

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 19TH DAY OF DECEMBER 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.

Meeting Video Link: <http://flowermoundtx.swagit.com/play/12192016-934> (subject to change)

The Town Council met in a regular meeting with the following members present:

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

With the following members absent:

Tom Hayden	Mayor
------------	-------

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	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works

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 Mark Sherrill gave the invocation and Cub Scout Troop 1171 led the pledges.

D. PRESENTATIONS

1. Presentation of Lifesaving Award to Battalion Chief Kelley Cato, Captain John Wright, Engineer Steve Sunthimer, and Firefighters Travis Walker, Darren Miller, Matthew Frisinger, Dustin Brewer and Wade Cannon.

Assistant Fire Chief/EMS Glover presented the above referenced individuals with a lifesaving award for their help on a medical issue at a 5k fun run event in October.

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 <i>(as written on the form)</i>
1.	Billy and Talitha Vedet, 2500 Lakeside	Intro to The Market at Lakeside
2.	Andrew Berry, 1804 Richwood Dr, Austin, TX	New senior care facility
3.	Paul Stone, 709 Lake Bluff Dr	Holidays

F. ANNOUNCEMENTS

Several members of Council extended well wishes for a safe and happy holiday season.

Mayor Pro Tem Bryant announced that communities in North Texas will celebrate the 24th annual Dr. Martin Luther King, Jr. Day on January 16, 2017, at 6:30, at the Flower Mound High School auditorium.

G. TOWN MANAGER'S REPORT

Update and discussion on:

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

Mr. Stathatos gave an update on the following CIP projects:

- Forest Vista
- McKamy Creek at Flower Mound Road

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on the following ED projects:

- Mi dia (2499 and West Windsor) restaurant
- Condo Tower at Lakeside DFW
- Mio Nano restaurant opening
- Asian Fusion (Hana Hibachi and Sushi)
- Office bldg. under construction at Lakeside Parkway
- Milwaukee Joe's going to Lakeside DFW
- Sales tax revenue update

3. Update and discussion on new town hall and library expansion.

Mr. Stathatos gave an update on the new Town Hall and library expansion noting that the Library is on track for the first quarter of 2017 with the TIRZ Board, and Town Hall has the construction manager at risk item on tonight's agenda.

4. Update and discussion on the quality of cell service in certain parts of Flower Mound.

Mr. Stathatos gave an update on the cell service issue noting:

- Provider interest from AT & T and focus is on the Lakeside area
- American Tower Company has also had discussions with Lakeside DFW and

expressed interest in putting an antenna on the condo tower

And he responded to questions from Council as follows:

- How does the market change in the event one provider comes in before another
- Is there a height issue relative to the antenna at the condo tower given the proximity to the airport
- When will Sagebrush be finished
- What would be needed relative to the needs assessment/community support for the senior housing project as brought up by Mr. Berry during public participation
- Update on the Community garden

H. FUTURE AGENDA ITEMS

There were no items brought up for future agenda consideration.

I. COORDINATION OF CALENDARS

Mayor Pro Tem Bryant announced that the next Town Council meeting is scheduled for Tuesday, January 17, 2017.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on December 5, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on December 5, 2016.

2. Consider approval of the minutes from a work session of the Town Council held on December 15, 2016.

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on December 15, 2016.

3. Consider changing the name from the Parks, Arts, and Library Services Board (PALS) to the Parks Board and removing the arts and library functions (in coordination with the November 8, 2016, Special Election, Proposition No. 7, as approved by the voters).

RECOMMENDATION: Move to approve the name change from the "Parks, Arts, and Library Services Board (PALS)" to the "Parks Board" and remove the arts and library functions.

ORDINANCE NO. 66-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 2, ARTICLE III, "BOARDS, COMMITTEES, AND COMMISSIONS" IN ORDER TO CHANGE THE NAME OF THE "PARKS, ARTS, AND LIBRARY SERVICES (PALS) BOARD" TO THE "PARKS BOARD"; MODIFYING THE AUTHORITY OF SAID

BOARD; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

4. Consider approval of an ordinance amending Appendix A "Fee Schedule" to establish the fee for the usage of the Town Community Activity Center (CAC) by part-time town employees.

RECOMMENDATION: Move to approve an ordinance amending Appendix A "Fee Schedule" to establish the fee for the usage of the Town Community Activity Center (CAC) by part-time town employees.

ORDINANCE NO. 67-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," OF THE CODE OF ORDINANCES TO ESTABLISH THE FEE FOR THE USAGE OF THE TOWN COMMUNITY ACTIVITY CENTER BY PART-TIME TOWN EMPLOYEES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of a contract with Stealth - HIIG in the amount of \$458,147 for reinsurance coverage for the Town's Group Health Plan.

RECOMMENDATION: Move to approve a contract with Stealth - HIIG in the amount of \$458,147 for reinsurance coverage for the Town's Group Health Plan.

6. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

RECOMMENDATION: Move to approve Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

ORDINANCE NO. 68-16

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2017 Independence Fest.

RECOMMENDATION: Move to approve the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2017 Independence Fest.

8. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2016, and ending on September 30, 2017, as adopted by Resolution No. 20-16.

RECOMMENDATION: The Town Council acting, as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District, moves to approve a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2016, and ending on September 30, 2017, as adopted by Resolution No. 20-16.

RESOLUTION NO. 26-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, AS ADOPTED BY RESOLUTION NO. 20-16; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

9. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution amending the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, as adopted by Resolution No. 18-15.

RECOMMENDATION: The Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, move to approve a resolution amending the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016, as adopted by Resolution No. 18-15.

RESOLUTION NO. 27-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, AS ADOPTED BY RESOLUTION NO. 18-15; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

10. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15, No. 04-16, No. 09-16, No. 13-16 and No. 29-16 for an adjustment to the General Fund, General Debt Service Fund, Utility Fund, Chapter 59 Seizure Fund, and the Vehicle and Equipment Replacement Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15, No. 04-16, No. 09-16, No. 13-16 and No. 29-16 for an adjustment to the General Fund, General Debt Service Fund, Utility Fund, Chapter 59 Seizure Fund, and the Vehicle and Equipment Replacement Fund.

ORDINANCE NO. 69-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015, AND ENDING ON SEPTEMBER 30, 2016, AS ADOPTED BY ORDINANCE NO. 52-15 AND AMENDED BY ORDINANCE NO. 70-15, 04-16, 09-16, 13-16 and 29-16, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, GENERAL DEBT SERVICE FUND, UTILITY FUND, CHAPTER 59 SEIZURE FUND, HOMELAND SECURITY GRANT PROGRAM FUND, AND VEHICLE AND EQUIPMENT REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2016 and ending on September 30, 2017, as adopted by Ordinance No. 52-16 for adjustments to the General Fund, Utility Fund, Library Development Fund, IRS Equitable Sharing Fund, Chapter 59 Seizure Fund, and Vehicle and Equipment Replacement Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2016 and ending on September 30, 2017, as adopted by Ordinance No. 52-16 for adjustments to the General Fund, Utility Fund, Library Development Fund, IRS Equitable Sharing Fund, Chapter 59 Seizure Fund, and Vehicle and Equipment Replacement Fund.

ORDINANCE NO. 70-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017, AS ADOPTED BY ORDINANCE NO. 52-16, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, LIBRARY DEVELOPMENT FUND, IRS EQUITABLE SHARING FUND, CHAPTER 59 SEIZURE FUND, AND VEHICLE AND EQUIPMENT REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR

SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

12. Consider acceptance of a Texas Preservation Trust Fund grant from the Texas Historical Commission (THC) and execution of an agreement with the THC; and authorization for the Mayor to execute said agreement on behalf of the Town.

RECOMMENDATION: Move to approve Move to authorize the acceptance of grant funds, and execution of an agreement with the Texas Historical Commission for the Texas Preservation Trust Fund grant, and authorize the Mayor to execute said agreement on behalf of the Town.

13. Consider approval of a Construction Manager at Risk Agreement, for the construction of the Town Hall project, with Steele Freeman Inc.; and authorization for the Mayor to execute the same on behalf of the Town.

RECOMMENDATION: Move to approve a Construction Manager at Risk Agreement, for the construction of the Town Hall project, with Steele Freeman Inc.; and authorization for the Mayor to execute the same on behalf of the Town.

Item 14 was moved from consent to regular items.

15. Consider approval to purchase materials and installation for the Inflow & Infiltration Evaluation and Repair (2016 Manhole Rehabilitation) project, from Fuquay, Inc., a Buy Board participant; in the amount of \$483,644.00.

RECOMMENDATION: Move to approve to purchase materials and installation for the Inflow & Infiltration Evaluation and Repair (2016 Manhole Rehabilitation) project, from Fuquay, Inc., a Buy Board participant; in the amount of \$483,644.00.

16. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services, associated with the Bruton Orand EST Rehabilitation project, in the amount of \$54,500.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide contract construction administration phase services, associated with the Bruton Orand EST Rehabilitation project, in the amount of \$54,500.00; and authorization for the Mayor to execute same on behalf of the Town.

17. Consider approval of the 2016 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

RECOMMENDATION: Move to approve the 2016 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

18. Consider approval of the purchase of two (2) Toro Groundsmaster GM4300 TIV with service pack combo for the Park Services Department from Professional Turf Products, L.P., in the amount of \$102,450.68.

RECOMMENDATION: Move to approve the purchase of two (2) Toro Groundsmaster GM4300 TIV with service pack combo for the Park Services Department from Professional Turf Products, L.P., in the amount of \$102,450.68.

Deputy Mayor Pro Tem Bryan Webb moved to approve by consent Items 1-13; 15-18. Councilmember Jason 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: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN

NAYS: NONE

K. REGULAR ITEMS

14. Consider approval of Change Order No. 1 for the construction of the Pintail Pump Station Capacity Improvements project, amending the contract with Felix Construction Company, Corp., to provide for additional contract days and an increase to the contract in the amount of \$47,212.37, increasing the total contract amount to \$1,056,592.37; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember McDaniel indicated he requested the item to be pulled from consent given the two comma rule; however, he also noted he did not require a formal presentation.

Deputy Mayor Pro Tem Bryan Webb moved to approve Change Order No. 1 for the construction of the Pintail Pump Station Capacity Improvements project, amending the contract with Felix Construction Company, Corp., to provide for additional contract days and an increase to the contract in the amount of \$47,212.37, increasing the total contract amount to \$1,056,592.37; 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

19. Public Hearing to consider a request for a Development Plan (DP16-0003 - Bradford Park) to develop a residential subdivision, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its December 12, 2016, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Overall location
- Detailed location
- Land use and zoning
- Photos of site
- Land swap exhibit
- Exception – overhead utilities
- Development plan

Mr. Powell responded to questions from Council as follows:

- Clarification regarding the additional poles that would be needed in the event the exception was not granted

Applicant Presentation

The applicant was present and available for any questions; however, there were no questions in which to respond to.

Mayor Pro Tem Bryant opened the Public Hearing at 6:37 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
Kendra Stephenson, 2321 Roadrunner	Jim Engel, 5110 Bayberry	Paul Stone, 709 Lake Bluff Dr

Mayor Pro Tem Bryant closed the Public Hearing at 6:54 p.m.

There was Council discussion as follows:

- How the underground utilities ordinance is broken
- In reality every line should be buried in Town, but not to the point of punishing a particular property owner when there are miles of overhead lines throughout town
- In favor of fixing the ordinance and coming up with something such as having property owners pay a proportionate amount into a fund (similar to the park

dedication fund) so that as that dedicated fund of money grows the Town can work with companies like CoServ and bury long segments of overhead lines in the future

- How the topic of overhead utilities is expected to be discussed at a work session in the spring of 2017
- The frequency of exemptions coming before Council
- How there is not a net gain with granting the exemption
- The legalities associated with a denial
- Does the developer have the right to move the poles into the right of way

Councilmember McDaniel moved to approve a request for a Development Plan (DP16-0003 - Bradford Park) to develop a residential subdivision, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located south and west of the intersection of Rippy Road and Waketon Road. Deputy Mayor Pro Tem Bryan Webb seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: GELBMAN

20. Public Hearing to consider a request for a Specific Use Permit No. 448 (SUP16-0013 - Enterprise Storage) to permit a mini-warehouse facility with an exception to the access management policy and criteria regarding driveway spacing contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Enterprise Drive and north of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2016, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the site
- Landscape plan
- Conceptual site plan
- Elevations

Applicant Presentation

Dwight "Dee" Baron, Texas Land Planning and Management Services

Mr. Baron gave a presentation identifying or noting:

- Background information on the design of the building and why they chose the site
- Video demonstrating the building concept, including renderings
- Example of past project they completed (City of Keller)
- Features of the "state of the art" self-storage facility

- Market demand summary
- Ad valorem tax summary
- Other positive factors related to having a self-storage facility
- Surrounding property owner outreach, including a discussion on sharing a detention pond
- Waivers and additional conditions for approval
- Changes made based on comments after the Planning and Zoning meeting

Mr. Baron responded to questions from Council as follows:

- What is the actual elevation, particularly as it relates to grade, and what is the height
- What are the hours of operation
- A request for reassurance that what was presented represents what actually gets built

Mayor Pro Tem Bryant opened the Public Hearing at 7:20 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
Jim Engel, 5110 Bayberry	None.	None.

Mayor Pro Tem Bryant closed the Public Hearing at 7:21 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for a Specific Use Permit No. 448 (SUP16-0013 - Enterprise Storage) to permit a mini-warehouse facility with an exception to the access management policy and criteria regarding driveway spacing contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Enterprise Drive and north of Long Prairie Road. Councilmember Gelbman seconded the motion.

ORDINANCE NO. 72-16

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 APPROVING SPECIFIC USE PERMIT NO. 448 (SUP-448) FOR A MINI-WAREHOUSE ON CERTAIN PROPERTY DESCRIBED AS 1.707 ACRES OF LAND AND BEING ALL OF LOT 1 OF THE SOUTHPOINT ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 61 (PD-61) WITH COMMERCIAL DISTRICT-2 (C-2) USES; GRANTING AN EXCEPTION TO THE ACCESS MANAGEMENT POLICY AND CRITERIA REGARDING DRIVEWAY SPACING REQUIREMENTS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR

VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

Mayor Pro Tem Bryant opened items 21 and 22 at the same time at 7:26 p.m.

21. Consider a request for a Site Plan (SP16-0009 - River Walk Amphitheater) to develop an outdoor amusement and recreation building. The property is generally located south of Royal Crescent Drive North and east of River Walk Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2016, meeting.)

Staff Presentation

Mr. Powell gave a presentation for items 21 and 22 identifying or noting:

- General and detailed location
- Land use and zoning
- Original concept plan
- Photos of the site
- SUP Exhibit
- Site/landscape plan
- Elevations and renderings
- Feedback as it relates to public comments

Mr. Powell responded to questions from Council as follows:

- Will there be a noise factor for the hospital (based on correspondence Council received)
- Are there regulations regarding noise levels at outdoor events

There was Council discussion as follows:

- Appreciation for the work to date, including the water wall
- Excited to start seeing some of the amenities come on line that have been promised
- Comfort level as it relates to the noise factor given the amphitheater will be partially enclosed, and that the events will be ticketed
- Importance of having the sound quality match the aesthetics presented to insure a good experience for ticket holders

Applicant Presentation

Bobby Dollak, G & A Consulting, 111 Hillside Dr, Lewisville, TX

Mr. Dollak gave a presentation identifying or noting:

- Aerial rendering
- Site plan

- Landscape plan
- West, East, North, and South Elevations
- Renderings
- Aerial video update for Riverwalk construction
- Hotel and conference center update
- Amphitheater enhancements
- Parking elements, including a parking garage
- Plat

Mr. Dollak responded to questions from Council as follows:

- Who will manage the amphitheater
- What type of acts are anticipated for the amphitheater

Deputy Mayor Pro Tem Bryan Webb moved to approve a Site Plan (SP16-0009 – River Walk Amphitheater) to develop an outdoor amusement and recreation building. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

22. Public Hearing to consider a request for a Specific Use Permit No. 445 (SUP16-0003 - River Walk Amphitheater and Splash Pad) to permit an outdoor amusement and recreation use, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Royal Crescent Drive North and east of River Walk Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2016, meeting.)

Mayor Pro Tem Bryant opened the Public Hearing for item 22 at 7:59 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
Jim Engel, 5110 Bayberry St	None.	None.
Paul Stone, 709 Lake Bluff Dr		

Mayor Pro Tem Bryant closed the Public Hearing at 8:02 p.m.

Administrative Note: the motion for item 22 was made prior to item 21.

Deputy Mayor Pro Tem Bryan Webb moved to approve Specific Use Permit No. 445 (SUP16-0003 - River Walk Amphitheater and Splash Pad) to permit an outdoor amusement and recreation use, and adopt an ordinance providing for said amendment. Councilmember Jason Webb seconded the motion.

ORDINANCE NO. 71-16

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 APPROVING SPECIFIC USE PERMIT NO. 445 (SUP-445) FOR AMUSEMENT AND RECREATION (OUTDOORS) USES ON CERTAIN PROPERTY DESCRIBED AS 3.672 ACRES OF LAND AND BEING ALL OF LOT 1X AND A PORTION OF LOT 1, 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 MOTION:

Motion passed

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

NAYS: NONE.

23. Public Hearing to consider a request for a Master Plan Amendment (MPA16-0014 – Specific Plan Areas) to delete Section 3, Specific Plans, in its entirety and to amend Section 1, Land Use Plan, by removing the summary description of Specific Plan Areas and by adopting a revised Land Use Map which replaces the white SPA boundary overlays with colors of the existing land use designations, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2016, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Background information as it relates to Specific Plan Areas (SPA's)
- Site plan elements and clarification for each:
 - Living screen buffer corridor landscape
 - Gateway
 - Pedestrian open space parking/loading/refuse
 - Design guidelines
 - Land use
 - Access points
- SPA build-out
- Land use maps – SPA's
- The purpose of the item

Mr. Powell responded to questions from Council as follows:

- What is the long term impact as it relates to future development
- Clarification regarding the removal of parking limitations as it relates to SPAs
- Clarification related to the concept of repeal and replace and what that means relative to zoning

Mayor Pro Tem Bryant opened the Public Hearing at 8:19 p.m.

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

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Paul Stone, 709 Lake Bluff Dr	None.	None.

Mayor Pro Tem Bryant closed the Public Hearing at 8:21 p.m.

Council deliberation and discussion:

- Appreciation for staff bringing this item forward as SPAs have outlived their usefulness and it's time to remove that additional overlay for a more efficient government
- Past SPAs were important and helped shape the Town in to what it is today
- How removal of the SPAs streamlines the process
- Today SPAs have almost become an impediment in finishing out some areas

Councilmember McDaniel moved to approve a request for a Master Plan Amendment (MPA16-0014 – Specific Plan Areas) to delete Section 3, Specific Plans, in its entirety and to amend Section 1, Land Use Plan, by removing the summary description of Specific Plan Areas and by adopting a revised Land Use Map which replaces the white SPA boundary overlays with colors of the existing land use designations, and adopt an ordinance providing for said amendment. Councilmember Jason Webb seconded the motion.

ORDINANCE NO. 73-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, BY DELETING SECTION 3, SPECIFIC PLANS, IN ITS ENTIRETY; AND BY AMENDING SECTION 1.0, LAND USE PLAN, TO REMOVE THE SUMMARY DESCRIPTION OF SPECIFIC PLAN AREAS, TO ADD THE PROVISION RELATED TO BOB WHITE LANE PREVIOUSLY CONTAINED IN SECTION 3, AND TO ADOPT A REVISED LAND USE MAP; 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: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:26 p.m. on December 19, 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 8:59 p.m. on December 19, 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: **Community Development Corporation.**

For the Community Development Corporation Deputy Mayor Pro Tem Bryan Webb moved to reappoint Cassandra Forest, Director, Place 2; William Henderson, Director, Place 4; Dana Smith, Director, Place 6, all with a term expiration date of December 31, 2018. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

- 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 Town Attorney:

- 1. Public Utility Commission of Texas (Docket No. 45175) and State Office of Administrative Hearings (SOAH) (Docket No. 473-16-1119)

- 2. Tree preservation ordinance

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Pro Tem Bryant adjourned the meeting at 9:00 p.m. on Monday, December 19, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

KEVIN BRYANT, MAYOR PRO TEM

ATTEST:

THERESA SCOTT, TOWN SECRETARY