

**AGENDA**

**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**

**AUGUST 4, 2014**

**FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD  
FLOWER MOUND, TEXAS**

**6:00 P.M.**

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An agenda information packet is available online at [www.flower-mound.com/AgendaCenter](http://www.flower-mound.com/AgendaCenter)  
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*All pagers and cell phones must be turned off in the Council Chambers.*

**A. CALL MEETING TO ORDER**

**B. INVOCATION**

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

*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

**D. PRESENTATIONS**

1. Proclamation and presentation of Hometown Hero banner to Justin Dunham
2. Recognition to Keep Flower Mound Beautiful (KFMB) for their recent Lend-A-Hand Community Enhancement Initiative project

**E. PUBLIC PARTICIPATION**

Please fill out a speaker form, available in the Town Hall on the night of the meeting, in order to address the Council and turn it in to the Town Secretary prior to Public Participation. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not the subject of a public hearing. Any item requiring a public hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing." Items that are the subject matter jurisdiction of the Town Council include Town policy and legislative issues. Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling Town Hall at 972-874-6000 during business hours.

**F. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects.
2. Update and discussion on Economic Development projects.

**H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

1. Announce recent and upcoming civic and social events.
2. The next Town Council work session is scheduled for August 14<sup>th</sup>
3. The next regular Town Council meeting is scheduled for August 18<sup>th</sup>

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### I. CONSENT AGENDA - Consent Items

This agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. **Minutes 7/21/14** - Consider approval of the minutes from a regular meeting of the Town Council held on July 21, 2014.
2. **Certified Appraisal Roll** - Consider approval of an ordinance establishing the 2014 certified appraisal roll.
3. **Certified Collection Rate** - Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2014, and ending September 30, 2015.
4. **Notice of an Effective Tax Rate** - Consider accepting the submission of the notice of an effective tax rate of \$0.425787 per \$100 assessed valuation and a rollback tax rate of \$0.439596 per \$100 assessed valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015.
5. **Proposed Maximum Tax Rate** - Consider proposing a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2014, and ending September 30, 2015; scheduling the August 18, 2014, public hearings on the budget and tax rate, September 2, 2014, public hearing on the tax rate, and scheduling the September 15, 2014, adoption of said budget and tax rate; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.
6. **CDBG Action Plan** - Consider approval of a resolution authorizing the adoption of the Program Year 2014 Action Plan for Housing and Community Development Block Grant (CDBG); and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.
7. **Budget, Fire Control** - Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 18, 2014, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.
8. **Budget, Crime Control** - Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 18, 2014, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 15, 2014, to take action on the proposed budget; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.

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9. **FY13-14 Budget amendment** - Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013, and ending on September 30, 2014, as adopted by Ordinance No. 45-13 and amended by Ordinance No. 60-13 and Ordinance No. 03-14 for adjustments to the General Fund.
10. **PSA O&M Facility Design** - Consider approval of Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Design Services with Freese and Nichols, Inc., for an increase of \$32,316.49; and authorization for the Mayor to execute same on behalf of the Town.
11. **PSA O&M Facility Admin. Serv.** - Consider approval of Amendment No. 2 for the Operations and Maintenance Facility Project, amending the Professional Services Agreement for Construction Administrative Services with Freese and Nichols, Inc., for an increase of \$72,720.33; and authorization for the Mayor to execute same on behalf of the Town.
12. **PSA Pintail Storage Tank** - Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$57,000.00; and authorization for the Mayor to execute the same on behalf of the Town.
13. **CIP Amendment No. 8** - Consider approval of Amendment No. 8 to the Fiscal Year 2013-2014 Capital Improvement Program.

**J. REGULAR ITEMS**

14. **Solar Panel Systems (LDR14-0002)** **Public Hearing**

Public Hearing to consider a request to amend the Land Development Regulations (LDR14-0002) by amending Subpart B, Chapter 98, of the Code of Ordinances, entitled "Zoning" through the amendment of Article IV, "Supplementary District Regulations," through the amendment of Division 2, "Uses," by amending Subdivision 3, entitled "Special Use Conditions," by adding a new Section 98-1002, "Solar panel systems," providing regulations for the construction, use, maintenance and abandonment of solar energy systems, 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 June 23, 2014, meeting.)(TC tabled by a vote of 3-0 to August 4, 2014, meeting.)*
15. **Villas at Woodlake Estates (MPA14-0001)** **Public Hearing**

Public Hearing to consider a request for a Master Plan Amendment (MPA14-0001 - Villas at Woodlake Estates) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Lakeside Business District and Medium Density Residential uses to High Density Residential use on approximately 14.316 acres of land, and to consider an adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*

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16. **Villas at Woodlake Estates (ZPD 14-0002)** **Public Hearing**

Public Hearing to consider a request for rezoning (ZPD14-0002 – Villas at Woodlake Estates) from Agricultural District (A) to Planned Development District No. 132 (PD-132) with Single-Family District-5 (SF-5) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*
17. **Villas at Woodlake Estates – Tree removal** **Public Hearing**

Public Hearing to consider an application for a tree removal permit for ten (10) specimen trees on property proposed for development as Villas at Woodlake Estates. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-0 at its May 6, 2014, meeting).*
18. **Villas at Woodlake Estates (DP14-0002)** Consider a request for a Development Plan (DP14-0002 - Villas at Woodlake Estates) to develop a residential subdivision. The property is generally located west of Long Prairie Road between Aberdeen Drive and Spinks Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its June 23, 2014, meeting.)*
19. **Street Name Change (Spinks)** - Consider approval of an ordinance for a street name change (MISC14-0004) for Spinks Road (2500-2800 block) to Woodlake Lane. *(The Transportation Commission recommended changing of this street name by a vote of 5 to 0 at its June 10, 2014, meeting.) (This item was postponed at the July 21, 2014, Town Council meeting.)*
20. **Minimum Drainage Standards (LDR13-0003)** **Public Hearing**

Public Hearing to consider a request to amend Chapter 90, "Subdivisions," (LDR13-0003) by amending Section 90-402 of the Town's Code of Ordinances, entitled "Minimum Drainage Standards," and adding two new sections, identified as Section 90-403, "FEMA Fully Developed Floodplain," and Section 90-404, "Special Flood Hazard Area (FEMA Floodplain)"; and for an amendment to Chapter 98, "Zoning," by amending Section 98-1081, "Floodplain Prefix to District Designation" all of which revisions modify the Town's floodplain standards, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended denial by a vote of 4 to 2 at its July 14, 2014, meeting.)*

21. **DFW North Distribution (MPA14-0002)** **Public Hearing**
- Public Hearing to consider a request for a Master Plan Amendment (MPA 14-0002 – DFW North Distribution Center II) to amend Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan to change the current land use designation from Campus Industrial and Campus Commercial uses to Campus Industrial on approximately 24.05 acres of land, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 23, 2014, meeting.)*
22. **DFW North Distribution (ZPD14-0001)** **Public Hearing**
- Public Hearing to consider a request for rezoning (ZPD14-0001 – DFW North Distribution Center II) from Agricultural District (A) uses to Planned Development District No. 135 (PD-135) with Campus Industrial District (CI) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 23, 2014, meeting.)*
23. **DFW North Distribution – Tree removal** **Public Hearing**
- Public Hearing to consider an application for a tree removal permit for four (4) specimen trees on property proposed for development as DFW North Distribution Center II. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-0 at its July 1, 2014, meeting.)*
24. **DFW North Distribution (RC14-0014)** Consider a request for a Record Plat (RC14-0014 – DFW North Distribution Center II) to create a non-residential subdivision, subject to the terms and conditions in the attached Development Agreement, and authorization for the Mayor to execute same on the behalf of the Town. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 1 at its July 28, 2014, meeting.)*
25. **DFW North Distribution (SP14-0018)** **Public Hearing**
- Consider a request for a Site Plan (SP14-0018 – DFW North Distribution Center II) to develop two warehouse/distribution buildings, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances. The property is generally located north of Lakeside Parkway, south of Spinks Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its July 28, 2014, meeting.)*

26. **Tax Abatement Reinvestment Zone**

**Public Hearing**

Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement generally located north of Lakeside Parkway, south of Spinks Road, and west of Gerault Road.

27. **380 Agreement Huntington Industrial Partners**

**Public Hearing**

Public Hearing to consider approval of a 380 and Tax Abatement Agreement with Huntington Industrial Partners-Texas, L.L.C., a Delaware limited liability corporation, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.

28. **Saddlewood Addition – Tree removal**

**Public Hearing**

Public Hearing to consider an application for a tree removal permit for five (5) specimen trees on property proposed for development as Saddlewood Addition. The property is generally located north of Cross Timbers Road and west of Trotter Lane. *(The Environmental Conservation Commission recommended approval by a vote of 4-0-1 at its July 1, 2014, meeting).*

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

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

**L. CLOSED MEETING**

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to economic development negotiations, real property and consultation with attorney, as follows:

- a. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Planning and Zoning, and Community Development Corporation.
- b. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.
- c. 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.

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d. Consultation with Attorney as follows:

1. Sherrie L. Novak v Town of Flower Mound (Cause No. 2013-50030-367)
2. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
3. Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley
4. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
5. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs The Town of Flower Mound and The Flower Mound Oil and Gas Board of Appeals

**M. RECONVENE TO REGULAR MEETING**

The Town Council to reconvene into an open meeting to take any action deemed necessary as a result of the closed meeting.

**N. ADJOURN MEETING**

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: August 1, 2014, at 4:15 p.m., at least 72 hours prior to the scheduled time of said meeting.



**Theresa Scott, Town Secretary**

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the Town Council at a social function unrelated to the public business that is conducted by the Town Council, or the attendance by a quorum of the Town Council at a regional, state or national convention or workshop, ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event or press conference. The Town Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conferences; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the Town Secretary's Office, nothing shall preclude a quorum of the Town Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Theresa Scott, Town Secretary, at (972) 874-6076.