

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6TH DAY OF JANUARY, 2014, 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:

Tom Hayden	Mayor
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
James Hoefert	Environmental Review Analyst

**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 Mike Liles gave the invocation and Mayor Hayden led the pledges.

*The order of items D. and E. were presented in reverse order.*

**E. PRESENTATIONS**

1. Certificate of Achievement, Eagle Scout, Warren Martin from Troop 280
2. Certificate of Achievement, Eagle Scout, Adam Tittle from Troop 280

Mayor Hayden presented Eagle Scouts Warren Martin and Adam Tittle from Troop 280 with a Certificate of Achievement.

**D. PUBLIC PARTICIPATION**

*Names listed below don't necessarily reflect the order in which each person spoke.*

Al Filidoro, 3213 Augusta Dr, Flower Mound, TX

Mr. Filidoro announced his candidacy for the office of Precinct 4 Justice of the Peace and provided background information about himself as well as that of the work for the position of Justice of the Peace.

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie announced a fund raiser at Fish City will take place tomorrow night and a portion of the proceeds will go to the Friends of the Library. She also announced they have a book sale scheduled from the 17<sup>th</sup> – 19<sup>th</sup>. She also announced a women's Bible study group is soon to take place at Trietsch Church.

*The following speakers spoke in support of the Mayor's comments related to his personal the Year of the Bible proclamation:*

Eddie White, 3104 Beaver Creek Dr, Flower Mound, TX

Morgan Elliott, 116 Blum Ct, Flower Mound, TX 75028

Michael DeTomasso, 500 N Dove Rd, Grapevine, TX 76051

Vic Rivera, 2900 Carterton Ct, Flower Mound, TX 75022

Sam Anderson, 1421 Big Falls Dr, Flower Mound, TX 75028

Paula Kratochuil, 1600 Beretta, Flower Mound, TX

Lisa Hendrickson, 5108 Connors, Flower Mound, TX 75028

Todd Smith, 3624 Bonanza Ln, Flower Mound, TX 75022

Steffani McQueen, 3313 Harris Rd, Flower Mound, TX 75022

Steve Mossman, 7309 Edwards Rd, Denton, TX

Don Shields, 3815 Cortadera Ct, Flower Mound, TX 75028

Warren Johnson, 6605 Overlook Ct, Plano, TX 75024

Phyllis Sturms, 4428 Sandra Lynn, Flower Mound, TX

Gavin Fleten, 600 Double Tree Drive, Highland Village, TX

Phillip Smithwick, 802 Woodside Ct, Highland Village, TX 75077

Pamela Bertsch, 7001 Portobello Dr, Plano, TX 75034

Tonja Minor, 1201 Colony St, Flower Mound, TX

Alex Bell, 2112 Woodview Dr, Flower Mound, TX 75028

David Krider, 4000 Ace Ln, Lewisville, TX

Randy Posey, 800 Lakeside Circle, Lewisville, TX

Ana Roguemor, 849 Yale, Lewisville, TX 75067

*The following speakers spoke in disapproval of the Mayor's comments related to his personal the Year of the Bible proclamation:*

Louis DeGiulio, 3416 Brightstone Ct, Flower Mound, TX 75022

Kevin Bryant, 1537 Yaggi Dr, Flower Mound, TX 75028

*The following speakers offered alternative suggestion(s) related to the Mayor's personal proclamation related to the Year of the Bible*

Stephanie Haranda, 5300 Ponder Place, Flower Mound, TX

## **F. ANNOUNCEMENTS**

Deputy Mayor Pro Tem Webb announced the next Charter Review Commission meeting will be Saturday, January 11<sup>th</sup> at 9:00 a.m.

Mayor Hayden offered the following announcements:

- Updates related to Riverwalk, Kroger remodel, and LaMadeleine
- Offered comments with respect to inquiries made as a result of his comments related to the Proclamation of the Year of the Bible

### **1. TOWN MANAGER'S REPORT**

Update and status report related to capital improvement projects

#### **2. Mr. Stathatos gave the following capital improvement project updates:**

- Chinn Chapel construction:  
Staff has received several complaints about potholes and other safety issues. Changes were made today to help address some of those concerns, and other changes will be made quickly if needed. The project will be substantially complete and open for traffic by this May.

Some Councilmembers expressed concern related to traffic signal timing, and hazards associated with the temporary barrels.

- The connector project on 2499 (that will help drivers bypass Grapevine Mills) is about to begin. The northbound right lane on 2499 starting Thursday will be closed until January 2015.

Update and discussion on Economic Development projects.

Mr. Stathatos gave the following economic development project updates:

- Highlands Plaza: Additional development has started for the buildings that will house ModMarket and Smashburger. Those restaurants will be open later this year.

**H. CONSENT ITEMS**

Mayor Pro Tem Dixon moved to approve by consent Items 1-5, Councilmember Wise seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

- 1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on December 2, 2013.**

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on December 2, 2013.

- 2. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County; and authorization for the Mayor to execute same on behalf of the Town.

- 3. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County; and authorization for the Mayor to execute same on behalf of the Town.

- 4. Consider approval of the award of Bid No. 2014-10, to Flow-Line Construction, Inc., to construct section 2 of the Wellington Interceptor project, in the amount of \$317,268.00; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve the award of Bid No. 2014-10, to Flow-Line Construction, Inc., to construct section 2 of the Wellington Interceptor project, in the amount of \$317,268.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of the award of Bid No. 2014-8, to Pavecon, Ltd., for the construction of FM 2499 at Lakeside Parkway Improvements project, in the amount of \$661,132.42; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the award of Bid No. 2014-8, to Pavecon, Ltd., for the construction of FM 2499 at Lakeside Parkway Improvements project, in the amount of \$661,132.42; and authorization for the Mayor to execute same on behalf of the Town.

#### VOTE ON MOTION

**AYES:** Wise, Dixon, Levenick, Webb, Walker

**NAYS:** None

#### I. REGULAR ITEMS

6. Public Hearing to consider an application for a tree removal permit of one (1) specimen tree on property proposed for development as Lakeside Ranch Building 34. The property is generally located south of Lakeside Parkway, west of Garden Ridge Boulevard, and north of Enterprise Road. *(The Environmental Conservation Commission recommended approval by a vote of 5 - 1 at its November 5, 2013, meeting).*

#### Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Site location
- Adjacent construction activity
- Photographs of the site
- Project information
- Tree survey (identifying specimen tree) and photograph of tree

Mayor Pro Tem Dixon asked to have the applicant come forward for the purpose of gaining a better understanding of the future plans for the site.

#### Applicant Presentation

Clayton Strolle, 8350 North Central Expressway, Suite 1000, Dallas, TX

Mr. Strolle, representing Pacheco Koch, identified the specimen tree being proposed for removal. He also presented the proposed site plan with the building layout and noted how the tree presents limitations as to what they can do on the site and could deter development.

Dixon: Pointed out that while mitigation is not required for this site given it is located within Lakeside, he encouraged them to bring forward a mitigation plan when it comes forward to Planning and Zoning.

Strolle: We are planning to plant additional trees on the site.

Mayor Hayden opened the Public Hearing at 7:32 p.m.

**Public Participation**

Connie Smith, 2700 Pecan Leaf Ln, Flower Mound, TX

Ms. Smith stated that at Lakeside we have the tree farm going and questioned if any of these trees could be transplanted there.

Mayor Hayden closed the Public Hearing at 7:33 p.m.

Hoefert: The success on trying to transplant something of that size is not good. Survivability is less than 2%.

Mayor Pro Tem Dixon moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as Lakeside Ranch Building 34. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: Walker, Webb, Levenick, Dixon, Wise**

**NAYS: None**

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

Hayden: Inquired about whether or not there would be a Council retreat.

Stathatos: This summer.

Levenick: Inquired about the stop time of meetings being brought forward for a future meeting.

Stathatos: The Town Secretary's office has been researching this and it has been added to the future agenda list.

Webb: Indicated he spoke to the Town Manager's office about the possibility of drafting an ordinance that would restrict sales of E-cigarettes to minors.

Walker: Inquired about the time frame for the implementation plan related to strategic planning.

Stathatos: Mr. Dalton is working with the department heads to finalize the implementation plan and I believe it's going to be the first meeting in February.

**K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:36 p.m. on January 6, 2014, 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 consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 11:55 p.m. on January 6, 2014, to take action on the items as follows:

- a. Interview applicants in conjunction with Request for Qualification #2014-18 for the position of Town Attorney.

**No action taken.**

- b. Annual Performance Review of Town Secretary.

**No action taken.**

- c. Discuss and consider economic development incentives.

**No action taken.**

- d. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

**No action taken.**

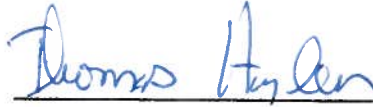
- e. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

**No action taken.**

M. ADJOURN REGULAR MEETING

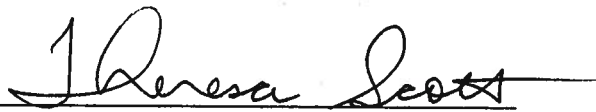
Mayor Hayden adjourned the meeting at 11:56 p.m. on Monday, January 6, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



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THOMAS E. HAYDEN, MAYOR

ATTEST:



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THERESA SCOTT, TOWN SECRETARY