

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF JUNE 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
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Kenneth Parr	Executive Director of Public Works
Andy Kancel	Police Chief
Kari Biddix	Park Development Manager
Tommy Dalton	Director of Strategic 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

Manu Shahi gave the invocation, Mayor Hayden led the pledges.

D. OATHS OF OFFICE AND CERTIFICATES OF ELECTION

Ms. Scott administered Oaths of Office to Tom Hayden (Mayor), Bryan Webb (Place 2), and Steve Dixon (Place 4). Mayor Hayden issued each declared elected official a Certificate of Election.

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

The Town Council convened into closed session at 6:10 p.m. and reconvened at 6:15 p.m. to take the following action:

Councilmember Wise moved to elect Councilmember Jean Levenick as Mayor Pro Tem. Deputy Mayor Pro Tem seconded the motion.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

Councilmember Wise moved to elect Councilmember Michael Walker as Deputy Mayor Pro Tem. Mayor Pro Tem Levenick seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

G. PRESENTATIONS

1. Certificate of Recognition – Bronze Award, Girl Scout Troop 4778

Mayor Hayden presented certificates of recognition to the members of Girl Scout Troop 4778 for their achievement.

2. Presentation and report by the Youth Action Council (YAC) relative to their participation in the Youth Advisory Commission Summit held in Rockwall, Texas

Catalina Uriarte and Rebecca Jacobson gave a presentation highlighting what the Youth Action Council is about, as well as some of the community events they participate in. She also gave a report on what they learned and experienced during the annual Summit in Rockwall.

H. PUBLIC PARTICIPATION

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

Manu Shahi, 2825 Cape Brett Dr., Flower Mound, TX 75022

Ms. Shahi offered comments related to her role in the Make A Wish Foundation.

Mary Kay Walker, 3229 Oak Meadow, Flower Mound, TX 75028

Ms. Walker announced various upcoming fund raising activities for the future senior center. She also announced that they are getting a grant from CoServ for the library within the senior center.

Administrative Note: Speakers wishing to address the Council for item 5 had the option of speaking during the regular public participation or at the time the item was to be heard later on the agenda. Speakers for item 5 are included collectively with that item regardless of whether they spoke during the regular public participation or at the time the item was heard.

I. ANNOUNCEMENTS

Mayor Pro Tem Levenick announced the Police Department's new Safe Neighborhood Summer Initiative, and the Get the Scoop program. She also expressed concern related to how pedestrian safety is compromised when vehicles park across the sidewalk and encouraged residents to keep that mind. Mayor Hayden pointed out that, in addition, it's a violation within the Town's Code of Ordinances.

Mayor Hayden announced that June 11th is the deadline for applying for Town of Flower Mound Community Support Funding for 501 (c)(3) organizations.

J. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects.

Mr. Stathatos gave a report on the following capital improvement projects:

- An unveiling of the 30 percent progress rendering related to Sagebrush Road improvements was held in May and the next meeting will be in July for the 60th percent increment.

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave a report on the following economic development projects:

- Over 500 new jobs have been added to Flower Mound so far in 2014 and several projects are in the works
- Canyon Falls is beginning to deliver lots to home builders
- Smashburger is opening in July and Mod Market is slated to open in August (in front of Academy)

Mayor Hayden requested staff reach out to LISD regarding the use of lights and the speaker system at the sports field next to Flower Mound High School as there have been complaints from adjacent neighbors related to the lights and noise level from the game announcers. In addition, the Town received a letter from LISD regarding a change in their policy from what was discussed at the time of the approval of the sports complex approximately a year ago, allowing for outside organizations to use the sports field. He stated that the letter wasn't very clear as to what type of schedule was allowed. For that reason he requested staff communicate to Dr. Rogers the request that they schedule external events outside of the evening hours. In addition, seek to gain a better understanding as to what can be expected because the residents are only expecting 20 nights per year that the field was to be lighted and they need to know what has changed as a result of this new policy.

It was noted that at one time the Town pursued the possibility of having a partnership with LISD for use of the tennis courts by the public; however, it

ended up not being a viable option due to the limited number of hours that the courts would be available.

K. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- Review and discuss agenda items for the June 6th (4 pm) Town Council Strategic Planning Session.
Mr. Dalton indicated this item is for the purpose of making sure staff is addressing all of the topics that Council might want to discuss on Friday.
- The next regular Town Council meeting is scheduled for June 16, 2014.

L. CONSENT ITEMS

Councilmember Dixon moved to approve, by Consent, Items 1 – 3. 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 special meeting of the Town Council held on May 15, 2014.

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on May 15, 2014.

2. Consider approval of the award of Bid No. 2014-19, to 2L Construction, LLC, for the Sidewalk Links project, in the amount of \$213,838.00.

RECOMMENDATION: Move to approve the award of Bid No. 2014-19, to 2L Construction, LLC, for the Sidewalk Links project, in the amount of \$213,838.00.

3. Consider approval of a Resolution authorizing the filing of a project application with CoServ Charitable Foundation, to purchase ANSI compliant raingear for all sworn police officers; authorizing the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; acceptance of funds if awarded; and pledging that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the CoServ Charitable Foundation.

RECOMMENDATION: Move to approve a Resolution authorizing the filing of a project application with CoServ Charitable Foundation, to purchase ANSI compliant raingear for all sworn police officers; authorizing the Mayor to act on behalf of the Town of Flower Mound in all matters related to the application; acceptance of funds if awarded; and pledging that if funding for this project is received, the Town of Flower Mound will comply with all project requirements of the CoServ Charitable Foundation.

RESOLUTION 08-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND AUTHORIZING THE FILING OF A PROJECT APPLICATION WITH THE COSERV CHARITABLE FOUNDATION TO PURCHASE ANSI COMPLIANT RAINGEAR; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE TOWN OF FLOWER MOUND IN ALL MATTERS RELATED TO THE APPLICATION; ACCEPTANCE OF FUNDS IF AWARDED; AND PLEDGING THAT IF FUNDING FOR THIS PROJECT IS RECEIVED THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROJECT REQUIREMENTS OF THE COSERV CHARITABLE FOUNDATION.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

J. REGULAR ITEMS

4. Consider approval of a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning, design, and construction documents associated with The Heritage Park of Flower Mound Phase II project, for the Dog Park located in East Heritage Park, in the amount of \$72,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Sims gave a presentation identifying or noting:

- Background information
- Vicinity Map and site location
- Dog park criteria
- Concept plan for dog park
- Design considerations (will incorporate 3 design considerations)

Mr. Sims responded to questions from Council regarding:

- Design plan inclusions

Councilmember Webb moved to approve a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning, design, and construction documents associated with The Heritage Park of Flower Mound Phase II project, for the Dog Park located in East Heritage Park, in the amount of \$72,000.00. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

5. Discuss and consider options related to the design of proposed improvements for Rheudasil Park, and more specifically installation of a rest room and/or fishing pier.

Staff Presentation

Ms. Biddix gave a presentation identifying or noting:

- Aerial photo of Rheudasil Park
- Parks and Trails Master Plan
- Part of Purple Coneflower Trail
- Surrounding subdivisions
- Existing site plan
- Photos of existing features
- Improvements recommended for the park (current and future)
- Plan view with restroom and fishing pier
- Floor plan and elevations
- Building footprint options
- Three options recommended

Chief Kancel gave a presentation identifying or noting:

- Park overview
- Park related law enforcement activity data for past two years
- Park activity detail
- Park patrol procedures, including a new neighborhood safety initiative and bike patrol focus on neighborhood parks and trails

The following questions were asked by members of Council either before or after the public spoke.

Chief Kancel or Captain Labhart responded to questions from Council regarding:

- The Town's current Curfew policy
- New patrol methods going forward
- Examples of the type of things officers can accomplish without being in a patrol car
- Review of the crime statistics in parks for the last two years
- Whether drug paraphernalia has been reported at any of the parks

Mr. Sims or Ms. Biddix responded to questions from Council related to:

- What are the corrective measures currently being taken with respect to graffiti
- A request to address the points brought about at the November 2013 neighborhood meeting and noted within the packet:
 - Pond preservation/Bank stabilization
 - Repair of sidewalks
 - Aesthetics and view blockage
 - Pavilion use statistics
 - Ranking of the most used parks
 - Sanitation and cleaning related to the proposed rest room and what is planned
 - Clarification regarding the size of the proposed restroom

- Clarification regarding the electronic door lock system that would be utilized
- Option of port-a-toilets
- Pond aeration
- Clarification regarding the site location chosen within the park
- Main purpose and premise for the rest room facility
- Past renovations associated with this park
- Why was the restroom put on the CIP initially in 2008
- What happens if someone props the door open & it goes unchecked (either use of cameras or audible alarm if is not engaged)
- Access that would be needed if dredging of the pond were to occur

Chief Metzger and Chief Kancel responded to questions from Council regarding:

- Have any emergency calls been received in relation to Post Oak Park (given it has a pedestrian bridge across the pond)
- Whether or not there is a concern about having rest rooms in parks (professionally and personally)

Mr. Parr responded to questions from Council regarding:

- The proposed location with respect to engineering and sewer access

Mr. Stathatos responded to questions from Council regarding:

- Timing associated with the various improvements previously mentioned, such as additional lighting, playground equipment and the basketball courts, as well as the dredging and stabilization of the pond, including the potential of phasing in those items

There was additional discussion regarding:

- Condition of the existing monument for former Mayor Rheudasil
- Concern over the restroom blocking the sight line from the pavilion to the playground
- The intent of the donor for the fishing pier
- The process associated with adding amenities within parks in general
- The process and decision associated with the PALS Board recommendation
- Why the restroom can't be at Wilkerson
- Whether a parking lot is being considered
- Other locations being considered for a rest room
- Inability to use rest rooms at certain times in other Town parks (i.e. Jake's Hilltop)
- Budget decisions related to the cost of improvements
- Definition of a community park versus a neighborhood park
- Why were the rest rooms being recommended in the first place

The Town Council recessed at 8:37 p.m. and reconvened at 8:47 p.m.

Mayor Hayden reopened public participation for this item at 8:47 p.m.

The following speakers, all of which are located in Flower Mound, spoke in opposition of the item and/or had questions. Names listed below don't necessarily reflect the order in which each person spoke.

1. Carol Ritchie, 1817 Armstrong Dr
2. Arin Nacis, 2312 Lakeshore Dr
3. John Lagrande, 2029 Brook Ln
4. Syrah Summers, 2033 Brooks Ln
5. David Mielke, 2329 Lakeway Terrace
6. Cole Summers, 2033 Brook Ln
7. Mike McDaniel, 2212 Turtle Cove
8. Helen Davidson, 2624 Potomac Dr.
9. John Lee, 2016 Robin Ln
10. Mel Hunter, 2317 Whitman Ln
11. Kevin Rivas, 2305 Old Hickory Ln
12. Susan Hudson, 1941 Robin Ln
13. Dawn Gillette, 2025 Livingston Ln
14. Tony Gepner, 2309 Old Hickory Ln
15. Amy Gepner, 2309 Old Hickory Ln
16. Ladai Epperson, 2317 Willowood Ln
17. Elizabeth Clark, 1921 Brook Ln
18. Ryan Brandle, 2300 Mapleleaf Ln
19. Katrina Brandle, 2300 Mapleleaf Ln
20. Julie Kluthe, 2328 Whitman Ln
21. Erick Kluthe, 2328 Whitman Ln
22. Arla Henry, 2217 Bennington Ave
23. Dawn Olivares, 1733 Bershire Ct
24. Lucas Prater, 2317 Old Hickory Ln
25. Rick Ross, 2009 Brook Ln
26. Heather Santiago, 2200 Turtle Cove
27. Richard See, 1801 Amhearst Ln
28. Bryan Holman, 2309 Whitman Ln
29. Melany Holman, 2309 Whitman Ln
30. Shari Foshang, 2401 Old Hickory Ln
31. Brenda Ricks, 2020 Brook Ln
32. Steve Ricks, 2020 Brook Ln
33. Braxton Lord, 2121 Carrington Ave
34. Katrina Rivas, 2305 Old Hickory
35. Stephen Blom, 2305 Willowood Ln
36. Carol Mansour, 2204 Bennington
37. Dr. Russell Chase, 2212 Amhearst Ct
38. Sharman Sibia, 2312 Old Hickory Ln
39. Lisa Kippes, 2112 Lamplighter Dr
40. Sumant Mautin Desamey, 2013 Brook

The following speakers, all of which are located in Flower Mound, spoke in support of the item and/or had questions. Names listed below don't necessarily reflect the order in which each person spoke.

1. Carol Kohankie, 4312 Lauren Way
2. Kendra Stephenson, 2321 Roadrunner
3. Patsy Mizeur, 1821 Castle Ct

Mayor Hayden closed public participation for this item at 10:21 p.m.

There was consensus of Council to:

- approve funding for the rest rooms and to come back in the near future to come up with a plan for the layout of the rest room in the park and an overall plan for improvements to other areas within this same park in the near future.
- Not move forward with the fishing pier

Councilmember Webb moved to approve the funding for the restrooms for an amount not to exceed \$200,000. Mayor Pro Tem Levenick seconded the motion.

Council Discussion on the Motion:

Mayor Hayden summarized that the motion is for the purpose of funding the restroom, however, the location remains to be determined. In addition, no work is to commence on the rest room until a Master Plan for the park has been approved.

VOTE ON MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

At the request of Council Mr. Stathatos summarized that based on the Council discussion and direction, as well as the approved motion, it's staff's understanding that the direction is to expedite the process of bringing back a proposal to hire a consultant to do a Master Plan for Rheudasil Park, which would include letting the consultant know that a rest room is one of the amenities. In addition, other amenities and repairs as discussed by Council would be incorporated, along with the corresponding funding for each.

6. Discuss and consider the current Flower Mound Alarm ordinance and associated agreement and fees.

Staff Presentation

Chief Kancel gave a presentation identifying or noting:

- Benefits of an alarm ordinance
- Police resources expended
- False alarm calls accounts for 18% of citizen initiated police calls for service
- Alarm call trends
- Current alarm fees
- Current contract with PMAM Corporation
- PMAM Corporation contractual responsibilities
- Five options for consideration, with Option E being recommend by the Police Dept.

Chief Kancel responded to questions from Council regarding:

- Clarification regarding the responsibilities of the homeowner or business for Option E, associated violations, and communication process with PMAM
- What constitutes a false alarm
- Fee structure and frequency of calls

There was consensus of Council to bring forward Option E and within the following fee structure:

Violations in a 12 month period:

0 - 3 = \$0	} Per violation
4 - 6 = \$50	
7+ = \$150	

Option E maintains the current contract with PMAM and amends the Town's Code of Ordinances, Appendix A Fee Schedule, Chapter 30, to provide for no requirement of a renewal fee payment from business or residences until they generate a false alarm, and add a requirement to update permit information with the alarm company when changes occur.

7. Consider a request for a Development Plan (DP14-0003 – Lakeside DFW/JBGL, Phase Three) to develop a residential subdivision. The property is generally located south of Bel Air Lane and west of Lakeside Parkway. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its May 12, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Phase 3 of the single family detached development
- Land use and zoning
- Photographs of the site
- Development plan and purpose:
 - Pocket park
 - Landscaping
 - Trail map
- No comments have been received other than a request for clarification that it is being built according to the plan, and it is

Mr. Powell responded to questions from Council regarding:

- Clarification that what is presented meets the approved plan

Councilmember Webb moved to approve a request for a Development Plan (DP14-0003 – Lakeside DFW/JBGL, Phase Three) to develop a residential subdivision. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Town Council recessed at 11:42 p.m. and reconvened at 11:52 p.m.

8. Consider approval of a resolution revising the Neighborhood Traffic Management Policy and Requirements. *(The Transportation Commission recommended revising the Neighborhood (Traffic Management Policy by a vote of 6 to 0 at its April 8, 2014, meeting.)*

Mayor Hayden opened items 8 and 9 at the same time.

Staff Presentation

Mr. Hotelling gave a presentation identifying or noting:

- Background information
- History of the program

- Transportation Commission (TRC) Work Session overview
- TRC 4/8/2014 recommendation
- Comparison Information

Mr. Hotelling or Mr. Stathatos responded to questions from Council regarding:

- What has been left out based on recommendations from citizens
- If the 100% threshold is only being used for full closure of a road
- Maintenance responsibility in a situation where roads start to be closed

There was discussion regarding the attainability of the 100% threshold for full closure of roads.

Council offered direction to have the Transportation Commission review the pros and cons associated with changing the current speed limit within all residential neighborhoods from 35 to 25 mph, followed by coming forward with a recommendation, in addition to staff's feedback.

Deputy Mayor Pro Tem Walker moved to approve a Resolution revising the Neighborhood Traffic Management Policy and Requirements. Councilmember Webb seconded the motion.

RESOLUTION NO. 06-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING A PROGRAM FOR IMPLEMENTING NEIGHBORHOOD TRAFFIC MANAGEMENT IN CERTAIN NEIGHBORHOODS IN THE TOWN OF FLOWER MOUND; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Wise, Levenick, Webb, Walker

NAYS: Dixon

9. Consider approval of a resolution creating a Stop Sign Procedure and Policy; and amending the Code of Ordinances Chapter 66-32. *(The Transportation Commission recommended revising the Neighborhood Traffic Management Policy as amended by a vote of 6 to 0 at its April 8, 2014, meeting.)*

Staff Presentation

Mr. Hotelling gave a presentation identifying or noting:

- Introduction
- Stop sign guidelines
- Multi-way stop guidelines
- Minimum volume warrants
- Other options for multi-way stop
- Clarification regarding the meaning of "shall, should, and may" text

- Code of Ordinances
- Current Procedures
- Exceptions
- TRC 4/8/2014 Recommendation
- Process
- Concerns with unwarranted stop signs

Mr. Hotelling responded to questions from Council regarding:

- Situation where it doesn't meet the proposed criteria but there are some visibility issues

Mayor Pro Tem Levenick moved to approve a resolution creating a Stop Sign Procedure and Policy; with the addition of a 500 foot stopping distance. Councilmember Dixon seconded the motion.

RESOLUTION NO. 07-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CREATING A POLICY FOR GOVERNING THE STANDARDS, GUIDELINES AND CRITERIA FOR THE INSTALLATION OF STOP SIGNS WITHIN THE TOWN OF FLOWER MOUND, REPEALING ALL CONFLICTING POLICIES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 12:30 a.m. on June 3, 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 consultation with Town Attorney, pending litigation, real property, and economic development negotiations, and reconvened into an open meeting at 12:50 a.m. on June 3, 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. Consultation with Town Attorney regarding existing solicitation regulations, legal advice for boards and commission, 501(c)(3) formation, 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

No action taken on items 1-5 above.

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 Alhajji

Councilmember Webb moved to authorize settlement in the matter of Alhajji and the Town of Flower Mound as discussed in executive session subject to Town Attorney approval. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Webb, Walker

NAYS: Levenick

P. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 12:51 a.m. on Tuesday, June 3, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY