

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF APRIL, 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
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
Matt Woods	Director of Environmental Services
Ken Parr	Director of Public Works

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:01 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.

D. PRESENTATIONS

1. Matrix Consulting Code Enforcement Assessment

Alan Pennington, Vice President, Matrix Consulting, St. Louis Area Office, Edwardsville, IL

Mr. Pennington gave a presentation identifying or noting:

- Project scope of services
- Project methodologies
- Strengths of Code Enforcement Division in Flower Mound
- Employee feedback and perceptions on operations
- Improvement Opportunities:
 - Operational
 - Training, staffing, and organization
 - Technology
- Project conclusions

He responded to questions or comments from Council regarding:

- Background information about the company clients they serve
- Approaches that historically work in keeping the visual look of a community up to date as it ages
- What type of data was reviewed (i.e. on line, phone call, etc.) and additional interest in having data broken down by HOA and non HOA neighborhoods as well as owner or tenant
- What were the surprises that stood out compared to other cities they have worked with
- Interest in having an additional fee structure for repeat offenders
- More information related to what was meant by "greater focus on enforcing" from the employee feedback slide
- For the element about keeping these cases in the realm of the municipal court and not just pay the fine, what are the limitations when it comes to state law
- What does 70% of the cases being proactive mean
- Do other cities use other departments as a source to report violations
- There was interest in the neighborhood education approach
- If their scope of work included working with staff to implement some of the recommendations
- Interest in having additional tracking that will allow for measuring success
- If the Town's current software is comparable to other cities

Mr. Woods responded to questions or comments from Council regarding:

- What are the most frequent complaints received?
- What do you see as next steps?

Mr. Woods introduced Christa Crowe as the new Property Standards Manager.

E. PUBLIC PARTICIPATION

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

Heather Aldis, 3151 Trails End, Flower Mound, TX 75028

Ms. Aldis offered appreciation of the work of Council. She expressed concern regarding a change in the Trails Master Plan, noting it was updated in 2010 and currently there are plans to change it and she is not in favor of the change.

Kim Cloud, 3018 Creek Haven, Highland Village, TX 75077 and Susan Dawson (Board members of the Children's Advocacy Center)

Ms. Cloud and Ms. Dawson reported on the work of the Children's Advocacy Center and provided 2013 statistics related to interviews, therapy sessions, clients served, criminal cases filed, and prosecution rates.

Marilyn Lawson, Keep Flower Mound Beautiful, 4808 Schooner Ct, Flower Mound, TX

Ms. Lawson reported that the recent trash off was a success. She also provided an update on the Lend a Hand initiative.

F. ANNOUNCEMENTS

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos gave an update and status report on the following projects:

- Chinn Chapel
- Western Pump Station

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update and status report on the following projects:

- Whitlock recently announced they are locating to Flower Mound
- Business retention program is underway with the Town's Economic Development staff and Flower Mound Chamber staff (with the goal of 50 visits per year)
- May 9th is the annual Leader Cast training event

Mr. Stathatos responded to questions from Council related to:

- The possibility of painting the water tower near Flower Mound High School to showcase Jaguar pride and subsequently calling it the Jaguar water tower.

H. CONSENT ITEMS

Councilmember Dixon moved to approve by consent Items 1 – 10. 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 held on April 7, 2014.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 7, 2014.

2. **Consider approval of revisions to policies to be included in the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Personnel Regulations, Chapter 6 Rules of Conduct effective immediately.**

RECOMMENDATION: Move to approve revisions to policies to be included in the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Personnel Regulations, Chapter 6 Rules of Conduct effective immediately.

3. **Consider authorization of payment to Denton County Tax Assessor for delinquent property taxes in the amount of \$80,171.22.**

RECOMMENDATION: Move to approve payment to Denton County Tax Assessor for delinquent property taxes in the amount of \$80,171.22.

4. **Consider approval of purchase of unleaded and diesel fuels through an existing Interlocal Agreement with Tarrant County, in the estimated annual amount of \$650,000.**

RECOMMENDATION: Move to approve purchase of unleaded and diesel fuels through an existing Interlocal Agreement with Tarrant County, in the estimated annual amount of \$650,000.

5. **Consider approval of a Professional Services Agreement with Kleinfelder Central, Inc., to provide construction materials testing services associated with the Western Pump Station Phase I project, in the amount of \$86,802.00.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kleinfelder Central, Inc., to provide construction materials testing services associated with the Western Pump Station Phase I project, in the amount of \$86,802.00; and authorize the Mayor to execute same on behalf of the Town.

6. **Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide construction phase services associated with the Western Pump Station Phase I project, in the amount of \$240,000.00.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide construction phase services associated with the Western Pump Station Phase I project, in the amount of \$240,000.00; and authorize the Mayor to execute same on behalf of the Town.

7. **Consider approval of the Building Management System purchase, for the Senior Center project, from Schneider Electric, through an Interlocal Agreement with the Texas Cooperative Purchasing Network, in the amount of \$100,752.00.**

RECOMMENDATION: Move to approve the Building Management System purchase, for the Senior Center project, from Schneider Electric, through an Interlocal Agreement with the Texas Cooperative Purchasing Network, in the amount of \$100,752.00.

8. Consider approval of Change Order No. 1 for the construction of the Bakers Branch Collector Phase I project, amending the contract with North Texas Contracting, Inc., for an increase in the amount of \$49,802.00.

RECOMMENDATION: Move to approve Change Order No. 1 for the construction of the Bakers Branch Collector Phase I project, amending the contract with North Texas Contracting, Inc., for an increase in the amount of \$49,802.00; and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of Change Order No. 1 for the construction of the Wellington Interceptor project, amending the contract with Flow-Line Construction, Inc., for an increase in the amount of \$34,760.00.

RECOMMENDATION: Move to approve Change Order No. 1 for the construction of the Wellington Interceptor project, amending the contract with Flow-Line Construction, Inc., for an increase in the amount of \$34,760.00; and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of agreement between the Town of Flower Mound and Wilcox Development Services, I, Ltd. regarding the recapture of development incentives, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an agreement between the Town of Flower Mound and Wilcox Development Services, I, Ltd. regarding the recapture of development incentives, and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

I. REGULAR ITEMS

11. Public Hearing to consider a request for rezoning (ZPD14-0004 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards, modify the approved conceptual elevations, site plan and landscape plan, and reduce the landscape buffer along Chinn Chapel Road, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Justin Road and east of Chinn Chapel Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 14, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning

- Photographs of the site
- Approved concept plan
- Proposed landscape, elevations, and renderings
- PD-104 Standards (with a focus on the roof pitches)
- Landscape setback

Applicant Presentation

Kirk Hermansen, Hermansen Land Development, Dallas, Texas

Mr. Hermansen provided an update on current restaurant/retail activity in Highlands Plaza.

Mayor Hayden opened the Public Hearing at 7:13 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 7:13 p.m.

Deputy Mayor Pro Tem Webb moved to approve a request for rezoning (ZPD14-0004 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards, modify the approved conceptual elevations, site plan and landscape plan, and reduce the landscape buffer along Chinn Chapel Road, and adopt an ordinance providing for said amendment. Councilmember Levenick seconded the motion.

ORDINANCE NO. 18-14

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 13-12, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT-104 (PD-104) WITH RETAIL DISTRICT-2 (R-2) USES AND SPECIFIC USE PERMIT NO. 403 (SUP-403) TO PERMIT A SINGLE RETAIL TENANT BETWEEN 50,000 AND 75,000 SQUARE FEET ON APPROXIMATELY 15.90 ACRES IN THE HIGHLANDS PLAZA ADDITION, BLOCK A, LOTS 1, 2 AND 3, BY AMENDING EXHIBIT "B," ENTITLED "DEVELOPMENT STANDARDS" THROUGH THE AMENDMENT OF PARAGRAPH B, "MISCELLANEOUS STANDARDS," BY AMENDING EXHIBIT "C," "CONCEPT SITE PLAN," AND EXHIBIT "D," "CONCEPT LANDSCAPE PLAN," AS APPLICABLE TO THE NORTHWEST QUADRANT OF THE SUBJECT PROPERTY, AND BY ADDING CONCEPTUAL ELEVATIONS FOR BUILDING NUMBERS 3, 4 AND 5 TO EXHIBIT "E," "CONCEPT ELEVATIONS," 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 THE MOTION**

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

12. Consider approval of an amended Development Agreement for Lakeside DFW and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Concept plan for the area
- A summary of the requests being made

Mr. Stathatos or Mr. Parr responded to questions from Council related to:

- Wastewater costs and proportion share

Councilmember Wise moved to approve an amended Development Agreement for Lakeside DFW, and authorize the Mayor to execute same on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

13. Consider approval of a resolution of the Town of Flower Mound, Texas, determining the costs of certain Authorized Improvements to be financed by the River Walk Public Improvement District No. 1; approving an updated preliminary service and assessment plan, including a proposed assessment roll; directing the filing of the proposed assessment roll with the Town Secretary; calling a special meeting of the Town Council for May 15, 2014; calling a public hearing on May 15, 2014 to consider proposed assessments at such meeting and directing the publication and mailing of notice of said public hearing; and resolving other matters incident and related to the River Walk Public Improvement District No. 1; and discuss and consider approval of the distribution of a preliminary official statement relating to the issuance of the bonds approved by voters on November 5, 2013.

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Background information related to the Public Improvement District (PID) approval process and a summary of next steps, including the approval of an updated preliminary Service and Assessment Plan (SAP), call for a public hearing on May 15, 2014, and approval of the distribution of a Preliminary Official Statement (POS) relating to the issuance of the bonds for the PID
- Names and organizations involved in the process

Applicant Presentation

Mehrdad Moayedi, Centurion American, and Bobby Dollak, G & A Consulting

Mr. Dollak and Mr. Moayedi gave an update related to work that is currently underway on the River Walk Project, which included an aerial video. He also pointed out some of the tenants they have working with.

John Martin, Southwest Securities; Corey Admire, Fulbright & Jaworski LLP; or Mark Curran, Jeffries, Municipal Securities Group, responded to questions from Council related to:

- Timeline involved related to the bonds
- Actions related to the bonds, and if there was an impact on the Town's credit rating
- If all \$16 million will be issued at one time
- Duration of the bonds
- How the release of funds is handled
- Review process
- If there is an initial governing board overseeing the PID
- Recourse of the bond holders
- What entities would take priority in a collection situation

Administrative Note: This item was divided into two motions which differ from the corresponding packet for this item.

Deputy Mayor Pro Tem Webb moved to approve a resolution of the Town of Flower Mound, Texas, determining the costs of certain Authorized Improvements to be financed by the River Walk Public Improvement District No. 1; approving an updated preliminary service and assessment plan, including a proposed assessment roll; directing the filing of the proposed assessment roll with the Town Secretary; calling a special meeting of the Town Council for May 15, 2014; and to consider proposed assessments at such meeting and directing the publication and mailing of notice of said public hearing; and authorize the Mayor to execute same on behalf of the Town. Councilmember Walker seconded the motion.

RESOLUTION NO. 04-14

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE RIVER WALK PUBLIC IMPROVEMENT DISTRICT NO. 1; APPROVING A REVISED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING A ROPOSED ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL WITH THE TOWN SECRETARY; CALLING A SPECIAL MEETING OF THE TOWN COUNCIL AND CALLING A PUBLIC HEARING FOR MAY 15, 2014 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE RIVER WALK PUBLIC IMPROVEMENT DISTRICT NO. 1; DIRECTING THE TOWN STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Deputy Mayor Pro Tem Webb moved to approve the distribution of a preliminary official statement relating to the issuance of the bonds approved by the voters on November 5, 2013. Councilmember Walker seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

Mayor Hayden encouraged Mr. Moayedhi to reach out to the Keep Flower Mound Beautiful organization to identify partnering opportunities given this organization has a program to restore homes and he builds homes.

14. Consider adopting an Implementation Plan for the Town Council Strategic Plan.

Mr. Dalton gave a presentation identifying or noting:

- What adopting the implementation plan means
- Timeline
- Strategic Planning Session tentative agenda
- Next steps, if approved
- Reporting (Discussion and Status Updates)
- Status definitions (in progress, pending, or complete)

Mr. Dalton or Mr. Stathatos responded to questions from Council related to:

- Clarification regarding the purpose of adopting the implementation plan
- Additional steps in the process and how the budget is impacted
- Approaches related to input from boards and commissions
- The ability to amend the implementation plan should there be a new initiative introduced
- The update process (i.e. progress report)
- General concept for the plan and how it determines success

Councilmember Wise moved to adopt the implementation plan for the Town Council Strategic Plan. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Pro Tem Dixon requested that within the agenda going forward he would like to see "coordination of calendars and future agendas/meetings" be placed after the Town Manager's report. In addition, he stated that for the alarm permit, if the objective was to update the Town's database, he would like Council to consider future action relative to discontinuing the program, with the timing being initially for a discussion, followed by an enactment date. There was Council consensus interest in gaining an understanding relative to the effectiveness of the program.

Councilmember Levenick expressed interest in having a future agenda item to discuss implementation of some of the suggestions from the code enforcement report presented this evening.

K. BOARDS/COMMISSIONS(Executive Conference Room)

- a. 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.

Ms. Scott pointed out there was a vacancy on the PALS Board due to a resignation as further described in an email to Town Council earlier that day.

No action taken.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:25 p.m. on April 21, 2014, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072 and 551.071 to discuss matters relating to economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 9:06 p.m. on April 21, 2014, to take action on the items as follows:

- a. 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.

- 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.

No action taken.

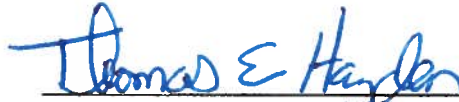
- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Planning and Zoning, and Community Development Corporation.

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:06 p.m. April 21, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY

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