

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20<sup>TH</sup> DAY OF MARCH 2017, 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/03202017-997> (subject to change)

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

Tom Hayden	Mayor
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
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
Eric Greaser	Fire Chief
Andy Kancel	Police Chief
John Habern	Parks, Trails and Landscape Specialist

**A. CALL REGULAR MEETING TO ORDER**

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

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

Chaplain Russ McNamer gave the invocation and Mayor Hayden led the pledges.

**D. PUBLIC PARTICIPATION**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

	Speaker names and address	Subject (as written on the form if provided)
1.	Carol Kohankie, 4312 Lauren Way	Decorum
2.	Albert Picardi, 1525 Lindby	Mound update
3.	Renee Doyle, 920 Drake Trail	Item 10 – Victory Retail
4.	Cathy Strathmann, 2612 Belmont Ct.	Against Item 10 (indicated not speaking on form)

**E. ANNOUNCEMENTS**

Deputy Mayor Pro Tem Bryan Webb apologized if he offended anyone for language used at the last Council meeting, and he offered background information as to why it happened.

**F. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following items:

1. Capital improvement projects:
  - Twin Coves Park
  - McKamy Creek road construction
  - Forest Vista
2. Economic Development projects:
  - Mio Nonno
  - Taco Bueno
  - Midwestern State University
3. New town hall and library expansion:
  - Nothing new to report
4. Discussion regarding sidewalk/street lighting improvements:

Mr. Parr provided an update on the sidewalk/street lighting improvements, with emphasis on Forest Vista Drive near Donald Elementary School and Morriss Road near Forestwood Middle School. He pointed out that three additional lights near the Forestwood Middle School will be coming forward in the upcoming budget for Council consideration. He further added that there will be input from the neighborhood for any of those that are near homes.

Mr. Parr responded to questions from Council as follows:

- Who is responsible for light repairs inside the neighborhood
- A request for a relocation of the proposed light that is at the most northern point on the map near Garden Rd, given the adjacency to a home
- Concerns regarding visibility issues associated with the striping on FM 2499 due to the use of white paint on concrete, and especially at sunrise and sunset

Mayor Pro Tem Bryant had the following additional locations he would like to be looked at for street light consideration:

- Forest Vista Elementary School (900 Forest Vista Dr)
- Shadow Ridge Elementary School (2050 Aberdeen Dr)
- Neighborhood lighting – Timber Creek area (N of Parker Square)
- Forest Vista @ Garden Ridge (indicated it's his main concern as currently there no lighting exist at this intersection)

**G. FUTURE AGENDA ITEMS**

1. Deputy Mayor Pro Tem Webb commented that he was informed that he and the Mayor had lied under Oath and Councilmember Gelbman had proof of that. He requested that Councilmember Gelbman bring forward that proof.

As an alternative, Mayor Hayden indicated that Councilmember Gelbman stated he had a copy of the Texas Ranger's report related to the 2015 Council investigation. Given it was later identified that the Town had not received a copy, Mayor Hayden requested that staff proceed with obtaining it for the purpose of provided it to the entire Council.

#### **H. COORDINATION OF CALENDARS**

1. Mayor Hayden announced that the next Town Council meeting is scheduled for Monday, April 3, 2017.

#### **I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 6, 2017.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on March 6, 2017.

2. Consider approval of revisions to the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Personnel Regulations, Chapter 5, Leave effective immediately.

**RECOMMENDATION:** Move to approve revisions to the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Personnel Regulations, Chapter 5, Leave effective immediately.

3. Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

**RECOMMENDATION:** Move to approve a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

#### **RESOLUTION NO. 05-17**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.**

4. This item was pulled from Consent and moved to regular items.

5. Consider approval of the Professional Services Agreement with Halff Associates, Inc., to provide professional engineering services, for the East Waketon Road Improvements project, at an amount not to exceed of \$38,050.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Halff Associates, Inc., to provide professional engineering services, for the East Waketon Road Improvements project, at an amount not to exceed of \$38,050.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning and construction documents associated with the Heritage Park of Flower Mound Phase IV project, in the amount of \$147,000.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning and construction documents associated with the Heritage Park of Flower Mound Phase IV project, in the amount of \$147,000.00; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of the purchase of traffic sign sheeting material, in the estimated annual amount of \$60,000.00, from 3M Company, through a City of Fort Worth contract.

**RECOMMENDATION:** Move to approve the purchase of traffic sign sheeting material, in the estimated annual amount of \$60,000.00, from 3M Company, through a City of Fort Worth contract.

8. Consider approval of Amendment No. 4 to the Fiscal Year 2016-2017 Capital Improvement Program.

**RECOMMENDATION:** Move to approve Amendment No. 4 to the Fiscal Year 2016-2017 Capital Improvement Program.

9. Consider approval of a resolution determining the conformity of certain special amenities within the River Walk at Central Park.

**RECOMMENDATION:** Move to approve a resolution determining the conformity of certain special amenities within the River Walk at Central Park.

**RESOLUTION NO. 06-17****A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, DETERMINING THE CONFORMITY OF CERTAIN SPECIAL AMENITIES WITH THE PROVISIONS OF THE 2013 DEVELOPMENT AGREEMENT, AS AMENDED, GOVERNING THE RIVER WALK AT CENTRAL PARK; AND PROVIDING AN EFFECTIVE DATE.**

Deputy Mayor Pro Tem Bryan Webb moved to approve by consent Items 1-3; 5-9. Mayor Pro Tem Bryant 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**

4. Consider approval of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016.

Town Council recessed at 6:43 p.m. to resolve a technical issue and reconvened at 6:46 p.m.

Mayor Hayden summarized the following aspects of the financial report:

- Highlighted overall progress of the Town
- Outstanding debt by type (2009 – 2016)
- Property tax rate comparison
- Flower Mound's Property Tax Rate
- By the numbers report as it relates to home values and tax bill difference
- Flower Mound population growth (2008: 62,844 and 2016: 68,050 for a difference of 5,206)
- Sales tax revenue
- Bonds
- Commercial vacancy rate
- Job growth (new job general categories between May 2012 and Jan. 2017 – 7,700)

Mr. Stathatos, Mr. Greaser, or Mr. Kancel responded to questions from Council as follows:

- Clarification regarding effective tax rate versus stated rate
- Declared budget items (fire/emergency services related)
- Efforts to recruit and retain firefighters/police officers
- Sales tax revenue comparison

There was Council discussion as follows:

- Consistency relative to the low tax rate
- What is being accomplished with the low tax rate
- Staffing levels and moral
- ISO ratings
- The learning curve as it relates to understanding the effective tax rate as a new member of Council

- Fair value as it relates to property taxes
- How Council's history of being conservative is evident with the AAA bond rating
- How the Town's dollars are not being spent wastefully
- How there was a tax cut only two years ago
- Lowering the tax rate on a regular basis becomes detrimental in the long run primarily due to the unintended result of a reduction in services

Mayor Pro Tem Bryant moved to approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016. Councilmember Jason Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**J. REGULAR ITEMS**

10. Consider approval of a request (MISC17-0002 - Victory Retail Parking Deviation) for a deviation to the required parking spaces in excess of 20 percent as outlined in Section 82-73, Computing parking and loading requirements, of the Code of Ordinances. The property is generally located north of Flower Mound Road and east of Morriss Road. (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its February 27, 2017, meeting.)

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photos of the site
- Current and requested parking (27% reduction – 68 spaces); difference is restaurant increasing by 2,550 sf
- Background information related to the original approval and Planned Development (PD) at that time

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

- Clarification regarding access points
- Where is the location of the gas pipeline
- Alternatives that would be available in the event parking became an issue
- What options could be used to dictate the uses and foot traffic
- How the current case should be handled in the event there is a shift to a PD option
- Clarification regarding the legalities and procedures associated with next steps

### **Applicant Presentation**

Kris Ramji, 4908 Pinehurst, Frisco and Patrick Filson, Kirkman Engineering, 4821 Merlot Ave, Ste 210, Grapevine

Mr. Ramji gave a presentation identifying or noting:

- Background information about the site and the relationship with the homeowners
- Current tenant interest
- Hours of operation for the current and future users
- Navigating within the property
- Reason and logic associated with the 2,550 sf conversion for parking
- How they have studies indicating there will not be an impact on the environment
- Access to the site
- Wants to have the ability to limit renting the space to businesses with low parking requirements such as Smoothie King, a donut shop, a bakery (i.e. fast casual concept)
- Shortfall of parking explanation

Mr. Ramji responded to questions from Council as follows:

- Clarification regarding the change from a 6' to 8' wall
- Clarification regarding gate access for the homeowners
- Update on landscaping plan
- Update on light study (as requested by a homeowner)
- Concerns regarding a speaker box in the drive thru
- How many parking places were displaced by moving the dumpster to the corner
- Willingness to do an agreement with a restaurant that limits the seating
- Preferences related to a PD amendment or modification of existing application

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

- Legalities associated with creating a development agreement to dictate the land use aspects
- Legalities associated with creating an agreement based on a limited number of seats
- Procedural questions as it relates to next steps in the event the item should get postponed or if no action is taken

There was Council discussion as follows:

- Tools that could be used to address the land use issues (hours, business size and type limitations)
- Additional notification element in the event the option of amending the PD comes forward
- Option of postponing the item for future discussion to give the applicant time to work through the details, which includes approaching it as a change to the PD and allowing it a certain amount of seats for the space, etc.
- Parking issues that came about when Mellow Mushroom and La Madeleine restaurants were added to that shopping center
- Concerns about people parking in the neighborhood
- How there was an original plan and now there is a third restaurant opportunity where the parking is not there
- Concerns about how the math works with the reduction of seats and lease space and how ROI will be achieved because of that reduced amount of seats

There was Council consensus for staff to work with the applicant to work out the details associated with creating a PD amendment, which would also include this item.

Mayor Pro Tem Bryant moved to postpone indefinitely a request (MISC17-0002 - Victory Retail Parking Deviation) for a deviation to the required parking spaces in excess of 20 percent as outlined in Section 82-73, Computing parking and loading requirements, of the Code of Ordinances. Councilmember Gelbman seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

11. Public Hearing to consider a request for a Specific Use Permit No. 449 (SUP17-0002 - Zoom Dry Cleaning) to permit a cleaning/laundry facility with on-site plant, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Flower Mound Road and east of Morriss Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its March 13, 2017, meeting.)

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Photos of the site
- Capability buffer
- Site plan
- Summary of discussion from P & Z
- Rear elevation and components such as wall openings, air conditioning, boiler
- Type of chemical to be used
- Proposed rear elevation is different than what was presented in the packet

Mr. Powell responded to questions from Council as follows (some questions may be as a result of the public hearing):

- Would there be Sunday hours
- What the code states relative to the single door
- Is there a requirement to notify the HOA of an SUP, and if so, were they notified
- What is the process if the fire lane needed to be shut down

**Applicant Presentation**

Kris Ramji, 4908 Pinehurst, Frisco and Mr. Calvin Grimes (Zoom Dry Cleaner tenant), 602 Boggie Ln, Mansfield, Tx

Mr. Ramji or Mr. Grimes responded to questions from Council as follows:

- Would there be Sunday hours
- Clarification about being held to the hours defined in the ordinance
- Is the second door a necessity
- Access to the boiler room
- How frequently will the equipment need to be serviced
- Will the dry cleaning be limited to on site
- What is the delivery schedule for the chemicals



Mayor Hayden opened the Public Hearing at 8:20 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
		Renee Doyle, 920 Drake Trail

Mayor Hayden closed the Public Hearing at 8:26 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a Specific Use Permit No. 449 (SUP17-0002 – Zoom Dry Cleaning) to permit a cleaning/laundry facility with on-site plant, as presented with the following changes: Saturday hours not to exceed 6:00 p.m. and closed on Sundays, and the rear access points will include one roll up door and one or two single doors, and adopt an ordinance providing for said amendment. Mayor Pro Tem Bryant seconded the motion.

**ORDINANCE NO. 08-17**

**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. 449 (SUP-449) FOR A CLEANING/LAUNDRY FACILITY WITH ON-SITE PLANT ON CERTAIN PROPERTY DESCRIBED AS 4.536 ACRES OF LAND AND BEING ALL OF LOT 1, BLOCK 1, OF THE VICTORY RETAIL AT FM 3040 & MORRIS ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 51 (PD-51) WITH RETAIL DISTRICT-2 (R-2) USES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:***Motion passed***AYES: J WEBB, MCDANIEL, BRYANT, BWEBB, GELMAN****NAYS: NONE**

12. Public Hearing to consider a request to amend the Land Development Regulations (LDR17-0001 - Landscaping) by amending Chapter 82, Article V, Division 2, entitled "Landscaping," of the Town's Code of Ordinances to allow for the use of aggregates and inorganic materials as ground cover, 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 March 13, 2017, meeting.)

**Staff Presentation**

Mr. Habern gave a presentation identifying or noting:

- Definition of aggregate, xeriscaping
- Background information
- Photo examples of some existing commercial properties that have removed turf in required landscaped areas and replaced with aggregate material (mainly decomposed granite with fines)
- External stakeholders, including benchmark city surveys and associated results
- Current landscape standards
- Central Texas City Standards
- Pros and cons of aggregate use
- The new Taco Bueno example
- Proposed amendments

Mr. Habern, Ms. Wallace, or Mr. Dalton responded to questions from Council as follows:

- For the 9 cities in the survey that indicated they do not allow aggregate, did they indicate why not
- Clarification regarding if the ordinance presented is for the entire site or if it's limited to specific areas such as parking lot islands and street frontage
- What is the enforcement issue as it relates to aggregate groundcover (i.e. what percentage of weeds would need to exist before it is considered a violation)
- How is the Town going to address the current properties that are out of compliance relative to the Town's landscaping standards
- How are the calculations made relative to the overall area
- Is maintenance included in the standards to ensure the aggregate isn't washing out

There was Council discussion as follows:

- In favor of it not being 100% aggregate, but perhaps 20% could be acceptable
- How there are good applications for aggregate such as the parking islands

Mayor Hayden opened the Public Hearing at 8:52 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 8:52 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a request to amend the Land

Development Regulations (LDR17-0001 – Landscaping) by amending Chapter 82, Article V, Division 2, entitled “Landscaping,” of the Town’s Code of Ordinances to allow for the use of aggregates and inorganic materials as ground cover, and adopt an ordinance providing for said amendment. Councilmember McDaniel seconded the motion.

#### ORDINANCE NO. 09-17

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 82, ARTICLE V, DIVISION 2, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 82-247 TO ADD STANDARDS RELATED TO THE ALLOWED USE OF AGGREGATE OR INORGANIC MATERIALS IN LANDSCAPED AREAS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, BWEBB, BRYANT, MCDANIEL, J WEBB**

**NAYS: NONE**

**K. BOARDS/COMMISSIONS (Executive Conference Room)**

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Commission, Environmental Conservation Commission, **Parks Board**, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

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

The Town Council did not convene into closed session, therefore no action was taken on the following items:

- a. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.

- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, **Community Development Corporation**, and Planning and Zoning Commission.

**N. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 8:53 p.m. on Monday, March 20, 2017, 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**











# 03.20.17\_Minutes

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04/06/2017

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-  Document created by Anne Carnes (TownSecretary@flower-mound.com)  
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