

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF MAY, 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:

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

With the following members absent:

| | |
|-------------|---------------|
| Steve Dixon | Mayor Pro Tem |
|-------------|---------------|

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 |
| Gary Sims | Executive Director of Community Services |
| Doug Powell | Executive Director of Development Services |

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 Don Cone gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Proclamation for the American Cancer Society 'Relay for Life'

Mayor Hayden presented Relay for Life Chair Kristen Tinsley and supporters with a Proclamation to honor survivors and remember those lost to the disease.

2. Proclamation for National Public Works Week, May 18 - 24, 2014

Director of Public Works, Ken Parr, accepted the Proclamation honoring public works week. Mr. Parr presented a Public Works poster signed by the staff to Mayor Hayden.

3. Donation from the 'Friends of the Library' to the Town of Flower Mound

Board members from the Friends of the Library, and Director of Library Services, Sue Ridnour, accepted a check in the amount of \$10,000 from the Friends of the Library organization to be used for Library Services.

E. PUBLIC PARTICIPATION

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

Jim Robertson, 4029 Dendron, Flower Mound, TX 75028

Mr. Robertson spoke in support of the name change from International Pkwy to Long Prairie Road, with the primary reason being continuity. He also provided background information related to the nearby road names.

Patsy Mizeur, 1821 Castle Ct, Flower Mound, TX 75028

Ms. Mizeur expressed concern that the Council Communication noted in tonight's agenda was not part of the packet.

F. ANNOUNCEMENTS

Mayor Hayden announced that Keep Flower Mound Beautiful is having their annual Lend a Hand day on May 17th.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos provided an update related to the following capital improvement projects:

- Trail connection for Primrose near Garden Ridge
- Sound mitigation for 1171
 - Deputy Mayor Pro Tem Webb also provided a report on meetings with TxDOT and Denton County on this subject

Mayor Hayden suggested, and Deputy Mayor Pro Tem agreed, for staff to provide information related to what options are available and then the Council can provide feedback.

2. Update and discussion on Economic Development projects.

Mr. Stathatos announced the following restaurants are coming to Flower Mound:

- Salata (5851 Long Prairie Rd - Robertson's Creek)
- Prime Farm to Table (5810 Long Prairie Rd - Arbor Crossing)
- Trio Craft Coffee (2628 Long Prairie – Chaparral Court-next to Fish City)

He also reported that Custom Ink is now in their building (160 jobs) resulting in Flower Mound being the benefactor of the sales tax due to being the point of sale.

3. Council Communication: Feedback on Rheudasil park improvements.

In response to Ms. Mizeur's comments during public participation, Mr. Stathatos gave an overview of the past use of council communications and reported on the new approach staff is taking going forward.

Mr. Stathatos provided background information about past discussions and meetings related to the proposed plans for various options related to new amenities at Rheudasil Park.

There was consensus of Council to have the discussion related to the amenity of a rest room at a future Council meeting in June. In addition, Council would like feedback from the Police Department related to any crime that has happened in Town Parks, and how will it be monitored in the future. In addition, they would like to have multiple options for consideration and Mayor Hayden suggested making sure the public that resides in that area is aware that Council will be voting on this.

4. Update and discussion on Regional Transportation Council (RTC) membership.

Mr. Stathatos provided information related to the structure of the RTC and how the voting membership works with respect to Flower Mound, Lewisville, and Highland Village. He pointed out that Mayor Hayden suggested having an established rotation of representation amongst the three communities.

Mayor Hayden pointed out that he sent an email offering that suggestion and received a response from Mayor Davis (Highland Village) who was willing to entertain that discussion, however, to date, he has not received a response from Lewisville's Mayor Ueckert.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

No discussion.

I. CONSENT ITEMS

Councilmember Levenick moved to approve by consent Items 1 – 12. 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 17, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 17, 2014.

2. Consider approval of the minutes from a regular meeting of the Town Council held on April 21, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 21, 2014.

3. Consider approval of an ordinance amending Chapter 38 of the code of ordinances, entitled "Fire Prevention and Protection" to provide for adoption of the International Fire Code, 2012 edition and local amendments thereto.

RECOMMENDATION: Move to approve an ordinance amending Chapter 38 of the code of ordinances, entitled "Fire Prevention and Protection" to provide for adoption of the International Fire Code, 2012 edition and local amendments thereto.

ORDINANCE NO. 19-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION" TO PROVIDE FOR ADOPTION OF THE INTERNATIONAL FIRE CODE, 2012 EDITION AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article II, of the Code of Ordinances of the Town of Flower Mound, by amending Section 14-31, "International Building Code," and by adopting the 2012 edition of the *International Building Code* with amendments.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article II, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Building Code with local amendments.

ORDINANCE NO. 20-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR THE ADOPTION OF THE 2012 EDITION OF THE *INTERNATIONAL BUILDING CODE* AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article III, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Plumbing Code and by adopting the 2012 edition of the *International Fuel Gas Code* together and local amendments to such codes.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article III, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Plumbing Code and by adopting the 2012 edition of the International Fuel Gas Code together with local amendments to such codes.

ORDINANCE NO. 21-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL PLUMBING CODE*, 2012 EDITION, AND THE *INTERNATONAL FUEL GAS CODE*, 2012 EDITION, AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

6. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article IV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the *International Mechanical Code* and local amendments thereto.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article IV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Mechanical Code and local amendments thereto.

ORDINANCE NO. 22-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL MECHANICAL CODE*, 2012 EDITION, AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article XIV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the *International Residential Code* and local amendments thereto.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article XIV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Residential Code and local amendments thereto.

ORDINANCE NO. 23-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XIV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL RESIDENTIAL CODE*, 2012 EDITION, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL BE THE BOARD OF APPEALS FOR PURPOSES SET OUT HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article XV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the *International Energy Conservation Code* and local amendments thereto.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article XV, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2012 edition of the International Energy Conservation Code and local amendments thereto.

ORDINANCE NO. 24-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, 2012 EDITION, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL BE THE BOARD OF APPEALS FOR PURPOSES SET OUT HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

9. Consider approval of a Professional Services Agreement with Kimley-Horn associated with the Regency Park Booster Pump Station project, in the amount of \$67,500.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Regency Park Booster Pump Station project, in the amount of \$67,500.00; and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of Change Order No. 2 and final project acceptance, for the FM 2499 at Silveron Intersection Improvement project, amending the contract with 3D Paving and Contracting, LLC., for a decrease in the amount of \$23,286.99, acceptance of the project, and authorization of final payment of retainage to the contractor, 3D Paving and Contracting, LLC., in the amount of \$12,050.93; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 2 and final project acceptance, for the FM 2499 at Silveron Intersection Improvement project, amending the contract with to 3D Paving and Contracting, LLC., for a decrease in the amount of \$23,286.99, acceptance of the project, authorization of final payment of retainage to the contractor, 3D Paving and Contracting, LLC., in the amount of \$12,050.93; and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of Amendment No. 6 to the Fiscal Year 2013-2014 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 6 to the Fiscal Year 2013-2014 Capital Improvement Program.

12. Consider approval of the Texas Commission on Environmental Quality Agreed Order Docket No. 214-0104-WQ-E; and authorization for the Mayor to execute the same on behalf of the Town.

RECOMMENDATION: Move to approve the Texas Commission on Environmental Quality Agreed Order Docket No. 214-0104-WQ-E; and authorize the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Wise, Levenick, Webb, Walker

NAYS: None

ABSENT: Dixon

Item 13 was pulled from Consent.

13. Consider approval of an ordinance for a street name change (MISC14-0003) for International Parkway (100-800 block) to Long Prairie Road within the Town limits. *(The Transportation Commission recommended changing the street name by a vote of 4 to 3 at its April 8, 2014, meeting.)*

Mr. Powell gave a presentation identifying or noting:

- Location for proposed name change
- Past meetings on the subject
- Code of Ordinance where the name change is detailed, and the notification process

- Map of properties that were notified and no correspondence has been received to date
 - Input and support from the Transportation Commission
- He responded to questions from Council related to:
- Historical information as to why it was named that way originally
- Mr. Woods responded to questions from Council related to:
- The opinion of Economic Development staff related to the name change

Councilmember Wise moved to approve an ordinance for a street name change (MISC14-0003) for International Parkway (100-800 block) to Long Prairie Road within the Town limits. Councilmember Walker seconded the motion.

ORDINANCE NO. 25-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF "INTERNATIONAL PARKWAY" TO "LONG PRAIRIE ROAD"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Walker, Levenick, Wise

NAYS: Webb

ABSENT: Dixon

Mayor Hayden opened items 14 and 15 at the same time (7:23 p.m.)

J. REGULAR ITEMS

14. **Public Hearing to consider a request for rezoning (Z14-0002 - The River Walk at Central Park, Village Apartments) to amend the River Walk at Central Park development standards by amending Section 2.3, Residential Density, regarding the maximum number of multifamily dwelling units with less than 700 square feet of floor area, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Morriss Road and north of Buckeye Drive. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 28, 2014, meeting.*)**

Staff Presentation

Mr. Powell gave a presentation

- Location
- Land use and zoning
- Detailed location, including concept plan
- Photographs of the site
- Reasoning for the amendment to the zoning and why the site plan needs to come forward
- Elevations

Applicant Presentation

Bobby Dollak, G&A Consultants, 111 Hillside Drive, Lewisville, TX 75057

Mr. Dollak gave a presentation identifying or noting:

- Building information
- Proposed elevations
- Landscape plan
- Future plans to come forward with a request to rename Buckeye to First St

Wade Roper, Cross Architects, 1255 W 15th St, Plano, TX
Spencer Byington, SWBC, 5600 South FM 148, Kaufman, TX

Mr. Roper and Mr. Byington responded to questions from Council related to why the amendment to the site plan is needed.

Mayor Hayden opened the Public Hearing at 7:37 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item:

| Support: Comments/Questions | Opposition: Comments/Questions | General Questions: |
|---|---|-------------------------------------|
| <u>Carol Kohankie, 4312 Lauren Way, Flower Mound, TX, 75028</u> | No one spoke in opposition. | There were no additional questions. |

Mayor Hayden closed the Public Hearing at 7:40 p.m.

Councilmember Wise moved to approve a request for rezoning (Z14-0002 - The River Walk at Central Park, Village Apartments) to amend the River Walk at Central Park development standards by amending Section 2.3, Residential Density, regarding the maximum number of multifamily dwelling units with less than 700 square feet of floor area, and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Webb seconded the motion.

ORDINANCE NO. 26-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 2.3, "RESIDENTIAL DENSITY," OF ORDINANCE NO. 46-08, BY PROVIDING FOR MULTIFAMILY SQUARE FOOTAGE REQUIREMENTS; REPEALING ORDINANCE NO. 23-10; 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: Walker, Webb, Levenick, Wise

NAYS: None

ABSENT: Dixon

15. Consider a request for a Site Plan (SP 14-0004 – River Walk Village Apartments) to develop an apartment complex. The property is generally located west of Morriss Road and north of Buckeye Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 28, 2014, meeting.)*

Deputy Mayor Pro Tem Webb moved to approve a request for a Site Plan (SP 14-0004 – River Walk Village Apartments) to develop an apartment complex. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Levenick, Webb, Walker

NAYS: None

ABSENT: Dixon

K. BOARDS/COMMISSIONS(Executive Conference Room)

Ms. Scott reported this item is for the purpose of communicating to Council that Denton County, Precinct 3, has reappointed Mr. Larry Lipscomb to the Tax Increment Reinvestment Zone (TIRZ) Board. In addition, she noted that staff is working with Denton County, Precinct 4 regarding their member appointment.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:44 p.m. on May 5, 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 economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 8:57 p.m. on May 5, 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 including, but not limited to the Lakeside DFW project.
- 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: Planning and Zoning.

- d. Consultation with Attorney regarding constitutional claim and pending litigation as follows:
 1. Sherrie L. Novak v Town of Flower Mound
 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
 6. Town of Flower Mound, Jimmy Stathatos, in his Official Capacity as Town Manager, Terry Welch, in his Official Capacity as Town Attorney, and Gregg Perry, in his Official Capacity as Town Engineer, v. Anas Alhaji
 7. Tiseo - tree replacement settlement

No action taken on any of the above referenced closed/open meeting items.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 8:57 p.m. on Monday, May 5, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


THOMAS E. HAYDEN, MAYOR

ATTEST:


THERESA SCOTT, TOWN SECRETARY

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