

THE FLOWER MOUND TOWN COUNCIL SPECIAL MEETING HELD ON THE 15TH 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 special meeting with the following members present:

Tom Hayden	Mayor
Bryan Webb	Deputy Mayor Pro Tem
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

With the following members absent:

Steve Dixon	Mayor Pro Tem
Michael Walker	Councilmember Place 1

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

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the special meeting to order at 6:30 p.m.

Administrative Note: The meeting was delayed due to lack of a quorum. The public was notified of the anticipated delayed start through various communication outlets at approximately 3:00 p.m. this same day.

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

Mr. Kirk Wilson gave the invocation and Mayor Hayden led the pledges.

D. OATHS OF OFFICE AND CERTIFICATES OF ELECTION

Administer Oaths of Office and issue Certificates of Election for Mayor and Councilmember places 2, and 4.

At the consensus of Council this item was postponed to June 2, 2014.

E./F. CLOSED MEETING/RECONVENE TO REGULAR MEETING

Discuss and consider election of Mayor Pro Tem and Deputy Mayor Pro Tem.

At the consensus of Council this item was postponed to June 2, 2014.

G. PRESENTATIONS

1. Proclamation for National Safe Boating Week

This item has been rescheduled.

H. PUBLIC PARTICIPATION

No one spoke during public participation.

I. ANNOUNCEMENTS

No announcements.

J. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos reported on the following capital improvement projects:

- June 2nd is the start date for the widening of FM 1171, with a finish date of August 2016

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported on the following economic development projects:

- Moviehouse & Eatery recently broke ground
- Upcoming International Conference of Shopping Centers (ICSC)

K. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Hayden announced that the next Council meeting is June 2nd.

L. CONSENT ITEMS

Councilmember Wise moved to approve by consent Items 1 – 3. Councilmember Levenick 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 May 5, 2014.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on May 5, 2014.

2. **Consider a Resolution of the Town Council of the Town of Flower Mound, Texas, denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing.**

RECOMMENDATION: Move to approve a Resolution of the Town Council of the Town of Flower Mound, Texas, denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing.

3. **Consider approval of the award of Bid No. 2014-39, to The Global Fence and Gate, LLC, for Jake's Hill top Park Renovations and Improvements.**

RECOMMENDATION: Move to approve award of Bid No. 2014-39, to The Global Fence and Gate, LLC, for Jake's Hill top Park Renovations and Improvements.

VOTE ON MOTION

AYES: Webb, Levenick, Wise

NAYS: None

ABSENT: Dixon, Walker

M. REGULAR ITEMS

4. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Black Walnut Cafe. The property is generally located west of Long Prairie Road and south of Bob White Lane. ***(The Environmental Conservation Commission recommended denial of the requested permit by a vote of 5-0 at its May 6, 2014, meeting).***

Mayor Hayden announced that Black Walnut Café withdrew their application for the tree removal permit.

Mayor Hayden opened items 5, 6, 7, and 8 at the same time at 6:38 p.m.

5. **Public Hearing to consider proposed assessments to be levied against the assessable property within the River Walk Public Improvement District No. 1 (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act"). The general nature of the proposed improvements authorized by the Act to be undertaken and financed for the benefit of the property within the District (the "Authorized Improvements") include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system, trails, parks and open space, and special supplemental services for the improvement and promotion of the District. The total cost of the Authorized Improvements, including the costs of creating the District and issuing bonds, is \$16,000,000. The boundaries of the District generally include 107.108 acres of land located north of FM 1171, west of Morriss Road, and east of FM 2499.**

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site Location
- Summary of PID Items
 - Public Hearing regarding assessments levied on property within the PID No. 1 District
 - Ordinance approving a final services and assessment plan (SAP)
 - Issuance of bonds
 - Development agreement amendment

Mr. Mark Curran, Jefferies LLC, Managing Director Public Finance, Dallas, TX

Mr. Curran gave a presentation identifying or noting:

- Background information about the PID and associated bonds
- Bond sale update (average coupon of 6.6%/30 year fixed and the ability to refinance in five years)
- Investor site tour update
- Offered thanks for all of those involved in the process

Mayor Hayden opened the Public Hearing for item 5 (proposed levy and assessments) at 6:49 p.m.

No one spoke in support, opposition, or had questions.

Mayor Hayden closed the Public Hearing for item 5 (proposed levy and assessments) at 6:50 p.m.

No Council action was required on this item.

- 6. Consider adopting an ordinance accepting and approving a final Service and Assessment Plan, including a final Assessment Roll, for River Walk Public Improvement District No. 1 (the "District"); making a finding of special benefit to the property in the District; levying special assessments against property within the district and establishing a lien on such property; providing for payment of the Phase #1 assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date.**

Councilmember Wise moved to adopt an ordinance accepting and approving a final Service and Assessment Plan, including a final Assessment Roll, for River Walk Public Improvement District No. 1 (the "District"); making a finding of special benefit to the property in the District; levying special assessments against property within the district and establishing a lien on such property; providing for payment of the Phase #1 assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the

payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Levenick, Webb

NAYS: None

ABSENT: Dixon, Walker

7. Consider all matters incident and related to the issuance and sale of "Town of Flower Mound, Texas, Special Assessment Revenue Bonds, Series 2014 (River Walk Public Improvement District No. 1)" (the "Bonds"), including adoption of an ordinance authorizing the issuance of the Bonds; approving and authorizing the execution of agreements, including an Indenture of Trust, a Bond Purchase Agreement, a Construction Funding Agreement, and a Continuing Disclosure Agreement relating to the Bonds; approving an Official Statement relating to the Bonds; and approving a contract with MuniCap Inc. for the administration of the District.

Councilmember Wise moved to adopt an ordinance authorizing the issuance of the "Town of Flower Mound, Texas, Special Assessment Revenue Bonds, Series 2014 (River Walk Public Improvement District No. 1)"; approve and authorize the execution of agreements, including an Indenture of Trust, a Bond Purchase Agreement, a Construction Funding Agreement, and a Continuing Disclosure Agreement relating to the Bonds; approve an Official Statement relating to the Bonds; and approve a contract with MuniCap Inc. for the administration of the District. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Webb, Levenick, Wise

NAYS: None

ABSENT: Dixon, Walker

8. Consider approval of an amended Development Agreement with CADG Riverwalk, LLC, on behalf of the Town relative to the development of The River Walk at Central Park and the construction and financing of the Authorized Improvements within The River Walk Public Improvement District No. 1, and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Wise moved to approve an amended Development Agreement with CADG Riverwalk, LLC, on behalf of the Town relative to the development of The River Walk at Central Park and the construction and financing of the Authorized Improvements within The River Walk Public Improvement District No. 1, and authorize the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Webb seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Levenick, Webb

NAYS: None

ABSENT: Dixon, Walker

Administrative Note: Signed Waivers of Notice and Consent to Special Meeting have been completed and on file with the Town Secretary's Office for the absent Councilmembers.

- 9. Discuss and consider the current Flower Mound Alarm ordinance and associated agreement and fees.**

At the consensus of Council this item was postponed to June 2, 2014.

N./O. CLOSED/OPEN MEETING

The Town Council did not convene into a closed meeting.

- 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. Consultation with Attorney regarding 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**

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 6:56 p.m. on Thursday, the 15th of May, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Thomas E Hayden
THOMAS E. HAYDEN, MAYOR

ATTEST:

Theresa Scott
THERESA SCOTT, TOWN SECRETARY

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