

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF SEPTEMBER 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 (left at 8:20 p.m.)
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
Tammy Wilson	Executive Director of Financial Services
James Hoefert	Environmental Review Analyst
Andy Kancel	Police Chief
Matthew Woods	Director of Environmental Services

**A. CALL REGULAR MEETING TO ORDER**

Mayor Pro Tem Dixon called the regular meeting to order at 6:01 p.m.

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

Chaplain Russ McNamer gave the invocation Mayor Pro Tem Dixon led the pledges.

**D. PRESENTATIONS**

1. Texas Police Chiefs Association Recognition Program presentation

Police Chief Gary Johnson of Roanoke, representing the Texas Police Chiefs Association (TPCA), recognized Chief Kancel and the Police Department for meeting the required standards and practices in order to be designated a recognized department by the TPCA.

2. Proclamation for 'Say No To Bullying' campaign

Min Rosalind Spencer accepted the proclamation for the "Say No To Bullying" campaign.

**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 names and address</b>	<b>Subject (as identified on the speaker form)</b>
1.	Marilyn Jenkins, 6716 Raintree Pl	
2.	Carol Kohankie, 4312 Lauren Way	Library Event
3.	Greg Harper, 2129 Newport Dr	Town Council behavior/conduct
4.	Jason Hitt, 912 Wood Duck Way	Stuff
5.	Jody Boutier, 2201 Jester Ln	
6.	David Vaught, 2208 Lake Lugano	Staff Support
7.	Doug Brown, 1721 Ingleside Dr	
8.	Dennis Toth, 2026 Skelton St.	Thanks
9.	Jim Engel, 5110 Bayberry	2016 CIP
10.	Clare Schroeder Brown, 1721 Ingleside Dr	
11.	Kathy OKeefe, 3004 Oxford Ct	Announcements Social Event
12.	Sharon Gentry, 2750 Bob White Ln	Budget
13.	Lorraine Gonya, 2217 Shumard Ln	Thank Council & staff for Senior Ctr
14.	Leo Gonya, 2217 Shumard Ln	Thanks for Senior Center
15.	Wildon Harris, 6018 Plantation Ln	Thank you for new senior facility
16.	Mike Wilhelm, 816 Lake Bluff Dr	Thank you
17.	Si Simonson, 3104 Native Oak	Veterans Day
18.	Dewayne Woodring, 1309 Noble Way	Senior Center
19.	Michael Upchurch, 2708 Winding Path Way	Staff Support
20.	Emily Strittmatter, 4816 Mesquite St	Confidentiality Sharing Privileged information

As a result of comments made during public participation, Mayor Hayden asked Mr. Stathatos to provide a statement of fact for the following inquiries:

- Rippy Road improvements as it relates to the budget

**F. ANNOUNCEMENTS**

Deputy Mayor Pro Tem Gelbman expressed appreciation for the work of fire and police personnel. He also provided comments related to the investigation.

**G. TOWN MANAGER'S REPORT**

1. Report related to capital improvement projects

Mr. Stathatos gave a report on the following capital improvement projects:

- Twin Coves park

2. Economic Development projects

Mr. Stathatos gave a report on the following economic development projects:

- Retail and restaurant survey underway
- Lakeside DFW restaurant updates
- Taco Ocho
- The Table
- Gloria's
- Pie Five

3. Update on regional transportation issues.

Mr. Stathatos presented an opportunity that recently became available to incorporate the utilization of public transportation options on a short term or trial basis.

4. Update on the investigation.

Mr. Stathatos gave an update relative to the steps involved with the investigation as outlined by Mr. Foster, and including where the firm is in that process.

**H. FUTURE AGENDA ITEMS**

Deputy Mayor Pro Tem Gelbman requested a special Council meeting on Sat, 9/26 for the purpose of reconsidering the continuance of the investigation.

There was Council discussion relative to:

- Allowing the investigator to complete his job and if it is stopped before it is completed there will be lingering questions out there forever
- Scheduling conflicts with many upcoming meetings
- Interest in getting the questions answered and then get the report
- Whether support for having a special meeting, and if not Saturday, perhaps another option could be considered

Three members of Council did not agree to move forward with a special meeting for this purpose.

*Administrative Note: Section 3.08.1 of the Town Charter states that the Mayor or any three(3) members of the Council may call special meetings by giving notice to the Town Secretary who shall notify each member of the Council of the time of such meetings and purpose thereof. Only matters mentioned in the call shall be considered.*

Councilmember Webb requested a review of the Town's urban design plan and the primary and secondary uses, particularly regarding stucco, and for staff to make any appropriate recommendations for Planning & Zoning and then to Council for consideration.

There was Council consensus to have the topic for discussion on a future agenda.

Councilmember Bryant requested staff bring forward any proposals relative to public transportation opportunities at a future work session as was mentioned in the Town Manager's report.

There was Council consensus to have the topic for discussion on a future agenda.

**I. COORDINATION OF CALENDARS**

The next Town Council meeting is for board & commission interviews on Tuesday, Sept. 29th and Wednesday, Sept. 30th (6:00 - 7:30 p.m.)

Mayor Hayden confirmed the availability of members of Council for the above dates.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 17, 2015.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 17, 2015.

*Item #2 was removed from consent.*

3. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RECOMMENDATION:** Move to approve a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RESOLUTION NO. 16-15**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider approval of an ordinance amending Appendix A "Fee Schedule" of the Code of Ordinances by amending the charges for the Stormwater Utility System fee adopted under Section 70-777.

**RECOMMENDATION:** Move to approve an ordinance amending Appendix A "Fee Schedule" of the Code of Ordinances by amending the charges for the Stormwater Utility System fee adopted under Section 70-777.

**ORDINANCE NO. 51-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

5. Consider and approve annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.

**RECOMMENDATION:** Move to approve the annual update to the Riverwalk Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

6. Consider approval of a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide design services in the amount of \$60,100.00, for segment one of the Pink Evening Primrose Trail project; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve to approve Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide design services in the amount of \$60,100.00, for segment one of the Pink Evening Primrose Trail project; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of Amendment No. 7 to the Fiscal Year 2014-2015 Capital Improvement Program and ratification of the Lee property purchase.

**RECOMMENDATION:** Move to approve Amendment No. 7 to the Fiscal Year 2014-2015 Capital Improvement Program and ratification of the Lee property purchase.

Mayor Pro Tem Dixon moved to approve by consent Items 1, 3-7. Councilmember Bryant 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.*

2. Consider approval of the minutes from a regular meeting of the Town Council held on September 8, 2015.

Councilmember Webb indicated the reason for pulling the minutes was because there was a request from a resident that Councilmember Rountree's comments from the September 8, 2015 meeting be included verbatim.

Councilmember Webb moved to postpone this item until the first meeting in October for inclusion of verbatim comments from Councilmember Rountree's statement from the September 8, 2015 Town Council meeting.

*The motion failed due to a lack of a second.*

Councilmember Rountree moved to approve the minutes from a regular meeting of the Town Council held on September 8, 2015. Councilmember Bryant seconded the motion.

## VOTE ON MOTION

**AYES: ROUNTREE, BRYANT, DIXON**

**NAYS: WEBB**

**ABSTAIN: GELBMAN**

*Motion passed.*

## K. REGULAR ITEMS

*Mayor Hayden opened items 8, 9, 10, & 11 at the same time at 7:33 p.m.*

Ms. Wilson gave a presentation identifying or noting:

- Required budget and tax rate adoption language
- 2015 debt service & tax rates
- How Flower Mound compares
- Required publishing language
- General fund
- Utility Fund
- Stormwater utility fund
- Stormwater utility system rate
- SWUS Rates for 2015-16
- Special revenue funds
- Crime control & prevention district and Fire Control, prevention, & Emergency Medical Services District Budget
- Compensation/benefits
- Changes since proposed budget filed
- Community support funding overview
- Street projects
- Street reconstruction project
- Signals projects
- Parks projects
- Facilities projects
- Water projects
- Wastewater projects
- Stormwater projects

Mr. Stathatos, Ms. Wallace, Mr. Hoefert, or Mr. Parr responded to questions or comments from Council as follows:

- Funding sources if Rippy Road improvements are needed (TIRZ, General Fund, etc.)
- How is an urban collector road defined
- A closer review of the changes since the proposed budget
- Benefit associated with the survey of trees on Town owned property (i.e. parks)—basically an inventory of trees

Mayor Pro Tem Dixon proposed the following budget items for Council consideration: 1) body worn camera system for police officers; and 2) Town owned tree survey (for trees that are on public land).

Mayor Hayden inquired of Council if there was interest in going forward with making improvements to Rippy Road.

There was Council discussion related to:

- If this item should go back to the Transportation Commission for consideration, including neighborhood involvement for their input
- How would the Rippy Road improvements compare to what was done on Sagebrush
- Interest in having a discussion at a future work session relative to general costs

Mayor Hayden summarized that the consensus of Council is to discuss Rippy Road improvements at a future work session.

8. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, and making appropriations for each fund and department.

**ORDINANCE NO. 52-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

- 8a. Councilmember Webb moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, and making appropriations for each fund and department, including \$57,500 for the tree survey as discussed. Councilmember Bryant seconded the motion.

*Administrative Note: The motion didn't need to be modified to reflect the addition of the body worn camera system as it was already included in the packet for consideration.*

**VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

- 8b. Councilmember Webb moved to ratify the property tax revenue increase reflected in the FY 2015-2016 budget. Councilmember Bryant seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

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 adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016.

**RESOLUTION NO. 17-15**

**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, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Councilmember Webb of The Town Council, acting as the Board of Directors for the Crime Control and Prevention District, moved to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016. Deputy Mayor Pro Tem Gelbman seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

10. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016.

Mayor Pro Tem Dixon of The Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, moved to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016. Councilmember Bryant seconded the motion.

**RESOLUTION NO. 18-15**

**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 FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

11. Consider approval of an ordinance adopting the 2015 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2015.

Councilmember Bryant moved that the property tax rate be increased by the adoption of a tax rate of \$0.4390 per \$100 of assessed value, which is effectively a 5.72 percent increase in the tax rate; and move to approve an ordinance adopting the 2015 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2015." Councilmember Webb seconded the motion.

**Council Discussion**

Ms. Wallace responded to a Council inquiry noting that this is not an increase in the tax rate, and the tax rate is staying the same; however, it's increasing tax revenue and its legislatively required to make the motion as written.

**ORDINANCE NO. 53-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015, AND ENDING ON SEPTEMBER 30, 2016, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4390 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2015; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2015 TAX ROLLS; REPEALING**

**CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

12. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0008 – Specific Plan Area 2) to amend Section 3, Specific Plans, by modifying the access standards and map for Specific Plan Area 2 (SPA 2) to address the Bob White Lane public access, utility and sidewalk easements per the terms of the approved Contract of Sales Agreement, and to consider adopting an ordinance providing for said amendment. SPA 2 is generally located on both sides of Long Prairie Road (FM 2499) between Sagebrush Drive and Chaparral Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.) (The Town Council postponed this item to its September 21, 2015, meeting.)*

**Staff Presentation**

Mr. Parr provided a status update relative to where staff is in discussing previous options.

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

- What items are pending for option three as discussed at a previous meeting
- Clarification that the work still to be done is in conjunction with the agreement that is already in place and to allow more time to finalize those components of the agreement

Councilmember Webb moved to postpone a request for a Master Plan Amendment (MPA15-0008 – Specific Plan Area 2) to amend Section 3, Specific Plans, by modifying the access standards and map for Specific Plan Area 2 (SPA 2) to address the Bob White Lane public access, utility and sidewalk easements per the terms of the approved Contract of Sales Agreement, and adopt an ordinance providing for said amendment, to October 19, 2015. Deputy Mayor Pro Tem Gelbman seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

13. Public Hearing to consider amending Town Ordinance Chapter 50, Article IV; Regulation of Sex Offenders.

**Staff Presentation**

Chief Kancel gave a presentation identifying or noting:

- Background information

- Amendment changes overview
- Recommended amendments

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

- How many registered sex offenders are in the Town of Flower Mound
- Legality of the proposed changes
- What is the status of the Lewisville lawsuit
- How would a property owner or landlord find out definitively if one of their units were in the prohibited districts

*Administrative Note: While the item was posted with the text of a public hearing in the caption it was not required, therefore a public hearing was not conducted for this item.*

Deputy Mayor Pro Tem Gelbman moved to approve amending Town Ordinance Chapter 50, Article IV; Regulation of Sex Offenders, and with the setback boundary distance to increase from 1,500 to 2,000 feet. Mayor Pro Tem Dixon seconded the motion.

#### **Council Discussion**

There was Council discussion regarding the need to monitor this regulation in the event Council action is needed in the future based on future judicial rulings.

#### **ORDINANCE NO. 54-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE IV, "REGULATION OF SEX OFFENDER RESIDENCY," OF CHAPTER 50, "OFFENSES," OF THE CODE OF ORDINANCES TO EXPAND THE LIST OF PREMISES WHERE CHILDREN COMMONLY GATHER AND TO CREATE A NEW OFFENSE FOR PROVIDING A RESIDENCE TO A PERSON THAT WOULD VIOLATE THE RESIDENCY RESTRICTIONS CONTAINED IN THIS ORDINANCE; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

#### **VOTE ON THE MOTION**

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

**NAYS: NONE**

*Motion passed.*

14. Public Hearing to consider a request for rezoning (ZPD15-0009 - Prairie Commons) from Single-Family District-10 (SF-10) to Planned Development District No. 142 (PD-142) with Retail District-2 (R-2) and Office District (O) uses with certain modifications, exceptions and waivers to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Yucca Drive and north of Sagebrush Drive. *(The Planning and Zoning Commission recommended approval with conditions by a vote of 4 to 2 at its September 14, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photos from the site
- Conceptual elevations
- Comments from the P & Z meeting

Mr. Powell responded to questions from Council as follows:

- If the drive aisle is intended to connect in the future or will it be a dead end to nowhere
- Clarification of the SF10 zoning
- Access entrances
- Clarification regarding the private road named Prairie Trace
- If the asphalt trail on Town right of way is something the Town desires
- What were the changes since the P & Z presentation

and the following questions were after the public hearing:

- Clarification that the item before council is for the zoning changes and not Camp Bow Wow
- Clarification regarding the Cistern used at Highlands Ranch
- Clarification regarding what laboratory use means
- Which direction would Yucca expand to (east or west)
- Who's responsibility is it to provide the sidewalk
- For the sidewalk to the north of Prairie Commons, and the connectivity in to Yucca, why it couldn't run along Churchill
- Clarification regarding the timing and expansion of Yucca
- When some of the other access points open up, would there be an option to reduce some of the cuts on Yucca
- Purpose of the Town's access management plan and how it works
- Why Council is voting on a concept plan versus a site plan
- What type of changes can be made administratively and the subsequent process

**Applicant Presentation**

Randi Rivera, G & A Consultants, Land Planner, 111 Hillside Dr, Lewisville, TX

Ms. Rivera introduced Bill and Weston Neiman, 4111 N US Hwy 377, Junction, TX

Bill and Weston provided background and historical information related to the site and the project, including rainwater harvesting options proposed for use on in this project.

Ms. Rivera gave a presentation identifying or noting:

- Native prairie theme
- Small business environment
- Lead tenant - Camp Bow Wow
- Master Plan – SPA 1
- Town trail map

- 1<sup>st</sup> version of concept plan
- 2<sup>nd</sup> version of the concept plan
- 3<sup>rd</sup> version of the concept pan
- Neighborhood meeting feedback from July 21, 2015
- Concept plan as presented at the 9/14/15 P & Z meeting
- Concept plan – tract A & B
- Proposed concept plan (as shown in the packet)
- Conceptual elevations – retail buildings (Tract A)
- Conceptual elevations – office buildings (Tract B)
- Preserving existing trees
- Prairie commons design principles

Ms. Rivera responded to questions from Council as follows:

- Clarification regarding the number of trees anticipated to be saved
- What is the possibility of using live landscape screens around the cisterns, for aesthetic reasons

Mayor Hayden opened the Public Hearing at 9:29 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 below represents individuals who submitted a card, however, did not wish to speak.*

Support:	Partial Support	Opposition:	Question(s)/Comments/or position unknown
Angie Cox, 7616 Emerson Ln	Steve Furbacher, 3421 Windchase Dr	Danny Cazzola, 3417 Windchase Dr.	
Cara & Amy Petrie, 1334 Edmonton Dr, Lewisville; 1005 Calgary Ct, Lewisville	<i>Janvier Scott, 2829 Bob White (with P &amp; Z conditions)</i>	Kathy Meacham, 2512 Stone Bridge Dr	Erica Cassimere, 2509 Stone Bridge Dr.
Christine Richter, 2604 Stillwater Ct		<i>Kathleen Banes, 2132 Longfellow</i>	
Anisa Blanks, 1408 Springaire, Lewisville		Kris Thompson, 1501 Holly Oak Ct	
Carol Kohankie, 4312 Lauren Way			
David Johnson, 3617 San Paula			

Javier Caramelo, 1408 Springaire, Lewisville, TX			
Scott Walley, 2828 Dickens Ln			

Mayor Hayden closed the Public Hearing at 10:00 p.m.

There was Council discussion regarding:

- Curb cuts
- The overall concept plan opportunity for Flower Mound small businesses
- Appreciation for the historical background related to the property
- Appreciation as to how the neighborhood was involved

Councilmember Webb moved to approve a request for rezoning (ZPD15-0009 – Prairie Commons) from Single-Family District-10 (SF-10) to Planned Development District No. 142 (PD-142) with Retail District-2 (R-2) and Office District (O) uses with certain modifications, exceptions and waivers to the Code of Ordinances, and adopt an ordinance providing for said amendment, and excluding the temporary asphalt sidewalk, and that the project will be in compliance with the urban design standards. Councilmember Bryant seconded the motion.

**ORDINANCE NO. 55-15**

**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 6.417 ACRES OF LAND SITUATED IN THE J. T. STEWART SURVEY, ABSTRACT NUMBER 1161, DENTON COUNTY, TEXAS, FROM SINGLE-FAMILY DISTRICT-10 (SF-10) TO PLANNED DEVELOPMENT DISTRICT NO. 142 (PD-142) WITH RETAIL DISTRICT-2 (R-2) AND OFFICE DISTRICT (O) 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, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

**ABSENT: ROUNTREE**

*Motion passed.*

*Town Council recessed at 10:30 p.m. and reconvened at 10:38 p.m.*

15. Consider a request for a Development Plan (DP15-0005 – Trailwood) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town, and acceptance of cash in lieu of land in the amount of \$602,179.20 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$428,892.00. The property is generally located south of Cross Timbers Road and west of U.S. 377. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 14, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photos from the site
- Development plan

Mr. Powell, Ms. Wallace, or Mr. Stathatos responded to questions from Council as follows:

- If the applicant has a choice as to whether or not to donate cash in lieu of land
- What is the size of the park land the Town is giving up

Councilmember Webb moved to approve a Development Plan (DP15-0005 – Trailwood) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement, and authorize the Mayor to execute same on behalf of the Town, and acceptance of cash in lieu of land in the amount of \$602,179.20 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$428,892.00. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: DIXON, BRYANT, WEBB**

**NAYS: GELBMAN**

**ABSENT: ROUNTREE**

*Motion passed.*

*Mayor Hayden opened items 16, 17, and 18 at the same time.*

16. Public Hearing to consider a request for rezoning (ZPD15-0011 – Hillside of Flower Mound) from Agricultural District (A) to Planned Development District No. 143 (PD-143) for a cluster development with certain modifications, exceptions and waivers to 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 Shiloh Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its September 14, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the site
- Information specific to the Cross Timbers Conservation District, including cluster standards
- Development plan
- Environmentally Sensitive Areas (ESA)
- Slopes
- Tree survey
- Exceptions and waivers

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

- The Town's authorization level relative to the tree removal
- What are the reapplication limitations
- What is the penalty in the tree ordinance when more than 19 trees are cut without a permit (not related to the current project)
- Clarification regarding the slopes and what the exception allowance is for and the associated boundary
- Why the exception related to the slopes is needed

**Applicant Presentation**

Reginald Rembert, 3625 Bonanza Lane, Flower Mound

Mr. Rembert gave a presentation identifying or noting:

- Background information about his company
- Planned development purpose and intent overview
- Objective
- Our Plan
- Town Ordinance 64-13
- Development challenges
- Upland habitat/trees
- Topography and drainage
- Topography slope exception
- Project specifics
- Development plan data
- Open space/open space management
- Landscape plan
- Entry wall details
- Split rail fencing
- Actual open space photos
- Community meetings
- Community concerns
- Traffic
- Drainage plan



- Preservation
- Without the slope protection the project is not developable
- How they are meeting the intent of SMARTGrowth
- How the variance for the slope protection is needed for just over two acres

Mr. Rembert responded to questions from Council, or as a result of the public hearing related to:

- Access from 1171 being a TxDOT decision
- Open space
- What does an HOA under direction of an arborist mean
- Justification for the credit request
- How much open habitat would have been saved if didn't have to connect to the streets
- If there was interest in postponing the item until a full Council is represented due to the super majority requirement
- How the septic system will be handled
- Concerns about traffic
- Could the road going north to the upper part of the development be considered as a separate project

Mayor Hayden opened the Public Hearing for items 16 and 17 at 11:39 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:</b>	<b>Question(s)/Comments Only</b>
Janvier Scott, 2829 Bob White Ln	None.	Neal VanCleve, 4008 Ridgecrest Dr
Thomas Brown, 6600 Oakview Dr		Marsha Gavitt, 6501 Meadowcrest Ln
Angie Cox, 7616 Emerson Ln		

Mayor Hayden closed the Public Hearing for items 16 and 17 at 11:55 p.m.

Councilmember Webb moved to approve a request for rezoning (ZPD15-0011 – Hillside of Flower Mound) from Agricultural District (A) to Planned Development District No. 143 (PD-143) for a cluster development with certain modifications, exceptions and waivers to the Code of Ordinances, and adopt an ordinance providing for said amendment, including the exception for the 12 degree slope, but not providing an exception for upland habitat. Councilmember Bryant seconded the motion.

**Council Discussion**

There was Council discussion related to:

- Past projects with 12% slope requests
- The engineering report on the water will be important to ensure water doesn't get diverted on the adjacent homeowners

**ORDINANCE NO. 56-15**

**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 43.20 ACRES OF LAND SITUATED IN THE TEXAS & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 1618, AND MEMPHIS, EL PASO & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 935, DENTON COUNTY, TEXAS, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 143 (PD-143) 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: DIXON, BRYANT, WEBB**

**NAYS: GELBMAN**

**ABSENT: ROUNTREE**

*Mr. Meredith confirmed that the zoning passed but the exception component of the zoning failed because it requires a unanimous vote.*

Mr. Rembert sought clarification regarding what that means to the project and Mr. Meredith clarified.

17. Public Hearing to consider an application for a tree removal permit for nine (9) specimen trees on property proposed for development as Hillside of Flower Mound. The property is generally located south of Cross Timbers Road and west of Shiloh Road. *(The Environmental Conservation Commission recommended approval by a vote of 4-2-0 at its September 1, 2015, meeting).*

Mayor Pro Tem Dixon moved approve the requested permit for nine (9) specimen trees on property proposed for development as Hillside of Flower Mound. The property is generally located south of Cross Timbers Road and west of Shiloh Road. Councilmember Webb seconded the motion.

There was Council discussion noting it is believed that the applicant will be able to save 5 of the 9 trees.

**VOTE ON THE MOTION**

**AYES: WEBB, BRYANT, DIXON**

**NAYS: GELBMAN**

**ABSENT: ROUNTREE**

*Motion passed.*

18. Consider a request for a Development Plan (DP15-0007 - Hillside of Flower Mound) to develop a residential subdivision, and acceptance of cash in lieu of land in the amount of \$31,298.40 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$37,476.00. The property is generally located south of Cross Timbers Road and west of Shiloh Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its September 14, 2015, meeting.)*

Mr. Powell noted that because the slope protection wasn't passed he didn't know how you could approve the development plan because you show a roadway going through the middle of it.

Mr. Meredith clarified that the development plan would be administrative, provided it meets all of the requirements of the Town's Ordinances, and it presupposed that the exception would be granted, but it was not, resulting in having a non-compliant development plan. He also summarized next step options.

Mr. Rembert indicated he is acceptable to withdrawing the development plan until the slope protection could be worked out.

No Council action was taken on this item.

Mayor Hayden opened *items 19, 20, & 21 at the same time.*

19. Consider a request for a Development Plan (DP15-0008 – Southgate - Northeast Tract) to develop non-residential and residential subdivisions. The property is generally located north of Long Prairie Road and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 14, 2015, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General and detailed site location
- Land use and zoning
- Photos of the site
- Development plan

Councilmember Webb moved to approve a Development Plan (DP15-0008 – Southgate-Northeast Tract) to develop non-residential and residential subdivisions. Councilmember Bryant seconded the motion.

**VOTE ON THE MOTION**

**AYES: GELBMAN, DIXON, BRYANT, WEBB**  
**NAYS: NONE**  
**ABSENT: ROUNTREE**

*Motion passed.*

20. Consider a request for a Development Plan (DP15-0009 – Southgate - Northwest Tract) to develop non-residential and residential subdivisions. The property is generally located north of Long Prairie Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 14, 2015, meeting.)*

Councilmember Webb moved to approve a Development Plan (DP15-0009 – Southgate - Northwest Tract) to develop non-residential and residential subdivisions. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, BRYANT, DIXON, GELBMAN**  
**NAYS: NONE**  
**ABSENT: ROUNTREE**

*Motion passed.*

21. Consider a request for a Development Plan (DP15-0010 – Southgate - South Tract) to develop a non-residential subdivision. The property is generally located south of the intersection of Long Prairie Road and Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 14, 2015, meeting.)*

Councilmember Bryant move to approve a Development Plan (DP15-0010 – Southgate - South Tract) to develop a non-residential subdivision. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: GELBMAN, DIXON, BRYANT, WEBB**  
**NAYS: NONE**  
**ABSENT: ROUNTREE**

*Motion passed.*

**L. 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.

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

The Town Council did not convene into closed session.

- a. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals 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.

- 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 Pro Tem Dixon adjourned the meeting at 12:28 a.m. on Tuesday, September 9, 2015, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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

**ATTEST:**

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

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