

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 6TH DAY OF SEPTEMBER 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 and special meeting with the following members present:

Tom Hayden	Mayor (arrived at 6:25 p.m.)
Kevin Bryant	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Don McDaniel	Councilmember Place 4
Itamar Gelbman	Councilmember Place 5

constituting a quorum with the following members of the Town staff participating:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Alora Wachholz	Economic Development Specialist
Tammy Wilson	Executive Director of Financial Services
Matt Hotelling	Traffic Engineer

with the following members of the Town staff absent:

Jimmy Stathatos	Town Manager
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**A. CALL REGULAR MEETING TO ORDER**

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

**D. PRESENTATIONS**

1. Certificate of Recognition to Town employee Richard Hardy.

Town employee Richard Hardy accepted the Certificate of Recognition, primarily for his work in assisting Mayor Hayden with Mornings with the Mayor for the last four years.

2. Certificate of Recognition to Olivia Colliton, 2016 National American Miss Texas (Princess age group)

Olivia Colliton accepted the certificate of recognition for her accomplishment with the National American Miss Texas pageant.

3. Certificate of Recognition to Austin Andrews and Miguel Arenas for Louisiana Flood Relief efforts

Austin Andrews and Miguel Arenas accepted the certificate of recognition for their work in the Louisiana flood relief efforts.

4. Special Olympics event presentation by athlete Colby Bannister, and Highland Village Police Chief Reim, and Flower Mound Police Chief Kancel.

Colby Bannister offered his comments regarding the work of special Olympics and his accomplishments. Polices Chiefs Reim and Kancel announced the upcoming fund raising event taking place on September 10<sup>th</sup>.

**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 written on the speaker form)</b>
1.	Patsy Mizeur, 1821 Castle Ct	P & Z wrong doing
2.	Paul Stone, 709 Lake Bluff	Agenda Item 3
3.	Carol Kohankie, 4312 Lauren Way	New award – Navy Times
4.	Tom Williams, 2810 Blue Wood Trail	Funding for the F. M. Community Orchestra
5.	Christopher Cleveland, 2607 Spinks	Moviehouse item (against)

**ANNOUNCEMENTS**

**F.**

There were no Council announcements.

**G. TOWN MANAGER'S REPORT**

**Update and discussion on:**

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

Ms. Wallace provided the following CIP updates:

- FM 1171 construction update

2. Update and discussion on Economic Development projects.

Ms. Wallace provided the following ED updates:

- New business openings
- Farmer's Market transition update

3. Oxley Williams Tharp preliminary concept plan options for Town Hall.

Andrew Oxley and Jim Tharp, with Oxley Williams Tharp presented three conceptual options for a new Town Hall, and their presentation included the following points

- Existing site
- Conceptual site plan
- Option 1 (traditional style), including future expansion space options
- Option 2 (prairie style)
- Option 3 (postmodern scheme)
- Next steps would be to develop a floor plan

Mr. Oxley or Mr. Tharp responded to questions from Council related to

- Future expansion space opportunities
- If the opportunity to match the materials currently proposed for the building would be available in the future
- Seating capacity and square footage of the new council chambers
- Whether the council chambers could be constructed to allow for a performing arts use
- Clarification of next steps

There was Council feedback as follows:

Liked or interested in:

- continuity in design with other buildings such as the recently constructed senior center
- mix and match design for the postmodern and prairie style schemes
- designing the space to make sure there is a long term bang for the buck so it's not obsolete the minute the doors are open
- larger water feature
- access in the rear of the building for parking
- council chambers to offer multiple use space that can be used for other types of gatherings
- having the dais in a half moon to allow for better communication between the members of council

Did not like or not interested in:

- option 1 (too traditional and boring)
- the council chambers layout being placed in the middle of the building
- option 3 design looks more like a campus instead of a Town building

While there were mixed opinions on the design and style, the general consensus is to take the design and layout of option 3, but with the architecture and appointments of option 2.

**H. FUTURE AGENDA ITEMS**

1. Mr. Dalton responded to a question about the status of the Tree Ordinance.

**I. COORDINATION OF CALENDARS**

1. Mayor Hayden announced that the next Town Council meeting is scheduled for Thursday, September 8<sup>th</sup> (Meet and Greet with board or commission applicants) and a work session is scheduled for September 15<sup>th</sup>.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a work session of the Town Council held on August 11, 2016.

**RECOMMENDATION:** Move to approve the minutes from a work session of the Town Council held on August 11, 2016.

2. 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 15, 2016.

**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 15, 2016.

Item 3 was requested to be moved from consent to regular items by Councilmember Gelbman.

4. Consider approval of an agreement with Hilltop Securities (formally Southwest Securities, Inc.) for financial advisory services, and authorize the Mayor to execute said agreement.

**RECOMMENDATION:** Move to approve an agreement with Hilltop Securities (formally Southwest Securities, Inc.) for financial advisory services, and authorize the Mayor to execute said agreement.

5. Consider approval of an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Chapter 30, "Emergency Medical Service" and Appendix A, "Fee Schedule," of the Code of Ordinances to update the fees associated with Emergency Medical Service providing this ordinance shall be cumulative of all ordinances; providing for a severability clause; providing for publication, and providing an effective date.

**RECOMMENDATION:** Move to approve an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Chapter 30, "Emergency Medical Service" and Appendix A, "Fee Schedule," of the Code of Ordinances to update the fees associated with Emergency Medical Service providing this ordinance shall be cumulative of all ordinances; providing for a severability clause; providing for publication, and providing an effective date.

**ORDINANCE NO. 49-16**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 30, "EMERGENCY MEDICAL SERVICE" AND APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES TO UPDATE THE FEES ASSOCIATED WITH EMERGENCY MEDICAL SERVICE PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION, AND PROVIDING AN EFFECTIVE DATE.**

6. Consider approval of proposal from Siddons-Martin Emergency Group, LLC to upgrade Fire Department Special Ops 504 Fleet #6300-17 unit for a total amount of \$88,883.00, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the proposal from Siddons-Martin Emergency Group, LLC to upgrade Fire Department Special Ops 504 Fleet #6300-17 unit for a total amount of \$88,883.00, and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of an Interlocal Agreement for Use of Facilities and Services with the Argyle Independent School District for the temporary use of certain rooms by the Flower Mound Fire Department, and authorization the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve an Interlocal Agreement for Use of Facilities and Services with the Argyle Independent School District for the temporary use of certain rooms by the Flower Mound Fire Department, and authorization the Mayor to execute same on behalf of the Town.

Item 8 was requested to be moved from consent to regular items by Mayor Pro Tem Bryant.

9. Consider approval of Change Order No. 3, for the Sagebrush Drive Improvements project, amending the contract with CD Builders, Inc., for an increase to the contract in the amount of \$81,309.31; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Change Order No. 3, for the Sagebrush Drive Improvements project, amending the contract with CD Builders, Inc., for an increase to the contract in the amount of \$81,309.31; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember McDaniel moved to approve by consent Items 1, 2, 4-7, and 9. Deputy Mayor Pro Tem Bryan 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, B. WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: NONE**

**K. REGULAR ITEMS**

3. Consider approval of Amendment to Chapter 380 Incentive Agreement with M&E Texas Moviehouse, L.P. d/b/a Moviehouse & Eatery; and authorize Mayor to execute same on behalf of the Town.

Ms. Wachholz gave a presentation identifying or noting:

- Purpose of the agreement

Mr. Parr, Ms. Wachholz, or Mr. Dalton responded to questions from Council regarding:

- Future impact in the event that the lane might be needed in the future
- If the lane is needed in the future, who pays for it

Councilmember Gelbman moved to approve an Amendment to the Chapter 380 Incentive Agreement with M&E Texas Moviehouse, L.P. d/b/a Moviehouse & Eatery; and authorize Mayor to execute same on behalf of the Town. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN**

**NAYS: NONE**

8. Consider approval of the award of Bid No. 2016-72 to Red River Construction Co., for the construction of the Wastewater Treatment Plant Rehabilitation Phase IV project, in the amount of \$3,837,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Bryant pointed out his reasoning for requesting the item to be pulled from consent has to do with having two commas in the amount, and is following the practice of a previous member of Council.

**Staff Presentation**

Mr. Parr gave a presentation identifying or noting:

- How the project is a continuation to a project to upgrade the waste water treatment plant that is 20 years old
- The purpose of the project and what it accomplishes

Mayor Pro Tem Bryant moved to approve the award of Bid No. 2016-72 to Red River Construction Co., for the construction of the Wastewater Treatment Plant Rehabilitation Phase IV project, in the amount of \$3,837,000.00; and authorization for the Mayor to execute same on behalf of the Town. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: NONE**

*Administrative Note: Item 10 was heard by Town Council after items 11, 12, and 13.*

10. Public Hearing to consider a tax rate of \$0.4390 per \$100 assessed valuation.

**Staff Presentation**

Ms. Wilson gave a presentation identifying or noting:

- 2016 debt service and tax rate, including effective and rollback tax rate
- Required budget and tax rate adoption language
- How Flower Mound compares – 2015 tax rate

Ms. Wallace or Ms. Wilson responded to questions from Council regarding:

- Explanation between the effective and rollback rate
- Impact on the maintenance and operation portion of the budget if the effective rate was adopted
- Forecasted revenue based on future growth
- How much did the Town save by refinancing the debt

There was Council discussion regarding:

- Cost associated with new residential developments such as with roads and other infrastructure, fire stations
- How compensation is a priority for the Town and the ability to continue to do that to maintain quality employees
- Sources of revenue overall
- What being fiscally conservative means

Mayor Hayden opened the Public Hearing at 11:51 p.m.

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

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Support: Comments/Questions	Opposition: Comments/Questions
Warner Watkins, 2800 London*	Jim Engel, 5110 Bayberry
Paul Stone, 709 Lake Bluff Dr	Patrick Martin, 4700 Oak Springs
Kendra Stephenson, 2321 Roadrunner Dr	Katie Lowe, 3113 Springwood
Eddie White, 3104 Beaver Creek	Sandy Fambrough, 4105 Spring Meadow
	David Gale, 5317 Wildwood Dr (donated time to Jim Engel)

\*submitted a speaker form; however, indicated they don't wish to speak.

Mayor Hayden closed the Public Hearing at 12:16 a.m. Wednesday, September 7, 2016.

The Town Council does not have to take action on this item; Mayor Hayden made the following required announcement:

"The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 19, 2016, at 6:00 p.m., at a regular Town Council meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028."

Mayor Hayden opened items 11, 12, and 13 at the same time at 7:03 p.m.

11. Public Hearing to consider a request for a Master Plan Amendment (MPA16-0004 – Bradford Park) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plans, to change the land use designation from Low Density Residential and Village Retail to Medium Density Residential, High Density Residential, and Village Retail within Specific Plan Area 5 (SPA 5), and to amend certain development controls outlined within SPA 5 that apply to the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. *(The Planning & Zoning Commission recommended denial by a vote of 4 to 2 at its August 22, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Correspondence update
- Land use and zoning
- Photos of site and vicinity, including existing neighborhood to the west and existing homes
- Specific Plan Area # 5 map
- Concept plan
- Exceptions
- 26 specimen trees requested for removal
- Chart defining the SF – 5 versus SF – 10 lot sizes (changes that are more restrictive)
- Master Plan exhibit and plans for clean-up east and west of Waketon
- The land use issue and the transition



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

- Clarification regarding side yard set backs
- What is the minimum rear yard on a low density

### **Applicant Presentation**

*Administrative Note: The applicant presentation was given after the public hearing.*

Kendra Stephenson, representing Cal Atlantic; Curtis Young, Sage Group, Southlake, Matt Johnson, with Cal Atlantic gave a presentation outlining or noting:

- Site location
- Property ownership history
- Master plan designation history
- Overview of what is happening in the immediate area
- Overview of the planning process associated with the property, including previous plans
- Required drainage
- Reasoning for asking for density changes
- Proximity to neighbors
- Boundary width
- Entry points
- Examples of homes anticipated and price points
- SMARTGrowth requirements that have been met
- Neighborhood engagement that took place and the result of those discussions
- Initial plan and specific concerns that were addressed

Ms. Stephenson, Mr. Young, or Mr. Johnson responded to questions from Council related to:

- How many trees would have been saved in the previous Weekly plan
- What is the average square foot of the homes
- Interest in seeing an example of the 2,100 sf home
- What percentage of specimen trees would have been saved for medium/low density
- Home value analysis
- What is the buffer to be used between this development and the neighbors, including the open space
- Design standards considerations such as fencing that allows for the view of the open space instead of a board on board fence
- Clarification as to what the amenities of the development will be

Mr. Powell, Mr. Hotelling, or Mr. Dalton responded to questions from Council related to:

- What is the gross density calculation of Pecan Acres
- Clarification regarding drainage requirements
- Clarification relative to standards for buffer walls
- Timeframe for Waketon improvements associated with this development and transportation service levels overall

- What is the impact of Waketon Ranch coming on line (since it was not in the TIA)
- Does this development increase or resolve any drainage problems in the area of Pecan Meadows
- Tree mitigation protection
- Size of lots backing up to existing residents

There was Council discussion related to:

- Concerns that the developer hasn't done everything they can to engage with the neighbors
- How the families (property owners) represent Flower Mound's history and appreciation for them being great stewards of the property
- Disappointment with some of the comments heard at the P & Z meeting
- Unsupported facts for some of the information presented during the public hearing
- How the project protects trees and open space
- How the project offers a transition between land uses
- The density element needs to be removed for measuring lot size as there are other factors to consider (such as trees and open space)
- Population trends and school impact
- Principles of SMARTGrowth are being met
- The issue of kicking the can down the road has got to stop
- The issue in the Town's Master Plan needs to be fixed
- Looking at things from the perspective of lot size is short sided
- Lot size comparisons with other neighborhoods such as Wellington
- Preserving trees and open space is important
- Appreciation for the many people who spoke or sent emails about the project
- Appreciation for developers who take Flower Mound into account when coming forward with projects, such as coming forward with a quality development, preserving space, and saving trees
- When you look at per acre it falls below medium density
- How the development is a logical transition and if the developer was held to medium density there would not be as many trees or open space

Mayor Hayden opened the Public Hearing for items 11, 12, and 13 at 7:15 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>Item No.(s)</b>	<b>Opposition: Comments/Questions</b>	<b>Item No.(s)</b>
1.	Karen Bradford, 504 Marlow Dr	11-12	Lori Kline Pearson, 5304 Singing Brook (called but didn't come forward)	11-13
2.	Margaret (Peggy) Parks, 3433 Waketon Rd	11-12	Kelly James, 5113 Bayberry St	11-12
3.	Don Parks 3433 Waketon Rd	11-12	Watson Kohankie, 3124 Miracle Ln (called but didn't come forward)	11-13
4.	Jody Smith, 3705 Sarah Springs	11-13	Judy Nesmith, 3306 Juniper St. (called	11-13

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			but didn't come forward)	
5.	Clair Bradford, 5301 Rippy Rd	11-12	Wil Nesmith, 3306 Juniper St. (called but didn't come forward)	11-13
6.	Brit Stock, 3701 Acton	11-13	Marsha Gavitt, 6501 Meadowcrest Ln	11-12
7.	Patsy Mizeur, 1821 Castle Ct.	11-13	Eric Welke, 5500 Wildwood Dr	11-13
8.	Lance Loveland, 1320 Oakwood Ct	11-13	Janvier Scott, 2829 Bob White	11-13
9.	Derek Parks, 6684 Orchard Dr.	11-13	Katie Lowe, 3113 Springwood	11-13
10.	Ron Bauman, 1805 Kipling Dr.	11-12	Tammy Otteam (no address provided) (donated time to Patrick McUmbert)	11-12
11.	Todd Weaver, 3505 Yucca Dr	11-13	Cindy Spilberg, 5204 Bayberry	
12.	Carol Kohankie, 4312 Lauren Way	11-13	Gale David, 5317 Wildwood Dr	11-12
13.	Eddie White, 3104 Beaver Creek	11-13	Pat Spradling, 5321 Wildwood Dr.	11-12
14.	Kay Bauman, 1805 Kipling Dr	11	Susan Johnson, 5300 Singing Brook Rd	11-13
15.	Gary Perkins, 1414 Stapleton Ln	11	Mark Malone, 5025 Bayberry St	11-12
16.	Pamela Parks, 6684 Orchard Dr.	11-13	Lisa Malone, 5025 Bayberry St	11-12
17.	Janet Jones, 2113 Columbia Dr	11-13	Greg O'Hearn, 5304 Bayberry St	11-12
18.	Denise White, 3104 Beaver Creek	11-13	Gregory Stevens, 5312 Red Bud Cove	11-13
19.	Warner Watkins, 2800 London Ln	11-12	Russell Smith 5300 Bayberry St.	11-12
20.	Jay Marks, 2105 Larkspur St*	11-12	Siobhan Obrien, 5312 Red Bud Cove	11-13
21.	Stacy Marks, 2105 Larkspur St*	11-12	Patrick McUmbert, 3204 Pecan Meadows	
22.	Jeff Ramsey 5100 Clear Creek Dr	11-13	Michelle Ward, 3200 Pecan Meadows Dr.	11-12
23.	Russ Webb, 4112 Marbella	11	Ann Irish, 3405 Pecan Meadows Dr*	11-12
24.	Jessi Cain, 5401 Waketon	11-13	Paula W. Miller, 5300 Chinn Chapel*	11-13
25.	Rick Cain, 5401 Waketon	11-13	Tom Konicke, 5117 Bayberry St	11-12
26.	Brenda Windham, 3896 Quail Run	11-13	Patty Konicke, 5117 Bayberry St	11-12
27.	Paul Stone, 709 Lake Bluff	12	John Irish, 3405 Pecan Meadows (didn't come forward when called)	11-13
28.			John Fambrough, 4005 Spring Meadow*	11-13
29.			Katherine Grote, 165 Double Oaks, Double Oak*	11-12
30.			John Sandy, 2500 Lakeside Pkwy, Apt 314*	11-13
31.			Kelsey Konicke, 2500 Lakeside Pkwy #314*	11-13
32.			Sandy Fambrough, 4105 Spring Meadow (donated time to Cindy Spilberg)	11-13
33.			Shyron Shenko 5001 Rippy Road (donated time to Cindy Spielberg)	11-13
34.			Judy Cortinas, 3301 Pecan Meadows Dr. (donated time to Cindy Spilberg)	11
35.			Rudy Cortinas, 3301 Pecan Meadows Dr (donated time to Cindy Spilberg)	11
36.			Naomi Lyons, 5121 Bayberry St (donated time to Cindy Spilberg)	11-12
37.			Nena Wynne, 4841 Rippy Road*	11-13
38.			Eddie Wynne, 4841 Rippy Road*	11-13
39.			Irene Hanson, 5431 Wildwood	11-12
40.			John Shenko, 5001 Rippy Rd	11-13
41.			Jim Engel 5110 Bayberry St	11-12
42.			Brenda Berndt, 5530 Wildwood	11-13

\*submitted a speaker form; however, indicated they don't wish to speak

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

Town Council recessed at 9:33 p.m. and reconvened at 9:38 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for a Master Plan Amendment (MPA16-0004 – Bradford Park) to amend Section 1.0, Land Use Plan, and Section 3.0, Specific Plans, to change the land use designation from Low Density Residential and Village Retail to Medium Density Residential, High Density Residential, and Village Retail within Specific Plan Area 5 (SPA 5), and to amend certain development controls outlined within SPA 5 that apply to the subject property, and adopt an ordinance providing for said amendment. Councilmember McDaniel seconded the motion.

**ORDINANCE NO. 50-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, AND SECTION 3.0, SPECIFIC PLANS, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO CHANGE THE CURRENT LAND USE REFLECTED ON A PORTION OF SPECIFIC PLAN AREA NUMBER 5 (SPA 5) FROM LOW DENSITY RESIDENTIAL USES AND VILLAGE RETAIL USES TO MEDIUM DENSITY RESIDENTIAL USES, HIGH DENSITY RESIDENTIAL USES ON APPROXIMATELY 49.56 ACRES OF LAND, AND FROM LOW DENSITY RESIDENTIAL USES TO VILLAGE RETAIL USES ON APPROXIMATELY 1.39 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324, DENTON COUNTY, TEXAS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: B. WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: GELBMAN**

12. Public Hearing to consider a request for rezoning (ZPD16-0006 – Bradford Park) from Agricultural District (A) and Planned Development District No. 89 (PD-89) with Retail District-2 (R-2) uses to Planned Development District No. 148 (PD-148) with Single-Family District-10 (SF-10) and Single-Family District-5 (SF-5) uses with certain exceptions and modifications to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment, and acceptance of cash in lieu of land in the amount of \$660,441.60 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$216,528.00. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. *(The Planning & Zoning Commission recommended denial by a vote of 4 to 2 at its August 22, 2016, meeting.)*

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for rezoning (ZPD16-0006 – Bradford Park) from Agricultural District (A) and Planned Development District No. 89 (PD-89) with Retail District-2 (R-2) uses to Planned Development District No. 148 (PD-148) with Single-Family District-10 (SF-10) and Single-Family District-5 (SF-5) uses with certain exceptions and modifications to the Code of Ordinances, and adopt an ordinance providing

for said amendment, and acceptance of cash in lieu of land in the amount of \$660,441.60 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$216,528.00. Councilmember McDaniel seconded the motion.

**ORDINANCE NO. 51-16**

**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 49.56 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324, DENTON COUNTY, TEXAS, FROM AGRICULTURAL DISTRICT (A) AND PLANNED DEVELOPMENT DISTRICT NO. 89 (PD-89) WITH RETAIL DISTRICT-2 (R-2) USES TO PLANNED DEVELOPMENT DISTRICT NO. 148 (PD-148) WITH SINGLE-FAMILY DISTRICT-10 (SF-10) AND SINGLE-FAMILY DISTRICT-5 (SF-5) 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: J. WEBB, MCDANIEL, BRYANT, B. WEBB**

**NAYS: GELBMAN**

13. Public Hearing to consider an application for a tree removal permit for twenty-six (26) specimen trees on property proposed for development as Bradford Park. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. *(The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its August 2, 2016, meeting).*

Deputy Mayor Pro Tem Bryan Webb moved to approve the removal of twenty-six (26) specimen trees on property proposed for development as Bradford Park. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: NONE**

**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 convened into a closed meeting at 12:17 a.m. on September 7, 2016, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 12:47 a.m. on September 7, 2016, 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, **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.

- d. Consultation with Attorney as follows:
  1. Smith Tract Master Plan Amendment

No action taken.

**O. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 12:47 a.m. on Wednesday, September 7, 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**