

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF APRIL 2008 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:

Jody Smith	Mayor
Tim Trotter	Deputy Mayor Pro Tem
Joel Lindsey	Councilmember, Place 1 (arrived at 7:16 p.m.)
Al Filidoro	Councilmember, Place 2
Laurie Long	Councilmember, Place 4

With the following member absent:

Jeff Tasker	Mayor Pro Tem
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constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Chief Financial Officer
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Bart Stevenson	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Tracy Knierim	Executive Director Administrative Services

A. CALL BRIEFING SESSION TO ORDER

Mayor Smith called the briefing session to order at 6:12 p.m.

B. BRIEFING SESSION

1. Mayor and Town Council Liaison Reports

Councilmember Filidoro attended the Oil and Gas Appeals Board meeting and several citizens signed a petition requesting that the meetings be started at a reasonable time and on-time. The petition was submitted to the Town **Secretary's** Office. He stated the Board did not approve of the variance requests made by the applicant for the River Walk project.

2. Discuss Pending Issues

a. Council Communications

Town Manager Harlan Jefferson reviewed that the Council had received a communication regarding community support funding in the FY 08-09 budget. He noted a work session would be held in June regarding the requests. Regarding the tree ordinance, the schedule was for staff to complete the research and make a briefing at the May 5 Town Council meeting. The proposed ordinance would be scheduled for Council consideration at the May 19 agenda.

3. Comments on Consent and Regular Items

Mr. Jefferson referred to Consent Item #10 - the lease agreement with MetroPCS. After staff visited Bluebonnet Park and observed concerns expressed at the last Council meeting, MetroPCS agreed to add six inches of sand, grade the area to sheet drain, install an irrigation system, and seed with hulled Bermuda. The estimated cost to make the improvements was \$48,000 (equal to four annual rental payments).

Councilmember Filidoro asked staff to contact the people who spoke at the last meeting regarding Bluebonnet Park.

4. Discuss Future Agenda Items

Councilmember Long stated meeting dates needed to be set for the discussion of: the public process regarding video taping of work sessions; more green development in the Town; a review of the oil and gas ordinance, and; how to get items on a Council meeting agenda.

C. ADJOURN BRIEFING SESSION - 6:20 p.m.

D. CALL REGULAR MEETING TO ORDER

Mayor Smith called the regular meeting to order at 6:20 p.m.

E. INVOCATION

Chaplain Mike Simpson gave the Invocation.

F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Simpson led the pledges.

G. PUBLIC PARTICIPTION

Steve Gilbreath, 630 Dove Trail, Copper Canyon

Mr. Gilbreath stated he was an employee of the Town of Flower Mound between 1990-1998. He was now retired. He received a letter from the Texas Municipal Retirement System in December 2007 advising him that the Town of Flower Mound had made the decision to drop cost of living increases for retirees in 2007. He was curious to know how much the increase would have cost the Town. He had talked with other retirees who received the same letter, and they were all asking for additional information from the Town regarding the decision.

Marilyn Jenkins, 6716 Raintree Place, Flower Mound

"My name is Marilyn Jenkins. I reside at 6716 Raintree Pl., FM 75022. I ran into Paul Stone Saturday. Paul and I are very good friends, and very good political allies when it suits either of us, so we discussed ethics, and the lack of ethics in government in general and Flower Mound specifically. While he and disagree on his example of out-ethics, I want to take your attention to 3 matters: 1) I think it inappropriate that the Riverwalk developer chairs the Economic Development Advisory Committee for a number of reasons, but the biggest one is that he is a DEVELOPER! This Town Council voted 5-0 to create this committee. And then this committee recommended tax incentives and an "Economic Development Incentive Policy" that this TC approved. Does anyone know how to spell CONFLICT OF INTEREST? Now this begs the question, "who is benefiting from this committee???" I'd appreciate a response. 2) My next

item has to do with courtesy. Last Thursday night at the PALS meeting, Mike McCall said “we want to thank the citizen who gave her time to serve on the Parks **Sub-Committee**.” Well, that “**citizen**” is me! My name is Marilyn Jenkins. I have not been given written notice to resign; only a casual conversation with John Thomas who told me “we need to talk”. I volunteered my time, talents and experience in good faith to serve the Town and I get referred to as “**this citizen**”. So for the record, Mayor, TC, Town Secretary, and PALS board, I would appreciate it if you would include my name in the record for posterity. And with a meeting tomorrow night, my question is: have I been removed? 3) And to answer Jean **Levenick’s** claim that “**things** are going so well in town that the Mayor is running **unopposed**”, I can only respond by saying I trusted you, Mayor, to do the right thing adhering to the Master Plan. However, since March, my faith in the **Mayor’s** administration has waned. For me, personally, I no longer have trust that the Mayor and her administration will do the right thing. So, I **won’t** be voting for the office of Mayor. Sorry. I will be supporting people who will do as the people want: for Al Filidoro and Virginia Jellison.”

Jan Thompson, 914 Hillside Lane, Flower Mound

Ms. Thompson stated the River Walk project was an overly ambitious project, and it was imperative for the Town to proceed in a cautious manner. She expressed concern over a presentation that was given to the Environmental Conservation Commission regarding the project, and stated the tree ordinance was very important.

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Mr. Stone asked for the Council to consider the creation of an Ethics Commission, noting that the last Charter Review Commission also made that recommendation. He stated he was disappointed with the response he received from the Town Attorney regarding his recent ethics inquiry. He wanted citizens to know that the local level of government was the most responsive to the citizens. All the candidates at the forum thought it was a good idea, also. Mr. Stone addressed Ms. **Jenkins’** comments about the River Walk project and he believed that Mr. McDowell did not own the property (River Walk project) at the time he was on the Economic Development Advisory Committee. Mr. Stone stated there was an article in last **Thursday’s** Dallas Morning News about Flower Mound citizen Chris Miles, a recycling builder.

H. PRESENTATIONS - none

I. MAYORAL/COUNCILMEMBER ANNOUNCEMENTS

Deputy Mayor Pro Tem Trotter stated The News Connection sponsored the candidate forum Saturday evening, and he encouraged everyone to watch the re-run of the debate. He announced that the Flower Mound High School hockey team placed 3rd in the state. The Marcus High School boys soccer team, for the second year in the row - were state champions. Deputy Mayor Pro Tem Trotter appreciated the comments made about the River Walk project and noted the public hearings had not even started yet. As a result of the work sessions, the developer had made many changes to the plan.

Mayor Smith stated staff had been in touch with Mr. and Mrs. Sanchez about the streaming of the meetings on the website, however they had been out of town recently. She stated the issue of green building would be addressed by the Council, as it was on the **Council’s** priority list. She noted the Council held a planning retreat in January, and several people attended, hearing that there was unanimous support by the Council for the creation of a Central Business District zoning category. Ordinances would be forthcoming. Mayor Smith stated she would speak to the PALS Board Chair about Ms. Jenkins and her service on the subcommittee. She added that Jane Immell, wife of former Mayor John Immell, passed away on April 16.

Councilmember Long announced the Friends of the Flower Mound Library Book Sale on April 25-26. On April 30, Representative Tan Parker would be speaking to the Seniors In Motion members. KidFish at Rheudasil Pond was scheduled for May 3. She encouraged citizens to get memberships for the Community Activity Center. She asked staff to respond to Steve Gilbreath's comments. Councilmember Long stated she was in favor of an Ethics Commission. She noted the Flower Mound Orchestra had many programs to offer to citizens, including an upcoming performance on May 3. She reminded everyone to vote in the upcoming election.

Councilmember Filidoro stated he would be performing with the Flower Mound Singers at their concert on July 5. He encouraged the Town to look at a recent Dallas Morning News article on mixed use, when preparing the **Town's ordinance**.

**J. Lewisville Independent School District (LISD) Liaison
HAYDEN**

Report - TOM

Tom Hayden, LISD liaison, stated the district had two propositions on the May 10 ballot - approximately \$700 million for Proposition #1 and approximately \$80 million for an event center - Proposition #2. He had visited with Fred Placke, school board president and Dr. Jerry Roy, superintendent, and questioned them on why the bond election was so large. The school district representatives informed him that there had been an opinion from a court decision that addressed the under-funded districts in the state. There was a possibility that something similar to a Robin Hood proposal would require school districts to fund facilities in El Paso or in the valley area of the state. Supposedly the \$700 million would build out approximately 90%-95% of the district. Of the \$700 million, \$650 million would be used for instructional uses, and \$50 million was for a natatorium and a stadium. Additionally, the district planned to build 9th grade campuses. If the proposition for the event center passes, it will be located on property close to Bakersfield Park. He hoped the district and the Town would look at a joint use agreement for the event center.

Deputy Mayor Pro Tem Trotter asked if the 9th grade campuses would eliminate the need for another high school.

Mr. Hayden responded that he believed that was true. He noted it would also allow for the district to have many more vocational programs.

Councilmember Long commented that if the school district taxes would be going up as a result of the bond election, an indirect burden was created for the Town Council. She hoped the revenues from the event center would be used for educational purposes.

Councilmember Lindsey arrived at 7:16 p.m.

K. TOWN MANAGER REPORT

Town Manager Harlan Jefferson referred to the sound wall projects on FM 2499. Phase 1 of the sound wall project for Section 2 of FM 2499 included the Estates of Creekwood and Surrey Woods. Phase 2 dealt with the Villages of Northshore and Lakeview Estates. Phase 3 of Section 3 would cover The Forums and Pecan Acres. There was only one outstanding easement in the Villages of Northshore, and it was delaying that project. There was one outstanding easement in Phase I, but it was not going to prevent the project from going forward. Bids would be opened tomorrow and provide for cost estimates. Staff would also get feedback from the residents in the affected subdivisions regarding the decisions on the walls. TxDOT planned to complete the Section 3 wall by September of this year. Regarding Mr. **Gilbreath's**

comments about the Texas Municipal Retirement System, Mr. Jefferson stated over the last few years, the General Accounting Standards Board (GASB) had imposed regulations regarding the logging and acknowledgement of post employee benefits. Through this effort, the Texas Municipal League decided to identify more than \$2.1 billion in unfunded liabilities that they have on their books for over 800 municipalities. Flower Mound's portion was \$7million-\$10 million. Staff came up with strategies to address the unfunded balances. Over a year ago staff started meeting with the Council and employees regarding the challenge that was ahead. Flower Mound increased the employee contribution rate (7%) to be more in line with other communities and at the same time eliminated the cost of living increases for retirees. Over the last four years, employees had not seen increases in salaries, however retirees had been getting increases. He noted other cities would probably be making similar movements. Mr. Jefferson stated he would offer to meet with Mr. Gilbreath, if desired.

L. CONSENT ITEMS

Deputy Mayor Pro Tem Trotter made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. Councilmember Lindsey seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

- 1. Consider approval of minutes from a special meeting and work session of the Town Council held on March 27, 2008.**

RECOMMENDATION: Approve minutes from a special meeting and work session of the Town Council held on March 27, 2008.

- 2. Consider approval of minutes from a regular meeting of the Town Council held on April 7, 2008.**

RECOMMENDATION: Approve minutes from a regular meeting of the Town Council held on April 7, 2008.

- 3. Consider approval of a merchant services agreement with Bank of America, N.A., for merchant card acceptance services through an existing interlocal agreement between the Town of Flower Mound and the City of Duncanville, and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Approve a merchant services agreement with Bank of America, N.A., for merchant card acceptance services through an existing interlocal agreement between the Town of Flower Mound and the City of Duncanville, and authorize the Mayor to execute same on behalf of the Town.

- 4. Consider approval of an ordinance vacating and abandoning 2 feet of the existing 7.5-foot utility easement located along the north property line of Lot 5, Block E, Grand Park Estates Addition. The Grand Park Estates Residential Addition is generally located north of Valley Ridge Boulevard, east of Morriss Road.**

RECOMMENDATION: Approve Ordinance No. 25-08 vacating and abandoning 2 feet of the existing 7.5-foot utility easement located along the north property line of Lot 5, Block E, Grand Park Estates Addition. The Grand Park Estates Residential Addition is generally located north of Valley Ridge Boulevard, east of Morriss Road. The caption of the ordinance reads as follows:

ORDINANCE NO. 25-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING 2 FEET OF THE EXISTING 7.5-FOOT UTILITY EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 5, BLOCK E, GRAND PARK ESTATES ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT "A"; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of a resolution adopting financial policies for the Town of Flower Mound.

RECOMMENDATION: Approve Resolution No. 09-08 adopting financial policies for the Town of Flower Mound. The caption of the resolution reads as follows:

RESOLUTION NO. 09-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING FINANCIAL POLICIES AND PROVIDING FOR AN EFFECTIVE DATE OF SAID RESOLUTION.

6. Consider approval of the award of Bid #308 for the asbestos abatement and select wet demolition of the vacant residential structure, the vacant barn structure, and the vacant primary residential structure, known as the Green Acres Farm, located at 4400 Hide-A-Way Lane to Eagle Construction & Environmental Services, L.P., in the amount of \$94,922.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of Bid #308 for the asbestos abatement and select wet demolition of the vacant residential structure, the vacant barn structure, and the vacant primary residential structure, known as the Green Acres Farm, located at 4400 Hide-A-Way Lane to Eagle Construction & Environmental Services, L.P., in the amount of \$94,922.00, and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of a contract with Kleinfelder to provide geotechnical and material testing services associated with the construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, in the amount of \$55,000.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a contract with Kleinfelder to provide geotechnical and material testing services associated with the construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, in the amount of \$55,000.00, and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of the award of a construction contract for concrete flatwork and decorative fencing for Peacock Park Phase II to Estrada Concrete, in the amount of \$17,135.00, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve the award of a construction contract for concrete flatwork and decorative fencing for Peacock Park Phase II to Estrada Concrete, in the amount of \$17,135.00, and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of Change Order No. 3 for the construction of the FM 3040 Sound Wall Phase II and Sidewalk project amending the contract with Wall Enterprises, for an increase of \$27,200.00 in the contract amount, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve Change Order No. 3 for the construction of the FM 3040 Sound Wall Phase II and Sidewalk project amending the contract with Wall Enterprises, for an increase of \$27,200.00 in the contract amount, and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of a lease agreement with MetroPCS to lease ground space for an equipment building in Bluebonnet Park located at 1801 Parkview Drive for the purpose of installing, operating, and maintaining facilities to provide commercial mobile radio services, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Approve a lease agreement with MetroPCS to lease ground space for an equipment building in Bluebonnet Park located at 1801 Parkview Drive for the purpose of installing, operating, and maintaining facilities to provide commercial mobile radio services, and authorize the Mayor to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Long, Filidoro
NAYS: None
ABSENT: Tasker

M. REGULAR ITEMS

Mayor Smith opened Items 11-13.

11. **MPA 02-08 Texas Roadhouse**
Public Hearing to consider a request to amend Section 3.0 Specific Plans and Section 4.0 Urban Design Plans (MPA 02-08 - Texas Roadhouse) of Master Plan 2001, by amending the roof and parapet standards for Specific Plan Area 1 (SPA 1) and to consider adopting an ordinance providing for said amendment. The 1.21-acre property, zoned Planned Development District-66 (PD-66) with Retail District-2 (R-2) uses, is generally located west of Long Prairie Road and north of Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 10, 2008, meeting.)
12. **ZPD 03-08 Texas Roadhouse**
Public Hearing to consider a request for rezoning (ZPD 03-08 - Texas Roadhouse) by amending the roof and parapet standards and the architectural standards for Planned Development District-66 (PD-66) and to consider adopting an ordinance providing for said zoning amendment. The 1.21-acre property, zoned Planned Development District-66 (PD-66) with Retail District-2 (R-2) uses, is generally located west of Long Prairie Road and north of Cross Timbers Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 10, 2008, meeting.)

13. SP 55-07 Texas Roadhouse

Consider a request for a Site Plan (SP 55-07 - Texas Roadhouse) to develop a 7,135 -square-foot restaurant. The 1.21-acre property, zoned Planned Development-66 (PD -66) with Retail District-2 (R-2) uses, is located in the Northwest Plaza at 3811 Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 10, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the applicant was requesting a change in the Master Plan and the zoning regarding the roof issue. The applicant had provided for a pitched element, however it did not meet the Town's technical requirements, therefore they were requesting a change in the language. Mr. Powell stated the language had previously been utilized in SPAs 5 and 6.

Questions from the Governing Body and Answers

Deputy Mayor Pro Tem Trotter asked if this was case specific.

Mr. Powell responded that any other building in SPA 1 would still have to come to the Town Council for approval.

Town Attorney Terry Welch stated at some point language would have to be in the SPA in order to put it in the Planned Development (PD), and then at the site plan process, the Town Council would determine if they wanted to grant it or not.

Councilmember Lindsey asked about the hours of operation, and the exterior colors of the building.

Angel Robinson, 2611 Internet Blvd., Suite 125, Frisco

Ms. Robinson stated the evening hours were set by corporate policy. They would be open for lunch on the weekends. She stated the brick on the restaurant will match the brick on the wall that separated Northwest Plaza 1 and 2.

Deputy Mayor Pro Tem Trotter stated he viewed the restaurant in Denton. He noted there were no air conditioners or storage units visible from the road or from the back of the building.

Ms. Robinson stated that would be the case also in Flower Mound.

Public Comments

Paul Stone, 709 Lake Bluff Drive, Flower Mound

Glad to see a steakhouse coming to Flower Mound. In support.

Close Public Hearing

Council Deliberation

Councilmember Filidoro expressed concern about having a plan for the building if the applicant had to move out.

Councilmember Long stated the design of the building was more encompassing of the neighborhood.

Councilmember Filidoro moved to approve a request to amend Section 3.0 Specific Plans and Section 4.0 Urban Design Plans MPA 02-08 - Texas Roadhouse, of Master Plan 2001, by amending the roof and parapet standards for Specific Plan Area 1 (SPA 1), and adopt Ordinance No. 26-08 providing for said amendment. Deputy Mayor Pro Tem Trotter seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 26-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 3.0 SPECIFIC PLAN AREAS AND SECTION 4.0 URBAN DESIGN PLAN OF MASTER PLAN 2001, BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED MASTER PLAN 2001, TO ALLOW FOR A WAIVER OF THE CURRENT ROOF AND PARAPET STANDARDS FOR BUILDINGS DETERMINED TO BE OF MERITORIOUS DESIGN THAT ARE PART OF A MULTI-BUILDING DEVELOPMENT IN SPECIFIC PLAN AREA #1 (SPA 1); REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Long, Trotter, Lindsey
NAYS: None
ABSENT: Tasker

Deputy Mayor Pro Tem Trotter moved to approve a request for rezoning ZPD 03-08 - Texas Roadhouse, by amending the roof and parapet standards and the architectural standards for Planned Development District-66 (PD-66), and to adopt Ordinance No. 27-08 providing for said amendment. Councilmember Filidoro seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 27-08

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT NO. 66 (PD-66) WITH RETAIL DISTRICT-2 (R-2) USES, THROUGH THE AMENDMENT OF EXHIBIT "B" DEVELOPMENT STANDARDS BY AMENDING THE ROOF AND PARAPET STANDARDS AND THE ARCHITECTURAL STANDARDS, ON APPROXIMATELY 1.21 ACRES OF LAND, IN THE NORTHWEST PLAZA ADDITION, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN 2001 AND IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Long, Filidoro
NAYS: None

ABSENT: Tasker

Councilmember Long moved to approve Site Plan SP 55-07 - Texas Roadhouse, to develop a 7,135-square-foot restaurant, and grant an exception to Section 82-74, Off-street parking and loading space requirements, of the Code of Ordinances. Councilmember Filidoro seconded the motion.

VOTE ON THE MOTION

AYES: Filidoro, Long, Trotter, Lindsey

NAYS: None

ABSENT: Tasker

Mayor Smith opened Items 14 and 15.

14. **ZPD 01-08 HCA Emergency Center**
Public Hearing to consider a request for rezoning (ZPD 01-08 - HCA Emergency Center) to amend Planned Development District-92 (PD-92) with Office (O) uses to include Hospital use, and to consider adopting an ordinance for said zoning amendment. The 1.94-acre property, zoned Planned Development District-92 (PD-92) with Office (O) uses, is located at 4351 Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 10, 2008, meeting.)

15. **SUP/SP 368-08 HCA Emergency Center**
Public Hearing to consider a request for a Specific Use Permit (SUP/SP 368-08 - HCA Emergency Center) to permit an 11,549-square-foot emergency care center, and to consider adopting an ordinance providing for said Specific Use Permit. The 1.94-acre property, zoned Planned Development District-92 (PD-92) with Office (O) uses, is located at 4351 Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 10, 2008, meeting.)

Staff Presentation

Doug Powell, Executive Director of Development Services, stated the applicant planned to utilize an existing building located on Lot 1 with the addition of an ambulance porte-cochere on the south end of the building. He noted the existing Planned Development did not allow the requested use (hospital). Staff had received several emails in support of the application.

Questions from the Governing Body and Answers - none

Applicant's Presentation

Dale Ridinger, Allen & Ridinger Consulting, Lewisville

Mr. Ridinger stated the addition was simply the porte-cochere for the ambulances. This change would reduce the parking on the site than if they erected another building. He noted the detention area was a little larger, and it would contain more slopes and landscaping. Additionally, they would be providing another 23 feet of landscape buffer on the southern end of the property.

Doug Welch, CEO of Medical Center of Lewisville, 500 W. Main, Lewisville

Mr. Welch stated the emergency center would be open 24 hours, however it was not a hospital. The center would contain 8-12 treatment rooms, noting that only 5% of emergency room visits required a hospital stay. If someone had to be admitted, they would be transported to the Medical Center of Lewisville. The emergency center would have state-of-the-art laboratory and imaging equipment. It would be owned and operated by Medical Center of Lewisville. He anticipated that the emergency center would see 20-25 patients per day, and three to five ambulances per day. Prior to the meetings, the applicant mailed letters to the area homeowners inviting them to a meeting to discuss the proposal. Only three people attended and all were in favor.

Deputy Mayor Pro Tem Trotter asked if HCA had any other free-standing facilities like this.

Mr. Welch responded they had similar facilities in Houston, Denver, and Charleston.

Deputy Mayor Pro Tem Trotter asked if this facility would provide the same emergent care as the hospital in Lewisville.

Mr. Welch responded yes - **they just could not** admit patients.

Councilmember Long asked about insurance coverage.

Mr. Welch stated the facility would be operated as an emergency room and they would fall under federal laws. They would be required to do a full medical screening for anyone who came in.

Deputy Mayor Pro Tem Trotter asked Mr. Ridinger to expand on the retention pond and amenity feature.

Mr. Ridinger explained that the new drive would be located where the existing detention was. The new detention area would be further south. With this design, they would be able to eliminate walls and hand railings. They would plant more trees and have a landscape feature with benches, pavers and plantings.

Public Comments

Brenda Lentz, 2816 London Lane, Flower Mound

Ms. Lentz was very pleased to have this coming to her neighborhood.

Carol Kohankie, 4312 Lauren Way, Flower Mound

Ms. Kohankie was very pleased to have this facility coming to Flower Mound.

Ron Lentz, 2816 London Lane, Flower Mound

Mr. Lentz spoke in favor of the request and asked for the Council's approval.

Close Public Hearing

Council Deliberation

Mayor Smith thanked the applicant for involving the neighbors.

Councilmember Lindsey moved to approve a zoning planned development amendment

ZPD 01-08 - HCA Emergency Center, to amend Planned Development District-92 (PD-92) with Office (O) uses to include Hospital use, and adopt Ordinance No. 28-08 providing for said zoning amendment. Deputy Mayor Pro Tem Trotter seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 28-08

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 AMENDING ORDINANCE NO. 08-06, WHICH CREATED PLANNED DEVELOPMENT DISTRICT NO. 92 (PD-92) WITH OFFICE DISTRICT (O) USES, ON APPROXIMATELY 10.15 ACRES OF LAND, IN THE WINDSOR PROFESSIONAL CENTRE ADDITION, BY AMENDING EXHIBIT "B" DEVELOPMENT STANDARDS TO ALLOW FOR A HOSPITAL USE WITH APPROVAL OF A SPECIFIC USE PERMIT, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN 2001 AND IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Lindsey, Trotter, Long, Filidoro
NAYS: None
ABSENT: Tasker

Councilmember Filidoro moved to approve Specific Use Permit SUP/SP 368-08 - HCA Emergency Center to permit construction of an 11,549-square-foot emergency care center, an exception to the parking requirements to allow the property to be over-parked in excess of 20 percent, and adopt Ordinance No. 29-08 providing for said Specific Use Permit subject to the following conditions:

- a. The attached site plan, landscape plan, and elevations, labeled Exhibit "A," an exhibit to the Specific Use Permit, shall be developed as approved, except that certain minor changes outlined in Section 82-37 of the Town's Land Development Regulations may be approved as set forth in that section.
- b. All uses permitted for a hospital, as defined in Section 98-2 of the Code of Ordinances, shall be permitted.
- c. If a building permit application has not been submitted to the Town's Building Inspections Division for consideration within one year of approval of the ordinance, the Specific Use Permit described herein will be a matter that will be automatically placed upon a subsequent Planning and Zoning Commission agenda for consideration as a Town-initiated zoning change under normal zoning amendment procedures.

Councilmember Long seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 29-08

AN ORDINANCE OF THE TOWN COUNCIL 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 LOT 1R BLOCK A, OF THE WINDSOR PROFESSIONAL CENTRE ADDITION, FROM PLANNED DEVELOPMENT DISTRICT-92 (PD-92) WITH OFFICE DISTRICT (O) USES TO PLANNED DEVELOPMENT DISTRICT-92 (PD-92) WITH OFFICE DISTRICT (O) USES, SUBJECT TO SPECIFIC USE PERMIT NO. 368 (SUP 368) TO ALLOW FOR A HOSPITAL, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN 2001 AND IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Filidoro, Long, Trotter, Lindsey
NAYS: None
ABSENT: Tasker

N. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- No May 15 work session items at this time

O./P. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:13 p.m. on April 21, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, and economic development negotiations and reconvened into an open meeting at 8:46 p.m. on April 21, 2008 to take action on the items as follows:

Councilmember Lindsey left at 8:45 p.m.

a. Discuss and consider economic development incentives.

No action taken.

b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

Q. ADJOURN REGULAR MEETING

Mayor Smith adjourned the regular meeting at 8:47 p.m. on April 21, 2008 and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, MAYOR

ATTEST:

PAULA J. PASCHAL, TOWN SECRETARY

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