

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF OCTOBER 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 (<i>arrived at 6:31 p.m.</i>)
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
James Hoefert	Environmental Review Analyst
Chuck Jennings	Director of Parks and Recreation
Matt Hotelling	Traffic Engineer
Mark Wood	Director of Economic Development

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Dixon called the regular meeting to order at 6:03 p.m.

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

Chaplain Mike Liles gave the invocation and Mayor Pro Tem Dixon led the pledges.

D. PRESENTATIONS

1. Art Month Proclamation

Sue Ridnour, Director of Library Services, and the Cultural Arts Commission members, accepted the proclamation.

2. Fire Safety Month Proclamation

Chief Eric Greaser and firefighters 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.

	Speaker names and address	Subject (as noted on speaker form)
1.	Bobbie Mitchell, 190 N Valley Pkwy, Lewisville	Thank you
2.	Martin Warner, 2801 S Garden Ridge	Fence repairs, fence easement, Town's notification policy (land owner's and utility projects)
3.	Carol Kohankie, 4312 Lauren Way	Items 5 & 6

F. ANNOUNCEMENTS

Mayor Pro Tem Dixon announced that the Flower Mound Citizen's Academy is scheduled to launch in January and has reached its capacity of participants.

Deputy Mayor Pro Tem Gelbman announced that the Fire citizen's Academy is scheduled to start in January.

Councilmember Bryant announced appreciation for the Fire Department Open House and encouraged residents to attend the Police Department Open House scheduled for October 17th.

Councilmember Webb offered his appreciation for the Fire Department Open House. He also announced the voting schedule for the Town's upcoming election regarding the street maintenance reauthorization ballot item.

G. TOWN MANAGER'S REPORT

1. Report related to capital improvement projects

Mr. Stathatos gave a report on the following CIP items:

- Traffic signal at Riverwalk and FM 1171
- Rheudasil/Wilkerson pond

2. Economic Development projects

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

- Permit issued for Marriott Courtyard Riverwalk last week
- Lakeside DFW restaurant – Paradise Bistro
- Taco Ocho restaurant opens Wednesday (near Market Street)
- The Table will open October 20th
- Benco Dental in the Lakeside Business District

3. Update on Public Information Requests

Mr. Stathatos gave an update on the increase in the amount of public information request the Town has recently experienced.

4. Other

- a. Mr. Stathatos and Mr. Parr offered clarification relative to comments made by Mr. Warner during public participation.
- b. Mr. Stathatos offered a response to an inquiry from Deputy Mayor Pro Tem Gelbman regarding an update on the community garden or farmer's market.

H. FUTURE AGENDA ITEMS

Councilmember Bryant indicated he would like to have a future work session item about the Town's water use, including any conservation policies, etc.

I. COORDINATION OF CALENDARS

The next Town Council meeting is a scheduled for October 15th, work session

Mr. Stathatos pointed out Mr. Woods is not available for the October 15th work session and asked Council to consider rescheduling the items previously scheduled for that date to the November work session.

Mayor Hayden suggested moving the October 15th work session to October 22, 2015 with the following items to be discussed:

- Parkland fee calculations
- Tree protection programs
- Mass transit items

J. CONSENT ITEMS

1. Consider an amendment to the Contract of Sale Agreement for a public access and utility easement from Janvier Scott for Bob White Lane to extend the termination date.

RECOMMENDATION: Move to authorize the Mayor to execute an extension to the Contract of Sale Agreement for a public access and utility easement from Janvier Scott for Bob White Lane to December 18, 2015.

2. Consider approval to renew an agreement with other local Law Enforcement agencies to provide holding facility services and warrant services.

RECOMMENDATION: Move to approve the continuation of agreements with the cities of Corinth, Texas, Double Oak, Texas and Northlake, Texas (Holding Only) to provide Holding Facility and Warrant Services.)

3. Consider approval of an Interlocal Cooperation Contract and Memorandum of Agreement with North Central Texas Trauma Regional Advisory Council (NCTTRAC) for the utilization of an ambulance bus (AMBUS) for state, regional and local deployments, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Interlocal Cooperation Contract and Memorandum of Agreement with North Central Texas Trauma Regional Advisory Council (NCTTRAC) for the utilization of an ambulance bus (AMBUS) for state, regional and local deployments, and authorize the Mayor to execute same on behalf of the Town.

Items 4, 5, and 6 were removed from Consent.

7. Consider approval of the replacement of the Community Activities Center gymnasium floor in the amount of \$99,954, from Ponder Company Inc.

RECOMMENDATION: Move to approve the replacement of the Community Activities Center gymnasium floor in the amount of \$99,954, from Ponder Company Inc.

8. Consider acceptance of grant funds and execution of a letter agreement with CoServ Charitable Foundation in which the Town agrees to use the grant money to purchase a swift water rescue boat, motor and trailer for the Fire Department; and authorization for the Mayor to execute said letter agreement on behalf of the Town.

RECOMMENDATION: Move to authorize the acceptance of grant funds, and execution of a letter agreement with CoServ Charitable Foundation, in which the Town agrees to use the grant money to purchase a swift water rescue boat, motor and trailer; and authorize the Mayor to execute said letter agreement on behalf of the Town.

Mayor Pro Tem Dixon moved to approve by consent Items 1 - 3; 7, 8. 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

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NAYS

K. REGULAR ITEMS

4. Consider approval of an ordinance modifying the definition of Motor vehicle or vehicle by amending Chapter 54 of the Code of Ordinances, entitled "Parks and Recreation".

Mr. Jennings gave a presentation identifying or noting:

- Proposed definition
- Why the Ordinance needs to be updated
- Enumeration of prohibited acts

Mr. Jennings responded to questions from Council regarding:

- Use of drones during police or fire emergencies
- What is required to get permission
- Penalty associated with violation of the ordinance
- Concerns regarding implementing a total ban and making the regulations too rigid

Councilmember Webb moved to approve an ordinance modifying the definition of Motor vehicle or vehicle by amending Chapter 54 of the Code of Ordinances, entitled "Parks and Recreation". Deputy Mayor Pro Tem seconded the motion.

There was Council discussion regarding:

- Federal regulations still in progress
- Concerns regarding too rigid of a policy
- Penalty versus banning altogether

VOTE ON MOTION:

AYES: WEBB, BRYANT

NAYS: ROUNTREE, DIXON, GELBMAN

Motion failed, with a recommendation from Council for staff to bring forward an item for discussion.

5. Consider approving waiver for penalty and interest on property tax account: 559671DEN.

Ms. Wallace responded to questions from Council regarding:

- The exact property location and owners involved
- Comments from public participation
- The purpose for the waiver request

Councilmember Webb moved to approve waiver for penalty and interest on property tax account: 559671DEN, and Councilmember Bryant seconded the motion

Council Discussion

- Past experience with the taxing district with respect to lack of penalty waivers due to a clerical error
- Who actually made the error

VOTE ON MOTION:

AYES: GELBMAN, BRYANT, WEBB, ROUNTREE

NAYS: DIXON

Motion passed.

6. Consider approving waiver for penalty and interest on property tax account: 632534DEN.

Councilmember Bryant moved to approve waiver for penalty and interest on property tax account: 632534DEN. Councilmember Webb seconded the motion.

VOTE ON MOTION:

AYES: ROUNTREE, WEBB, BRYANT, GELBMAN

NAYS: DIXON

Motion passed.

Mayor Hayden opened items 9 and 10 at the same time.

9. Public Hearing to consider a request for rezoning (ZPD15-0007 – Hawks Hill) from Agricultural District (A) to Planned Development District No. 141 (PD-141) 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 Long Prairie Road and south of Waketon Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 28, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Land use and zoning
- Photos of the site
- Concept plan
- Conceptual elevations
- Residential compatibility buffer and setback (LDR)
- Slopes

Mr. Hotelling gave a presentation identifying or noting:

- Traffic impact analysis

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

- A request for examples of past practices regarding approval of the spacing requirements associated with the exceptions
- Delineations associated with the C and D levels as it relates to SMARTGrowth
- Why the SMARTGrowth policy doesn't apply to state roadways
- Clarification that the road would be a level C based on the improvements on Waketon
- What is planned in relation to improvements for Waketon and the CIP
- Assumptions associated with the traffic models used to run the TIA and if the land uses change, does that trigger the need to do a new TIA
- Did the TIA take into account Highland Court
- Various traffic related questions
- Compatibility buffer exception
- Will the end result be three types of zoning
- Does the Master Plan view a street as a land use

Applicant Presentation

Kendra Stephenson, Portmanteau Consulting, 2321 Roadrunner Drive, representing Hawks Ramsey on the proposed hawks Hill development

Ms. Stephenson gave a presentation identifying or noting:

- Property Location
- Master Plan designation
- 100% compliance with all SMARTGrowth requirements (slope protection, TIA, etc.)
- Landscape screening and open space
- Parking
- Curb cuts
- Residential line 550' from Rippy Road
- Pedestrian linkages and Town trail
- Tree preservation

- Concept plan
- “The Hill” holds great meaning to the community and provides a unique design feature for the landowner and future development
- Integrating “The Hill” is a central design criteria
- Open space in comparable neighborhood retail/office developments
- Open space is distributed to maximize usability and capture the natural beauty of the site
- Center drive creates a natural focal point
- Lugo Drive is coordinated with existing and future conditions
- Required compatibility buffer and setback for future residential is greatly enhanced
- Access drive spacing is determined by existing conditions
- Past examples where compatibility exceptions were granted

Ms. Stephenson responded to questions or comments from Council as follows:

- If the stairs mentioned meets ADA requirements
- SMARTGrowth criteria versus goals
- Are the parking lots counted toward open space
- Will the height of the hill be reduced
- Have they met with any of the neighbors
- Past examples where driveway exceptions were granted

Ms. Stephenson responded to questions as mentioned during public participation as follows:

- 15 acres of property available for consideration, however, not at this time
- Property surrounding Win Kids
- Design criteria as it relates to slopes

Mayor Hayden opened the Public Hearing for items 9 and 10 at 7:50 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Carol Kohankie, 4512 Lauren Way	Cindy Spilberg, 5204 Bayberry St.	Kathy Duke, 4100 Morris Rd
Jim Englel, 5110 Bayberry St	Shyron Shenko, 5001 Rippy Rd	David Hodges, 2708 Compton Ct
Michael Upchurch, 2708 Windy Path Way	Selina McUumber, 3204 Pecan Meadows	
Jill Lange, 2609 Pasadena Place		
Janet Jones, 2113 Columbia Dr		

David Vaught, 2208 Lake Lugano		
Warner Watkins, 2800 London Ln		
James Benton, 4716 Seafarer		
Patsy Mizeur, 1821 Castle Ct		
Jay Marks, 2105 Larkspur		

Mayor Hayden closed the Public Hearing for items 9 and 10 at 8:19 p.m.

There was Council discussion related to:

- Highland’s Court and comment made about commercial use
- Why the exceptions make sense
- The need for additional improvements if approved
- Pine trees are fast growing and could easily be replaced
- Project buffer
- Building a structure near the crest and interest in preserving more of this natural feature
- Some concerns about the amount of traffic that will be generated

Councilmember Webb moved to approve a request for rezoning (ZPD15-0007 – Hawks Hill) from Agricultural District (A) to Planned Development District No. 141 (PD-141) 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. Mayor Pro Tem Dixon seconded the motion.

ORDINANCE NO. 57-15

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 18.578 ACRES OF LAND SITUATED IN THE JESSE WATKINS SURVEY, ABSTRACT NUMBER A-1341, DENTON COUNTY, TEXAS, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 141 (PD-141) WITH RETAIL DISTRICT-2 (R-2), OFFICE DISTRICT (O) AND AGRICULTURAL DISTRICT (A) 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:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

10. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Hawks Hill Addition. The property is generally located west of Long Prairie Road, and south of Waketon Road. *(The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its September 1, 2015, meeting.)*

Councilmember Webb moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as Hawks Hill Addition. The property is generally located west of Long Prairie Road, and south of Waketon Road. Councilmember Bryant seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

11. Public Hearing to consider a request for rezoning (MU15-0002 – Lakeside DFW) to amend Section 3, Table 3.1, "Permitted Use Table," of the Lakeside DFW Development Code to add a new use titled "temporary sales trailer" for the Lakeside DFW mixed use project, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road along both sides of Lakeside Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 28, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Item is for allowing a sales trailer on site to sell the remaining condos for the tower
- General location
- Detailed location
- Photographs of site
- Land use and zoning
- Concept plan
- Subzone plan
- Proposed standards (permitted time, size, setback, access, parking, exterior requirements)
- Summary of discussion at P & Z
- No public comments have been received

Mr. Powell and Mr. Stathatos responded to questions from Council regarding:

- Should there be a delegation of authority to Town staff for these types of request to be administratively approved

Applicant Presentation

Richard Myers, Managing Director, 909 Lake Carolyn Parkway, Suite 150, Irving, Texas, Realty Capital Management

Mr. Myers provided background information as to why the trailer is being requested and he responded to the following questions or comments from Council:

- Request for a photograph as to what the trailer will look like
- Interest in having the temporary trailer look nicer than what was presented in the photograph and suggested the applicant review the Canyon Falls property
- Why wouldn't one of the Lakeside DFW storefront spaces accommodate their needs

Mayor Hayden opened the Public Hearing at 9:10 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 9:10 p.m.

Mayor Pro Tem Dixon moved to approve a request for rezoning (MU15-0002 – Lakeside DFW) to amend Section 3, Table 3.1, "Permitted Use Table," of the Lakeside DFW Development Code to add a new use titled "temporary sales trailer" for the Lakeside DFW mixed use project, and adopt an ordinance providing for said amendment; and for 12 months from start. Time may be extended 18 months extension from the building start. Councilmember Bryant seconded the motion.

Mr. Powell clarified that the language in the presentation, and included as part of the motion, means that if the applicant gets a trailer they get 12 months; and if they get a building permit they get 18 months.

ORDINANCE NO. 58-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 63-12, THE LAKESIDE DFW MIXED USE DEVELOPMENT, AS AMENDED, THROUGH THE AMENDMENT OF EXHIBIT "B" ENTITLED "DEVELOPMENT STANDARDS" BY AMENDING SECTION 3, TABLE 3.1, "PERMITTED USE TABLE," TO ADD A NEW USE TITLED "TEMPORARY SALES TRAILER," APPLICABLE ONLY TO SUBZONE MU-TEN(2) AND SUBJECT TO CERTAIN CONDITIONS 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:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

12. Public Hearing to consider a request for a Specific Use Permit No. 436 (SUP15-0014 - The Learning Experience) to permit a day care center, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Justin Road and west of Stone Hill Farms Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 28, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photos of the site
- Concept plan
- Summary of the discussion at Planning & Zoning
- When the site plan comes back an appropriate compromise will be worked out with the property owner and the adjacent property owner
- Elevations

Mr. Powell responded to questions or comments from Council:

- Interest in having some architectural embellishments when the item comes forward

Mayor Pro Tem Dixon opened the Public Hearing at 9:15 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *All addresses are located in Flower Mound unless otherwise indicated.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Adam Spiess, 1816 Hidden Brook Trail	None	None

Mayor Pro Tem Dixon closed the Public Hearing at 9:16 p.m.

Councilmember Bryant moved to approve a Specific Use Permit No. 436 (SUP15-0014 – The Learning Experience) to permit a day care center, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Gelbman seconded the motion.

ORDINANCE NO. 59-15

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 APPROVING SPECIFIC USE PERMIT NO. 436 (SUP-436) FOR A DAY CARE CENTER ON CERTAIN PROPERTY DESCRIBED AS 0.9146 ACRES OF LAND IN THE ELISHA SMITH SURVEY, ABSTRACT NO. 1160, AND BEING A PORTION OF LOT 8-R1, BLOCK A, OF THE STONE HILL FARMS RETAIL ADDITION, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 43 (PD-43) WITH COMMERCIAL DISTRICT-2 (C-2) USES; 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:

Motion passed.

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

13. Public Hearing to consider a request for a Specific Use Permit No. 437 (SUP15-0015 - River Walk Reception Hall) to permit an assembly hall, and to consider adopting an ordinance providing for said amendment. The property is generally located north of 1st Avenue and east of River Walk Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 28, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Location
- Land use and zoning
- How an SUP is required for this use (assembly hall)
- Concept plan
- No comments from the public has been received

Mayor Pro Tem Dixon opened the Public Hearing at 9:19 p.m. No one spoke in support or opposition. Mayor Pro Tem Dixon closed the Public Hearing at 9:19 p.m.

Councilmember Webb moved to approve a Specific Use Permit No. 437 (SUP15-0015 - River Walk Reception Hall) to permit an assembly hall, and adopt an ordinance providing for said amendment. Councilmember Bryant seconded the motion.

ORDINANCE NO. 60-15

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 APPROVING SPECIFIC USE PERMIT NO. 437 (SUP-437) FOR AN ASSEMBLY HALL ON CERTAIN PROPERTY DESCRIBED AS 0.583 ACRES OF LAND AND BEING A PORTION OF LOT 1, LOT 2, AND LOT 2X, BLOCK A, OF THE RIVER WALK AT CENTRAL PARK, AND ZONED CENTRAL BUSINESS DISTRICT (CBD); 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:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

14. Public Hearing to consider a request for a Specific Use Permit No. 440 (SUP15-0017 - Turning Pointe) to permit a dancing, drama, or music school or studio, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Sagebrush Drive and east of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 28, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photos of the site
- Approved site plan
- Summary of correspondence to date

Mayor Hayden opened the Public Hearing at 9:22 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 9:22 p.m.

Councilmember Webb moved to approve a Specific Use Permit No. 440 (SUP15-0017 - Turning Pointe) to permit a dancing, drama, or music school or studio, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Gelbman seconded the motion.

ORDINANCE NO. 61-15

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 APPROVING SPECIFIC USE PERMIT NO. 440 (SUP-440) FOR A DANCING, DRAMA, OR MUSIC SCHOOL OR STUDIO ON CERTAIN PROPERTY DESCRIBED AS LOT 5R-B-R OF THE COKER ADDITION AND ZONED OFFICE DISTRICT (O) USES; 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:

Motion passed.

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Mayor Hayden opened items 15 and 16 at the same time.

15. Consider a Lease for 4,600-square-feet within building 600 of Parker Square for an entrepreneurial center, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Wood gave a presentation identifying or noting:

- Entrepreneurial center lease structure
- Photo of the site location space in Parker Square
- Professional services agreement details

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

- How does the Town measure the success of the center
- What is the mechanism to exit if it's not successful
- Interest in getting regular reporting, such as quarterly (including budget and activities)
- Why it's important to establish goals and a time period to achieve those
- Importance of having an entrepreneurial center
- What was the process for selecting DayOne Consulting and if other companies were considered

Councilmember Bryant moved to approve a Lease for 4,600-square-feet within building 600 of Parker Square for an entrepreneurial center, and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

16. Consider a Professional Services Agreement with DayOne Consulting to operate and provide consulting services for the Town's entrepreneurial center, and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Gelbman moved to postpone this item to allow time for staff to bring forward additional companies relative to the professional services agreement. Councilmember Rountree seconded the motion.

There was Council discussion regarding:

- Background information relative to how long the Town has been working with DayOne and how no other companies came forward over the course of the last nine months

VOTE ON THE MOTION:

Motion failed.

AYES: GELBMAN

NAYS: ROUNTREE, WEBB, BRYANT, DIXON

Councilmember Webb moved to approve a Professional Services Agreement with DayOne Consulting to operate and provide consulting services for the Town's entrepreneurial center, and authorize the Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: ROUNTREE, WEBB, BRYANT, DIXON

NAYS: GELBMAN

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.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:50 p.m. on October 5, 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 11:37 p.m. on October 5, 2015, to take action on the items as follows:

- 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, land generally located at the southeast corner of Flower Mound Road and Quail Run, and/or other municipal purposes and all matters incident and related thereto.

Councilmember Webb moved to approve a contract of sale with Vaquero Development for the purchase of property discussed in executive session (the log cabin) and authorize the Mayor to execute the same; and authorize the Town Manager to close on the property and execute all necessary documents associated with the acquisition of the property. Councilmember Bryant seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

- d. Annual Review of Town Manager and Town Secretary.

Mayor Pro Tem Dixon moved to approve the change in the Town Manager's compensation based on the discussion in closed session. Councilmember Bryant seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Mayor Pro Tem Dixon moved to approve the change in the Town Secretary's compensation based on the discussion in closed session. Councilmember Webb seconded the motion.

VOTE ON THE MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 11:39 p.m. on Monday, October 5, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY