- Amount of light that would be produced in LED as compared to incandescent lights

**Applicant Presentation**

Mitch Vexler, Mavex Shops of Flower Mound, and Katherine Vexler, President, Dolce

Mr. or Mrs. Vexler responded to questions from Council regarding:

- Clarification regarding the number of signs being requested
- Are there any homes impacted
- Success of the business (Dolce)
- Concerns related to the use of LED and the wall washers
- What would be the impact if the comprehensive sign package is not approved
- If approved, how soon would they reopen

Mayor Hayden opened the Public Hearing at 10:08 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.*

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Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Jody Smith, 3705 Sarah Springs	None.	None.
Carol Kohankie, 4312 Lauren Way		

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

Councilmember Webb moved to approve a request for a Comprehensive Sign Package (CSP15-0002 – Mavex Shops at Flower Mound) for Lot 4, Block A, of the Mavex Shops Flower Mound Addition. The property is generally located east of Browning Drive and south of Justin Road. Deputy Mayor Pro Tem Gelbman seconded the motion.

**VOTE ON THE MOTION**

**AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE**

**NAYS: NONE**

- Public Hearing to consider a request for rezoning (ZPD15-0012 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards to amend the Comprehensive Sign Package by allowing additional wall signs, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Justin Road and east of Chinn Chapel Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its July 27, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Site plan
- Photographs
- The request for additional signs for the back side of the building
- No correspondence from the public to date

Mr. Powell responded to questions from Council regarding:

- Clarification that this item is simply placement of signs on the backside of the buildings toward the parking lot.

Mayor Hayden opened the Public Hearing at 10:16 p.m.

No one spoke in support or opposition of the item.

Mayor Hayden closed the Public Hearing at 10:16 p.m.

Deputy Mayor Pro Tem Gelbman moved to approve a request for rezoning (ZPD15-0012 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards to amend the Comprehensive Sign Package by allowing additional wall signs, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 47-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 13-12, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 104 (PD-104), AND ORDINANCE NO. 37-14, WHICH AMENDED THE COMPREHENSIVE SIGN PACKAGE FOR PD-104; PROVIDING FOR FURTHER AMENDMENT OF EXHIBIT "F," "COMPREHENSIVE SIGN PACKAGE," TO ALLOW FOR ADDITIONAL WALL SIGNAGE FOR BUILDINGS 3, 4 AND 5 LOCATED ON LOT 3R-1 WITHIN PD-104, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS 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: ROUNTREE, WEBB, BRYANT, GELBMAN**

**NAYS: NONE**

**ABSENT: DIXON**

Mayor Hayden opened items 20 and 21 at the same time.

20. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0009 – Canyon Falls) to amend Section 2.0, Area Plans, of the Master Plan by changing the current land use designation on Parcels 14 and 5B of the Canyon Falls development within the Denton Creek District Area Plan from Medium Density Residential uses to High Density Residential uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road (F.M. 1171) between Interstate 35W and U.S. 377. *(The Planning and Zoning Commission recommended approval by a vote of 3 to 1 at its July 27, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Clarification that what is in the packet is different than what the applicant originally submitted
- Current zoning
- Plat (aerial map)
- Photographs of the site
- Proposed master plan

- Summary of modifications
- Directional signs

Mr. Powell responded to questions from Council regarding:

- SF5 zoning district clarification
- Additional density impact

**Applicant Presentation**

Brian Cramer, Newland Communities, 4835 LBJ, Dallas, TX

Mr. Kramer gave a presentation identifying or noting:

- Company background
- Canyon Falls overview, including home sales, prices, and square foot averages
- Photographs of the site
- Builder overview
- Stonecrest Drive and pump station (adjacent)
- Summary of request

Mr. Kramer responded to questions from Council regarding:

- Clarification regarding the density changes

Mayor Hayden opened the Public Hearing for items 20 and 21 at 10:42 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Carol Kohankie, 4312 Lauren Way	Katie Lowe, 3113 Springwood Rd	None.
	Jim Engel, 5110 Bayberry St	

Mayor Hayden closed the Public Hearing for items 20 and 21 at 10:48 p.m.

Councilmember Webb moved to approve a request for a Master Plan Amendment (MPA15-0009 – Canyon Falls) to amend Section 2.0, Area Plans, of the Master Plan by changing the current land use designation on Parcel 14 of the Canyon Falls development within the Denton Creek District Area Plan from Medium Density Residential uses to High Density Residential uses, and adopt an ordinance providing for said amendment. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: DIXON, BRYANT, WEBB**

**NAYS: GELBMAN, ROUNTREE**

Motion failed (Master Plan Amendment - requires a super majority vote to approve).

21. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0009 – Canyon Falls) to amend Section 2.0, Area Plans, of the Master Plan by changing the current land use designation on Parcels 14 and 5B of the Canyon Falls development within the Denton Creek District Area Plan from Medium Density Residential uses to High Density Residential uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road (F.M. 1171) between Interstate 35W and U.S. 377. *(The Planning and Zoning Commission recommended approval by a vote of 3 to 1 at its July 27, 2015, meeting.)*

Councilmember Webb moved to approve a request to create a Comprehensive Sign Package for directional signs in the development with a five-year time limit, and adopt an ordinance providing for said amendment. Mayor Pro Tem Dixon seconded the motion.

**ORDINANCE NO. 48-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 19-08, WHICH ORDINANCE ZONED APPROXIMATELY 626 ACRES OF LAND AS PLANNED DEVELOPMENT DISTRICT NO. 98 (PD-98) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) USES, SINGLE-FAMILY DISTRICT-5 (SF-5) USES, COMMERCIAL DISTRICT-1 (C-1) USES, CAMPUS COMMERCIAL DISTRICT (CC) USES, AND RECREATIONAL DISTRICT (REC) USES, AND ORDINANCE NOS. 58-12 AND 35-13, WHICH AMENDED THE USES ON CERTAIN PARCELS, ADOPTED A NEW ZONING EXHIBIT, AND MODIFIED THE MINIMUM STANDARDS FOR CERTAIN SF-10 LOTS WITHIN PD-98; BY APPROVING A COMPREHENSIVE SIGN PACKAGE FOR PD-98 PURSUANT TO SECTION 86-44 OF THE TOWN OF FLOWER MOUND, TEXAS, CODE OF ORDINANCES, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS 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: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

Motion passed (comprehensive sign package only).



22. Review Current Regulations and Consider Modifications to Town Ordinance Chapter 50, Article IV; Regulation of Sex Offender Residency. *(Discussion item only)*

**Staff Presentation**

Chief Kancel gave a presentation identifying or noting:

- Benchmark cities offenders per square mile
- Survey city data
- Variations in benchmark city ordinances
- Additional buffer zone locations recognized by benchmark cities
- Flower Mound sex offender buffer map (current and future option)
- Area of discussion/direction being sought
- Equestrian versus multi-use trails

Mr. Meredith or Chief Kancel responded to questions from Council regarding:

- Legalities associated with having 96% coverage
- Proposed trails versus existing trails language
- Thoughts related to how the buffer zone will grow as the land develops
- Litigation as it relates to constitutional issues

**Council Discussion**

There was Council discussion regarding:

- Being more specific for some facilities such as the library
- Adding an additional buffer
- For the trails – is it defensible in court
- Ordinance comparisons as it relates to buffer zones
- Any changes should be introduced slowly
- If the current ordinance is or is not satisfactory
- Other cities that are being challenged in court for their residency restrictions
- Concerns regarding legal consequences
- Layer of protection as it relates to renters

Mayor Hayden asked each Councilmember to offer their comments on the topic:

Councilmember Rountree: Make it as restrictive as possible within reason, with the understanding further legal study would need to be done & leave it up to staff to come up with a recommendation.

Councilmember Webb: Suggest we add the youth center and library language and watch how things develop on the Lewisville case, followed by a work session to talk about that.

Councilmember Bryant: Keep the current zone distance – add the youth centers like playgrounds and youth centers.

Mayor Pro Tem Dixon: Good with throwing everything in there except for proposed trails

Deputy Mayor Pro Tem Gelbman: Be proactive in being as restrictive as possible

23. Public Hearing to consider approval of a Chapter 380 Agreement, Sales Contract, Promissory Note, and Deed of Trust, between the Town of Flower Mound and Old Town Development LLC, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Wood gave a presentation identifying or noting:

- West Windsor property
  - Background information
  - Sale and development
  - Cost/benefit

Mr. Wood, Mr. Stathatos, or Ms. Wallace responded to questions from Council regarding:

- Anticipated sales
- Clarification regarding the Town's hard costs of \$65,000
- What is the remedy if the applicant doesn't meet the terms of the agreement
- Is there a connection with River Walk
- Clarification regarding how the restaurant is paying the sales tax in lieu of the note
- Can the restaurant owner sell the property to someone else
- Concerns regarding parking and if they are building their own
- Concerns regarding the structure of the deal and the large amount of concessions for a restaurant
- What other cities are doing to attract high end restaurants
- Clarification regarding the right of refusal over the period of 10 years in the event Mi Dia's no longer wanted to be operating at the location
- If there is a liability due to the shared use of the Town parking lot (senior center)
- Was an appraisal for the property obtained
- What's involved with the retention pond maintenance and interest in having the building owner maintain it instead of the Town

**Applicant Presentation**

Justin Springfield, Old Town Development; Chris Gordon, Old Town Development; Tyler Isbell, SRS Real Estate Partners

Mr. Springfield and Mr. Isbell responded to questions from Council regarding:

- How much is Mi Dia investing in the property
- Has Trophy Club offered any incentives, and if so, how much was offered

Mayor Hayden opened the Public Hearing at 11:31 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Carol Kohankie, 4312 Lauren Way	Katie Lowe, 3113 Springwood Rd	Jim Engel, 5110 Bayberry

Mayor Hayden closed the Public Hearing at 11:38 p.m.

Councilmember Webb moved to approve a Chapter 380 Agreement, Sales Contract, Promissory Note, and Deed of Trust, between the Town of Flower Mound and Old Town Development LLC, and authorize the Mayor to execute same on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

Deputy Mayor Pro Tem Gelbman requested an amendment to the motion that the owners will take care of the pond. The amended motion failed due to the lack of a second.

**VOTE ON THE ORIGINAL MOTION**

**AYES: GELBMAN, DIXON, WEBB, ROUNTREE**

**NAYS: BRYANT**

**L. BOARDS/COMMISSIONS (Executive Conference Room)**

- 1. Denco Area 9-1-1 member** – Provide staff with the name of the nominee of choice (Sue Tejml, David Terre, or Paul Young) for the purpose of casting the Town’s vote for that person to serve on the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2015.

There was Council consensus to bring forward a Resolution that would cast the Town’s vote for Sue Tejml.

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

No discussion.

- 3. 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.**

**BOARD OF ADJUSTMENT:**

There was Council discussion regarding the recent appointment of Ms. Janvier Scott and the conflict that exist due to the Town being in property negotiations with her.

Mr. Meredith clarified the legalities of the Charter and Code of Ethics relative to her inability to serve, and noted that once the sale is consummated or if for some reason cancelled, she could serve. He also clarified that these statutes related to the sale of real estate apply to officers of the Town.

Town Council offered direction for the Town Secretary to contact Ms. Scott, conveying their request for her to resign given the circumstances.

**M./N. CLOSED/OPEN MEETING**

**The Town Council convened into a closed meeting at 12:37 a.m. on August 4, 2015, 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 1:37 a.m. on August 4, 2015, 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, Community Development Corporation, and Planning and Zoning Commission.

Councilmember Webb moved to remove Jason Hitt, Place 9 – Alternate, and declare a vacancy, and Mayor Pro Tem Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: DIXON, WEBB, HAYDEN**

**NAYS: GELBMAN, ROUNTREE**

**ABSTAIN: BRYANT**

Motion passed (Mayor votes in a tie situation).

- 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, public rights of way, and/or other municipal purposes and all matters incident and related thereto.

No action taken.

**O. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 1:41 a.m. on Tuesday, August 4, 2015, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

\_\_\_\_\_  
**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**THERESA SCOTT, TOWN SECRETARY**

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