

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF JANUARY 2016, 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
Mark Wise	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
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Mark Wood	Director of Economic Development

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:00 p.m.

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

Chaplain Roger Little gave the invocation Mayor Hayden led the pledges.

**D. 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 <i>(as written on the form)</i>
1.	Shyron Shenko, 5001 Rippy Rd	Safety on Rippy Road and investigation report

**E. ANNOUNCEMENTS**

Councilmember Dixon announced that he will not be seeking reelection for Place 4.

Councilmember Bryant welcomed the many Boy Scouts in attendance and expressed appreciation for the work they do in the Town.

Councilmember Webb announced that the Flower Mound High School cheerleaders placed 4<sup>th</sup> in the state during the recent UIL state cheerleading championship.

Mayor Hayden had the following questions and comments for the Town Manager to address during the Town Manager's report:

- For the recently acquired cabin, he encouraged preparations be made to discourage vandalism. He also noted there might be a need to have the County involved in the restoration and operation efforts.
- For the water tower next to Flower Mound High School, what is the possibility of having the text of Jaguar Spirit added to it? He suggested getting LISD input for the message they would like.
- A request for an update on Jake's Hamburgers relative to the extension coming to an end in February for the non-compliant signage.

**F. TOWN MANAGER'S REPORT**

**Update and discussion on:**

1. Update and status report related to capital improvement projects.

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

- Water tower and the championship recognition
- Dog park ribbon cutting next Friday
- Regency park pump station

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave a report on the following ED projects:

- Restaurant and retail update for Lakeside DFW
- Lakeside Business District update
- Restaurant and retail survey results

3. Update on the River Walk at Central Park.

Mr. Powell gave a report on the River Walk project identifying or noting:

- What has happened since the inception of the River Walk
- Table matrix that list the items, and includes a short description, and a color coded status
- Escrow and development agreement
- Restaurant row development agreement and associated deadlines
- Hotel amendment development agreement and associated deadlines
- Development process

Mr. Powell responded to questions from Council as follows:

- Does the Town know if the proposed list of restaurants identified last summer are still coming forward

4. Other

- a. At the request of Mayor Hayden, Mr. Stathatos provided an update on the cabin since it now belongs to the Town, and specifically as it relates to restoration.
- b. Mr. Stathatos reported that the Town is in the bidding process for the waste services.

**G. FUTURE AGENDA ITEMS**

1. Councilmember Webb requested the following future agenda items:

1. Hands free only ordinance for cell phone use in a car
2. Commemorative tree program for Environmental Conservation Commission consideration
3. Utilization of the parking lot next to Town Hall (previously used by the senior center) as a temporary location for the Farmer's Market

In accordance with the Town Council agenda setting policy, there was Council consensus to proceed with the above referenced future agenda item topics.

Deputy Mayor Pro Tem Gelbman revisited a previous suggestion about having a registration program for military personnel located in Flower Mound for the purpose of recognizing them when they return from deployments.

Mr. Stathatos responded that there was difficulty in finding a clearing house of information that identified all of the veterans that live in the Town.

Councilmember Bryant requested, in conjunction with the joint ECC meeting in Feb, to review the sustainability program for a status update and identify next steps.

Mayor Pro Tem Dixon requested that staff and members of Council come forward with points for consideration relative to placing possible Charter amendments on the ballot for the May 7<sup>th</sup> election. He pointed out there have been situations where the Charter has not been very clear and noted that it's mainly clean-up work that needs to be done. He suggested staff work with Council informally to come up some ideas or points Council might want to consider putting on the ballot for a Charter election.

Ms. Scott responded to questions related to timing.

Mr. Meredith responded to questions related to timing and an inquiry as to if there was a need for improvement and clarity in the Charter.

Mayor Hayden stated there would not be a need for a Charter Review Commission and Mayor Pro Tem Dixon clarified that it's mostly clean up anyway.

There was some discussion about timing and to consider bringing items forward with a Commission and for a November election.

In accordance with the Town Council agenda setting policy, there was Council consensus to proceed with having a discussion on possible Charter amendments.

**H. COORDINATION OF CALENDARS**

1. Mayor Hayden announced that the next Town Council meeting is a scheduled for February 1st.

2. Consider canceling the following 2016 meetings:

March 7, regular meeting (LISD Spring Break Week);

July 4, regular meeting (Independence Day)

Consider canceling and rescheduling the following 2016 meetings:

August 1, regular and reschedule to August 4 (Thursday)

August 18, work session and reschedule to August 11 (Thursday)

September 5 (Labor Day), regular and reschedule to September 6 (Tuesday)

Mayor Hayden pointed out the reasons for the March and July cancellations, and Ms. Scott and Ms. Wallace noted the other reschedule dates coincide with the budget needs.

There was Council consensus to proceed with the date changes as identified above.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on December 7, 2015.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on December 7, 2015.

*Item 2 was pulled from consent.*

3. Consider approval of the award of Request for Proposal Number 2016-10 to Metroport Meals on Wheels, Incorporated to establish an annual fixed-price contract to provide meals for the Town's Seniors Lunch Program in the estimated amount of \$55,575; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

**RECOMMENDATION:** Move to approve the award of Request for Proposal Number 2016-10 to Metroport Meals on Wheels, Incorporated to establish an annual fixed-price contract to provide meals for the Town's Seniors Lunch Program in the estimated amount of \$55,575; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

4. Consider approval of the purchase of one (1) new Caterpillar Backhoe/Loader w/Extend-a Hoe, 2WD for the Public Works Department from Holt Caterpillar, through the Texas Local Government Purchasing Cooperative program, in the total amount of \$72,788.36.

**RECOMMENDATION:** Move to approve the purchase of one (1) new Caterpillar Backhoe/Loader w/Extend-a Hoe, 2WD for the Public Works Department from Holt Caterpillar, through the Texas Local Government Purchasing Cooperative program, in the total amount of \$72,788.36.

5. Consider approval of the purchase of one (1) new Ditch Witch FX30A FX30 Vacuum System for the Public Works Department from EKA Government Sales Experts, through the Texas Local Government Purchasing Cooperative program, in the total amount of \$53,361.97.

**RECOMMENDATION:** Move to approve the purchase of one (1) new Ditch Witch FX30A FX30 Vacuum System for the Public Works Department from EKA Government Sales Experts, through the Texas Local Government Purchasing Cooperative program, in the total amount of \$53,361.97.

6. Consider approval of a resolution authorizing adoption of the Denton County Hazard Mitigation Action Plan, January, 2016, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a resolution authorizing adoption of the Denton County Hazard Mitigation Action Plan, January, 2016, and authorization for the Mayor to execute same on behalf of the Town.

#### **RESOLUTION NO. 02-16**

#### **A RESOLUTION OF THE TOWN OF FLOWER MOUND ADOPTING THE DENTON COUNTY HAZARD MITIGATION ACTION PLAN, JANUARY 2016.**

7. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of the award of Request for Bid Number 2016-12 to the lowest responsive, responsible bidders, U.S. Standard Sign (Group I) and Centerline Supply, LTD (Groups II, III, and IV) at the unit prices bid, for an estimated annual expenditure of \$140,000; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

**RECOMMENDATION:** Move to approve the award of Request for Bid Number 2016-12 to the lowest responsive, responsible bidders, U.S. Standard Sign (Group I) and Centerline Supply, LTD (Groups II, III, and IV) at the unit prices bid, for an estimated annual expenditure of \$140,000; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

10. Consider approval of a Professional Services Agreement for the design, construction documents, and bidding phase services for the Bakersfield Bridge Bank Stabilization project, with Kimley Horn and Associates, Inc., for \$38,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement for the design, construction documents, and bidding phase services for the Bakersfield Bridge Bank Stabilization project, with Kimley Horn and Associates, Inc., for \$38,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

Councilmember Bryant moved to approve by consent Items 1; 3 – 10. 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, WISE**

**NAYS: NONE**

**J. REGULAR ITEMS**

*Items 2 was pulled from consent and moved to regular items as indicated below.*

2. Consider approval of the minutes from a regular meeting of the Town Council held on December 21, 2015.

Councilmember Webb indicated he requested this item be pulled because he was absent at that meeting and would like to abstain.

Councilmember Bryant moved to approve the minutes from a regular meeting of the Town Council held on December 21, 2015. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: WISE, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

**ABSTAIN: WEBB**

11. Discuss and consider a resolution to refer the "Investigation Report, Town of Flower Mound," to the Denton County District Attorney's Office and declaring a public rebuke of Councilmember Itamar Gelbman on the basis of the report.

*Administrative Note: This item was moved and discussed as the last agenda item.*

Mayor Hayden provided background information that led to this agenda item coming forward. In addition, he recited the proposed Resolution in its entirety.

### **Council Discussion**

There was Council discussion as follows:

- Deputy Mayor Pro Tem Gelbman commented or pointed out:
  - "If you proceed with this course of action, in my opinion, you are taking an ultra vires act that constitutes an act of official oppression. If you proceed I will file your complaint with a police report for that act."

Mayor Hayden stated to members of Council that if they didn't feel that the content of the Resolution is 100% accurate, and that they couldn't support under deposition of oath with the District Attorney (DA), to not support the resolution.

- Councilmember Webb commented or pointed out:
  - background information that led to this point
  - allegations that were made
  - the process to date with the investigator
  - outcome of the investigation
  - threats against others and members of Council
  - subsequent actions and comments
  - questioned why Deputy Mayor Pro Tem Gelbman hasn't resigned, including comments about his attendance
  - noted characteristics that don't align with the Israeli Defense Force in which he is associated with
  - he is in favor of forwarding the Resolution to the DA and the DA will look at the report and decide whether or not to pursue it further
- Councilmember Bryant commented or pointed out:
  - he was not interested in having the investigation initially
  - there were multiple occasions along the way where the subject came to a crossroad where it could have ended or continued on the path
  - the biggest problem he had and the main reason he wanted to see it go forward is because at each one of those forks in the road, Deputy Mayor Pro Tem Gelbman's actions directed Council to where they are today
  - Deputy Mayor Pro Tem Gelbman made it where it had to be this way and it's not the way it should have been done
  - there were many times this could have come to an end
  - expressed sadness that the Council/Town is at this point, and noted that it had an inertia all of its own and that's where we are

Mayor Hayden restated his comment to members of Council stating "If you do not feel this resolution is 100% true and accurate, that you could support under deposition of oath with the DA, please do not vote in favor of this."

- Mayor Pro Tem Dixon commented or pointed out:
  - the many meetings on this matter
  - expressed sadness that the Town has to go through this
  - he has written documentation of closed session discussion recollections, and how those notes match up to the resolution, with the exception of the one line that talked about if this goes to court I will bankrupt this \*expletive" town. He indicated that is because he was not the Councilmember that heard that so that is the one thing he could not be a witness to
  - past interest in having all of the facts before proceeding with the investigation (depositions, etc.)
  - a desire to wash his hands of it and take it off his plate where it's never talked about again
  - package it all up and send it to the DA and if the DA decides to throw it in the trash that's his job. It's no longer my responsibility

Mayor Hayden pointed out his reasoning for having this item heard last.

Mr. Meredith responded to questions from Council as follows:

- If the Resolution is within the scope of the Town Council's purview
- Clarification that along with the Resolution, the DA will also get the report and all supporting documentation

Councilmember Webb moved to approve a resolution to refer the "Investigation Report, Town of Flower Mound," to the Denton County District Attorney's Office and declaring a public rebuke of Councilmember Itamar Gelbman on the basis of the report and the factual findings contained within the resolution. Councilmember Bryant seconded the motion.

#### RESOLUTION NO. 01-16

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, DIRECTING THE TOWN MANAGER AND TOWN ATTORNEY TO REFER THE "INVESTIGATION REPORT TOWN OF FLOWER MOUND," ISSUED MONDAY NOVEMBER 30, 2015, TO THE DENTON COUNTY DISTRICT ATTORNEY'S OFFICE; DECLARING A PUBLIC REBUKE OF COUNCILMEMBER ITAMAR GELBMAN ON THE BASIS OF THE FINDINGS SET FORTH IN THE REPORT AND MAKING ADDITIONAL FINDINGS IN SUPPORT OF SUCH REBUKE; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: WISE, WEBB, BRYANT, DIXON**

**NAYS: GELBMAN**

*Motion passed*

*Mayor Hayden opened items 12 – 15 at the same time.*

12. Discuss Consider Fourth Amendment to the Contract of Sales Agreement for a public access and utility easement from Janvier Scott; and authorize the Mayor to execute same on behalf of the Town. *(Items 12 – 15 are related)*

**Staff Presentation**

Mr. Powell gave a presentation for items 12 -15 identifying or noting:

- General location
- Photographs of the site
- Traffic concerns under the current situation
- Contract amendment
- Contract of sales agreement
- Bob White Ln and how it relates to the master plan
- SPA 2 language changes
- No comments received
- Options 1 and 2

Mr. Meredith responded to questions from Council as follows:

- If there was anything to add from a legal perspective

Mr. Powell responded to the following questions asked during the public hearing:

- Why weren't minutes from the Planning and Zoning (P & Z) included as part of the Council packet
- What the vote was for this item when it was before P & Z

**Council Discussion:**

- Whether the negotiated amount of \$100,000 for the property owner should remain the same given that was a negotiated amount under the condition that the trees would be removed (and now they are remaining)
- Response to a comment that was made during the public hearing regarding campaign contributions

Councilmember Bryant moved to approve Fourth Amendment to the Contract of Sale between Janvier Scott and The Town of Flower Mound, Texas, to acquire a public access and utility easement for the construction of the Spine Road across Bob White Lane. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON MOTION:**

**AYES: GELBMAN, DIXON, BRYANT**

**NAYS: WEBB**

**ABSTAIN: WISE**

*Motion passed*

13. 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 tabled this item indefinitely at its November 2, 2015, meeting.) (The official Public Hearing was held on June 1, 2015)*

Mayor Hayden opened the Public Hearing at 6:52 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
Janvier Scott, 2829 Bob White Lane	None	Marsha Gavitt, 6501 Meadowcrest Ln
		Paul Stone, 709 Lake Bluff Dr
		Patsy Mizeur, 1821 Castle Court

Mayor Hayden closed the Public Hearing at 7:02 p.m.

Councilmember Bryant moved to approve 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. Councilmember Webb seconded the motion.

**ORDINANCE NO. 01-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 3.0, SPECIFIC PLANS, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, BY AMENDING SPECIFIC PLAN AREA #2 (SPA 2) BY REPLACING THE EXISTING MAP FOR THE DEVELOPMENT OF SPECIFIC PLAN AREA #2 (SPA 2) CONTAINED ON PAGE 3.9 OF THE MASTER PLAN WITH A NEW DEVELOPMENT CONTROL PLAN OF SPECIFIC PLAN AREA #2 (SPA 2) AND BY AMENDING CERTAIN PORTIONS OF THE TEXTUAL PROVISIONS CONTAINED WITHIN SPECIFIC PLAN AREA #2 (SPA 2) CONTROLLING THE DEVELOPMENT OF SAID AREA; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSTAIN: WISE**

14. Consider approval of the Memorandum of Agreement with Dirk Laukein; and authorization of Mayor to execute same on behalf of the Town.

Councilmember Bryant moved to approve the Memorandum of Agreement with Dirk Laukein; and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSTAIN: WISE**

15. Consider approval of the Addendum To Development Agreement with MRK Enterprises, LLC; and authorization for the Mayor to execute the same on behalf of the Town.

Councilmember Bryant moved to approve the Addendum To Development Agreement with MRK Enterprises, LLC; and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSTAIN: WISE**

*Mayor Hayden opened items 16, 17, 18 & 19 at the same time.*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Background information
- 114 different pieces of information because it's been reviewed since July
- General and detailed location
- Land use and zoning (Lakeside area plan)
- Photographs of the site and vicinity
- Office versus industrial use of the building
- Recreational use explanation
- Truck route
- Environmental aspects of the site
- Tree removal area as well as location where they are saving trees
- Driveway standards
- Conceptual elevations

- SMARTGrowth analysis
- Slope lines
- Topographic slope
- Applicant is requesting exceptions from a few of the Town standards

Mr. Powell responded to questions from Council as follows:

- Clarification of the location of Stryker (aerial map)
- Clarification regarding zoning for this project and Lakeside DFW
- How many campus commercial applications has the Town received and approved in the last 20 years
- Clarification that the green space will remain natural as it exist today
- Clarification on the area that needs the slope protection
- Clarification regarding the location of the curb cut

Mr. Wood gave a presentation identifying or noting:

- Background information about the company and the economic development impact
- What the 380 agreement provides
- Cost-benefit over 22 years (lease and extensions)

Mr. Wood responded to questions from Council as follows:

- Indirect benefit in having Stryker in Flower Mound
- Is Stryker being heavily recruited to go elsewhere, and if so, are there incentives being offered
- What was the 2004 agreement for and did they meet the terms of that agreement
- What is the possibility of Stryker leaving Flower Mound if these items don't pass
- What is the average salary for their employees
- What did Grapevine give Kubota
- Does the Town have an inventory of land
- Were the provisions of the 2004 agreement met
- What are the sales tax estimates

Mr. Meredith responded to questions from Council as follows:

- Can the agreement include a no trucks sign on Silveron Road
- Is there a way to approve building one and not building two (conditions)

### **Applicant Presentation**

Will Munding, Crow Holdings, 3819 Maple, Dallas

Representing Stryker:

Megan Turner, Brent Kennedy, Martial Besse, Chris Adams

Mr. Munding gave a presentation identifying or noting:

- Aerial photo of the site

- Site plan
- Lakeside aerial (context)
- Background information about Stryker
- Intended use of the building
- Planning and zoning commission issues as indicated below and what they plan to do to address each concern:
  - the look of Lakeside Parkway
  - site lines from 2499
  - building 2 design
  - environmental impact
  - job creation
  - buffering between land uses

Mr. Mundinger or representative from Stryker responded to questions or comments from Council as follows:

- Concerns regarding building # 2 (topographic slope) and the possibility of presenting as two projects in the future if the vote fails
- When planting trees make sure to not plant any under power lines
- Concerns related to the size of building two if that is possible to be presented as a secondary project
- Will the green space remain natural or trimmed up to look like a city park
- Elaborate on his comment that the Town has a progressive landscaping ordinance
- Are they looking at other communities
- What is your timing
- Will there be truck traffic on Silveron
- Use caution in going forward with too much glass on the building
- Sport courts are a nice amenity
- Appreciation for the quick turn around and making changes to address the concerns brought up at P & Z

Mayor Hayden opened the Public Hearing for items 16, 17, 18, and 19 at 8:21 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>
	Katie Lowe, 3113 Springwood	None.
Jim Wills, 6022 Club Oaks Place, Dallas (item 16)(with concerns)	Renee Doyle, 920 Drake Trl (item 19)	
Britt Stock, 3701 Acton (16,17,18)		

Paul Stone, 709 Lake Bluff Dr		
Patsy Mizeur, 1821 Castle Ct		

Mayor Hayden closed the Public Hearing for items 16, 17, 18, and 19 at 8:35 p.m.

### Council Discussion

There was Council discussion as follows:

- Appreciation for the commitment to double the caliper size of the trees going in initially
  - Appreciation for leaving the green space untouched, as well as the additional landscaping
  - Appreciation for the transition between campus commercial and industrial
  - Sport courts are a nice amenity
  - Appreciation for the quick turn around and making changes to address the concerns brought up at P & Z
  - Comment about being impressed with the facility and the work that is done at this location from a recent tour
  - How the soccer field can be perceived as set back (green space)
  - How the line of sight is not an issue and will fit with the surrounding area
  - The benefits that Stryker brings to the Town
  - Appreciation for the additional embellishments
  - Clarification that Flower Mound doesn't write checks; however, fees get waived which can be considered an investment
16. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0010 – Silveron Industrial Warehouse) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Campus Commercial uses to Campus Industrial uses on approximately 41.24 acres of land within the Lakeside Business District Area Plan, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway and east of Lake Forest Boulevard. ***(Planning and Zoning Commission recommended denial by a vote of 4 to 2 at its January 11, 2016, meeting.)***

Councilmember Bryant moved to approve a request for a Master Plan Amendment (MPA15-0010 – Silveron Industrial Warehouse) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Campus Commercial uses to Campus Industrial uses on approximately 41.24 acres of land within the Lakeside Business District Area Plan, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 03-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, AND SECTION 2.0, AREA PLANS, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAKESIDE BUSINESS DISTRICT AREA PLAN MAP FROM CAMPUS COMMERCIAL USES TO CAMPUS INDUSTRIAL USES ON APPROXIMATELY 41.24 ACRES OF LAND SITUATED IN THE J. KNIGHT SURVEY, ABSTRACT NUMBER 692; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

*Motion passed*

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

17. Public Hearing to consider a request for rezoning (ZPD15-0013 – Silveron Industrial Warehouse) from Planned Development District No. 31 (PD 31) for Campus Commercial District (CC) uses to Planned Development District No. 145 (PD-145) for Campus Industrial District (CI) uses with certain exceptions to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway and east of Lake Forest Boulevard. *(Planning and Zoning Commission recommended denial by a vote of 4 to 2 at its January 11, 2016, meeting.)*

Councilmember Webb moved to approve a request for rezoning (ZPD15-0013 – Silveron Industrial Warehouse) from Planned Development District No. 31 (PD 31) for Campus Commercial District (CC) uses to Planned Development District No. 145 (PD-145) for Campus Industrial District (CI) uses with certain exceptions to the Code of Ordinances, and adopt an ordinance providing for said amendment. Councilmember Bryant seconded the motion.

Deputy Mayor Pro Tem Gelbman moved to amend the motion to approve building one, without approving building number two.

The amended motion failed due to lack of a second.

ORDINANCE NO. 02-16

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 41.24 ACRES OF LAND SITUATED IN THE J. KNIGHT SURVEY, ABSTRACT NUMBER 692, FROM PLANNED DEVELOPMENT DISTRICT NO. 31 (PD-31) FOR CAMPUS COMMERCIAL DISTRICT (CC) USES TO PLANNED DEVELOPMENT DISTRICT NO.

**145 (PD-145) FOR CAMPUS INDUSTRIAL DISTRICT (CI) 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 MOTION:**

*Motion passed*

**AYES: DIXON, BRYANT, WEBB, WISE**

**NAYS: GELBMAN**

18. Public Hearing to consider an application for a tree removal permit for eight (8) specimen trees on property proposed for development as Silveron DC 1 & 2. The property is generally located north of Silveron Boulevard, south of Lakeside Parkway, and east of Lake Forest Boulevard. *(The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its October 6, 2015, meeting).*

Mayor Pro Tem Dixon moved to approve the requested permit for eight (8) specimen trees on property proposed for development as Silveron Industrial Warehouse. The property is generally located north of Silveron Boulevard, south of Lakeside Parkway, and east of Lake Forest Boulevard. Councilmember Wise seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

19. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Stryker Corporation, and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Webb moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Stryker Corporation, and authorize the Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

20. Consider approval of the award of Bid No. 2016-9 to A&M Construction and Utilities, Inc., for the Oak Drive Water Main Replacement project, in the amount of \$1,083,877.50; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Dixon commented that he appreciated staff not bringing it forward as a consent item because of the significant amount.

**Staff Presentation**

Mr. Parr stated the water line project is to replace some old pvc line that was put in the 70's and there have been annual and ongoing leaks.

Ms. Wallace responded to questions from Council regarding the funding source.

Councilmember Webb moved to approve the award of Bid No. 2016-9 to A&M Construction and Utilities, Inc., for the Oak Drive Water Main Replacement project, in the amount of \$1,083,877.50; and authorize the Mayor to execute same on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

21. Public Hearing to consider a request for a variance (MISC15-0006 - Manchale Alcohol Variance) to permit the sale of alcoholic beverages by a restaurant within 300 feet of a public school. The property is located at 420 Parker Square.

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Circle identifying the 300 feet from the school
- Section 18-527 of the Town's code that allows the Town Council to grant a variance
- The school has been informed about the request and staff has not received any comments

Mr. Meredith responded to questions from Council as follows:

- Clarification that the distance is measured from property line to property line
- What are the state regulations in relation to the 300 feet

Mr. Powell responded to questions from Council as follows:

- Is the college triggered by the alcohol sales
- What are the other restaurants that serve alcohol in Parker Square
- How long ago was the letter sent to the school

**Applicant**

Gaurav Mishra

Mr. Mishra provided background information about himself, as well as the concept of Indian food dining and responded to questions from Council as follows:

- What will the business hours be

Mayor Hayden opened the Public Hearing at 9:31 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/ Comments Only
Don McDaniel, 3801 Hide-A-Way Lane	Warner Watkins, 2800 London Ln	
Phyllis Garcia, representing the landlord for Parker Square		

Mayor Hayden closed the Public Hearing at 9:35 p.m.

Councilmember Webb moved to approve a request for a variance (MISC15-0006 - Manchale Alcohol Variance) to permit the sale of alcoholic beverages by a restaurant within 300 feet of a public school. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: DIXON, BRYANT, WEBB, WISE**

**NAYS: GELBMAN**

**K. BOARDS/COMMISSIONS**

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.

Councilmember Bryant suggested appointing alternates for the regular seats that recently became vacant on the ECC and Transportation Commissions, resulting in the vacancies being for the alternate positions.

Councilmember Bryant moved to appoint David Bell to Place 4 on the Transportation Commission, and to appoint Elaine Takacs to Place 6 on the Environmental Conservation Commission.

Ms. Scott clarified that each of those seats carries a September 30, 2016 term expiration date.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**L./M. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting; therefore no action was taken as a result of a closed meeting.

- 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, Planning and Zoning Commission, and the Mayor/Town Council.

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.

- d. Consultation with Attorney as follows:

1. Town Council investigation

No action taken.

**N. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 10:02 p.m. on Thursday, January 21, 2016, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

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**THERESA SCOTT, TOWN SECRETARY**