

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF JULY 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 ( <i>arrived 6:05 p.m.</i> )
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

The following members were absent:

Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem

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

Theresa Scott	Town Secretary
Wayne Olson	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
Ken Parr	Executive Director of Public Works
Chuck Russell	Town Planner
Kari Biddix	Park Development Manager
Brandon Barth	Emergency Management Specialist

**A. CALL REGULAR MEETING TO ORDER**

With the consent of Council, Councilmember Dixon 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**

Councilmember Dixon gave the invocation and led the pledges.

**D. PRESENTATIONS**

1. Presentation for Town's 'StormReady' designation

Mark Fox with the National Weather Service office in Fort Worth recognized the Town for being a StormReady community and presented a certificate and street signs for Town use to Brandon Barth, Emergency Management Specialist.

**E. PUBLIC PARTICIPATION**

No one spoke during public participation.

**F. ANNOUNCEMENTS**

Mayor Hayden offered appreciation for the Police Department and the bike patrol units, especially during the recent Independent Fest event.

**G. TOWN MANAGER'S REPORT**

1. Introduction and Oath of Office - Eric Greaser, new Fire Chief for the Town of Flower Mound.

Mr. Stathatos introduced Mr. Greaser and Mayor Hayden administered the ceremonial Oath of Office. Chief Greaser offered his comments related to accepting the position as Fire Chief for the Town.

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave the following updates regarding economic development projects:

- Keystone Automotive is going to occupy a 231,000 sf building and bring at least 100 jobs
- Smashburger is now open
- Three additional restaurants are working on their tenant finish out: Salato and Penn Station in Robertson's Creek Shopping Center, and Mellow Mushroom in the River Walk

3. Update and status report related to capital improvement projects

Mr. Stathatos gave the following updates regarding capital improvement projects:

- Wichita Trail Road Construction Project
  - The only item left is the establishment of grass and the contractor has been given a deadline for such
- DFW Connector Project
  - Mr. Parr gave an update on the work completed to date and a summary of what is anticipated in the future.

He responded to questions from Council related to:

- Timing for completion
- Further explanation regarding frontage and through lanes
- If the video was still being shown on the Town's website regarding the artist rendition of what the final product would look like
- Wood Creek Road
  - This roadway is now open to two way traffic and there will be periodic closures as the contractor finalizes punch list items

4. LISD Athletic Field (resident concerns)

Mr. Stathatos gave an update regarding communications with LISD noting that they have been extremely responsive and have sent the Town their proposed activities for the summer when the fields will be used. In addition, they have strongly encouraged

that all games are done before dark. Staff is working on getting other schedules as well.

Other CIP items discussion:

Mr. Stathatos responded to questions from Council regarding:

- Twin Coves Park update, including the boat ramp project
- Update regarding the process associated with building a new Town Hall

#### H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The next regular Town Council meeting is scheduled for August 4<sup>th</sup>.
2. Discuss future meeting date options for interviewing board and commission applicants.

The following future agenda items were requested:

- Councilmember Dixon requested an update regarding the renaming of Blair Road which is opposite of Clearpoint on Flower Mound Rd.
- Councilmember Dixon also requested staff to put together sign ordinance update for Council consideration related to political signs that may have components that have moving parts when wind conditions exist (e.g. a pinwheel is not a moving part if the wind is not blowing).

#### I. CONSENT ITEMS

*The following items were pulled from Consent: 3, 6, and 12.*

1. Consider approval of the minutes from a regular meeting of the Town Council held on June 16, 2014.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on June 16, 2014.

2. Consider approval of canceling the September 1, 2014, regular meeting of the Town Council and calling a special meeting on September 2, 2014.

**RECOMMENDATION:** Move to approve canceling the September 1, 2014, regular meeting of the Town Council and calling a special meeting on September 2, 2014.

4. Consider approval of the award of Best Value Bid No. 2014-54 Twin Coves Park Landscape Maintenance Program to Metro Landscape Maintenance, Incorporated, at the unit prices bid, for an estimated annual amount of \$34,916.00 and authorize the Mayor to execute same.

**RECOMMENDATION:** Move to approve the award of Best Value Bid No. 2014-54 Twin Coves Park Landscape Maintenance Program to Metro Landscape Maintenance, Incorporated, at the unit prices bid, for an estimated annual amount of \$34,916.00 and authorize the Mayor to execute same.

5. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by lowering the prima facie speed limit on streets within the Remington Park and Coventry subdivisions to 25 mph. *(The Transportation Commission recommended approval of the exception request by a vote of 5 to 0 at its June 10, 2014, meeting.)*

**RECOMMENDATION:** Move to approve an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by lowering the prima facie speed limit on streets within the Remington Park and Coventry subdivisions to 25 mph.

**ORDINANCE NO. 32-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR A MAXIMUM PRIMA FACIE SPEED LIMIT ON TWENTY-SIX ADDITIONAL STREETS; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Water, Wastewater, and Roadway Impact Fee Update projects, in the amount of \$223,000.00; 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 Water, Wastewater, and Roadway Impact Fee Update projects, in the amount of \$223,000.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider rescinding the construction 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.

**RECOMMENDATION:** Move to approve rescinding the construction 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.

9. Consider approval of an Interlocal Agreement with Lewisville Independent School District (LISD) for additional School Resource Officers (SRO), and provisions for equal contributions from LISD and the Town to cover the cost of salary and benefits for current and additional officers; and authorization for the Mayor to execute the same on behalf of the Town.

**RECOMMENDATION:** Move to approve an Interlocal Agreement with Lewisville Independent School District (LISD) for additional School Resource Officers (SRO), and provisions for equal contributions from LISD and the Town to cover the cost of salary and benefits for current and additional officers; and authorization for the Mayor to execute the same on behalf of the Town.

10. Consider approval of the purchase of twelve (12) Tahoe Police Pursuit Vehicles (PPV) for the Police Department from Holiday Chevrolet in the total amount of \$380,892.00.

**RECOMMENDATION:** Move to approve the purchase of twelve (12) Tahoe Police Pursuit Vehicles (PPV) for the Police Department from Holiday Chevrolet in the total amount of \$380,892.00.

11. Consider an Agreement with other local Law Enforcement Agencies to Provide Holding Facility Services and Warrant Services.

**RECOMMENDATION:** Move to approve an Agreement with other local Law Enforcement Agencies to Provide Holding Facility Services and Warrant Services.

13. Consider approval of revisions to Subpart A, Chapter 30, Article II-Alarm Systems and fees as stated in Appendix A Fee Schedule.

**RECOMMENDATION:** Move to approve revisions to Subpart A, Chapter 30, Article II-Alarm Systems and fees as stated in Appendix A Fee Schedule.

**ORDINANCE NO. 35-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," OF THE CODE OF ORDINANCES TO AMEND THE FEE FOR EXCESSIVE FALSE ALARM NOTIFICATIONS AND THE ALARM PERMIT APPLICATION AND RENEWAL FEES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

14. Consider approval of a contract addendum with Icon Enterprises, Inc. d/b/a CivicPlus ("CivicPlus") for website services and associated modules; in addition to project development, design, implementation, support, and hosting services.

**RECOMMENDATION:** Move to approve a contract addendum with Icon Enterprises, Inc. d/b/a CivicPlus ("CivicPlus") for website services and associated modules; in addition to project development, design, implementation, support, and hosting services.

15. Approve an exception to the Town's floodplain ordinance section 90-402, to allow the placement of fill material within the FEMA floodplain at 1700 North Falls Court.

**RECOMMENDATION:** Move to approve an exception to the Town's floodplain ordinance section 90-402, to allow the placement of fill material within the FEMA floodplain at 1700 North Falls Court.

Councilmember Dixon moved to approve by consent Items 1-2; 4-5; 7-11; and 13-15 Councilmember Wise seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION**

**AYES: WEBB, DIXON, WISE**

**NAYS: NONE**

**ABSENT: LEVINICK, WALKER**

*Administrative Note: Item 3 was pulled from Consent at the request of the Town Attorney in order to correspond with Denton County to allow for crafting language revisions related to the agreement.*

3. Consider approval of an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for River Walk Public Improvement District No. 1 for the period beginning October 1, 2014, and ending September 30, 2015, subject to renewal for an additional one-year term; and authorization for the Mayor to execute same on behalf of the Town.

*Administrative Note: Item 6 was pulled from Consent to allow for postponement to August 4<sup>th</sup> when a related item is scheduled to be heard.*

6. Consider approval of an ordinance for a street name change (MISC14-0004) for Spinks Road (2500-2800 block) to Woodlake Lane. *(The Transportation Commission recommended changing of this street name by a vote of 5 to 0 at its June 10, 2014, meeting.)*

Councilmember Dixon moved to postpone items 3 and 6 to the August 4, 2014 Town Council meeting. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, WEBB**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

12. Consider approval of revisions to the Solicitation Ordinance.

Councilmember Dixon provided an explanation as to why he requested the item to be pulled.

There was discussion by Council related to past communication from residents related to the activity of placing door hangers on their property and solicitation regulations in general.

Mr. Olson responded to questions from Council regarding:

- The intent and clarification of the proposed Ordinance
- Expectations by the public regarding enforcement
- What entities the ordinance applies to
- Legal elements associated with free speech
- How the use of no solicitation signs can prevent hand bills and where would the sign need to be posted
- Whether there was a permitting process associated with individuals that distribute hand bills
- Clarification regarding the distinction for hand bill distribution and general solicitation

Councilmember Dixon moved to approve revisions to the Solicitation Ordinance. Councilmember Wise seconded the motion.

#### ORDINANCE NO. 34-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY AMENDING CHAPTER 18, "BUSINESSES," ARTICLE IV, "SOLICITATION ACTIVITIES;" PROVIDING RESTRICTIONS ON THE TIME OF DAY THAT CERTAIN SOLICITATION ACTIVITIES CAN BE LAWFULLY CARRIED OUT; PROVIDING REGULATIONS REGARDING CANVASSING ACTIVITIES AND HANDBILL DISTRIBUTION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; AND PROVIDING AN EFFECTIVE DATE.

#### VOTE ON THE MOTION

AYES: WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK, WALKER

#### J. REGULAR ITEMS

16. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2014, in the amount of \$15,160,000 and resolving other matters incident and related thereto.

**Staff Presentation**

John Martin, Town of Flower Mound Bond Counsel, Southwest Securities Group, Dallas, Texas

Mr. Martin gave a presentation identifying or noting:

- Bid tabulation summary
- Summary of impact of the new piece of debt

He responded to questions from Council regarding:

- Possibility and impact of the Town obtaining a AAA bond credit rating

Councilmember Wise moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2014, in the amount of \$15,160,000 and resolving other matters incident and related thereto. Councilmember Dixon seconded the motion.

**ORDINANCE NO. 36-14**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2014"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WEBB, DIXON, WISE**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

17. Public Hearing to consider a request to amend the Land Development Regulations (LDR14-0002) by amending Subpart B, Chapter 98, of the Code of Ordinances, entitled "Zoning" through the amendment of Article IV, "Supplementary District Regulations," through the amendment of Division 2, "Uses," by amending Subdivision 3, entitled "Special Use Conditions," by adding a new Section 98-1002, "Solar panel systems," providing regulations for the construction, use, maintenance and abandonment of solar energy systems, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 23, 2014, meeting.)*



### Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- Purpose
  - Create standards for on-site single family residential use (roof and ground mounted)
- Process to date
- How solar panels work and typical size
- Various elements that were reviewed in creating the ordinance
- Examples of solar panel systems (roof and ground mounted)
- Examples of other types of technology that produce energy (e.g. roof shingles)
- A report related to what is happening in Flower Mound with respect to permitting and current panels in place
- Proposed standards and feedback received from Planning and Zoning Commission members as well as Council from a past work session
  - Concerns associated with the proximity of DFW Airport
  - Yard size, lot coverage
  - Limits on power generation
  - Impacts on neighbors
  - Limits on roof location
  - Utilize accessory structure standards
  - Use international codes
  - Licensed contractor and engineer
  - Ordinance vs. permit
- A review of the draft Ordinance in comparison to what is currently allowed in Flower Mound
- Recommendations from the Planning and Zoning Commission
- Explanation related to engineering authorization letter
- Screening recommendations as it relates to various landscape options and associated examples
- Aesthetics and the reference to the land use plan and exemplary quality and designs

Mr. Russell or Mr. Powell responded to questions from Council related to:

- Clarification as to if the intent is a full hedge at the time of installation
- Whether a solid hedge is expected over a course of two to three years
- An explanation related to the three foot setback as it relates to International Fire Codes
- An explanation of the 80% roof surface area regulation
- The number of panels per square foot and a desire for a professional engineer to ensure that the roof will hold the weight of the panels
- If contractors doing the job are required to be registered with the Town
- For the ground mounted systems, whether the intent of the screening is at the fence line or around the array itself

Mayor Hayden opened the Public Hearing at 7:58 p.m.

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

Support: Comments/Questions	Partial Opposition: Comments/Questions	Question(s)/ Comments Only
James Johnson, 3109 Clearpoint, Flower Mound, TX (general support of solar panels)	Jay Squires, 3208 Village Crest, Flower Mound, TX (general support of solar panels, however, against the screening element)	None
Joseph Willix, President, SWG Energy (renewable energy company), Dallas, TX (general support of solar panels and clarified what the IFC calls for related to setbacks and what is allowed)	James Orenstein (solar advocate), 1802 Rocky Creek Dr, Duncanville, TX (requested considerations be made to the restriction on ground mount systems of having a maximum of 8 feet and the screening requirement)	

Mayor Hayden closed the Public Hearing at 8:13 p.m.

**Council Deliberation**

There was some discussion related to:

- A survey that went to the residents of Wellington inquiring if they were supportive of solar panels
- If staff has the ability to inspect the work of the installation of solar panels, and particularly with respect to safety and the importance of having a professional engineering seal associated with an application
- Screening options, particularly as it relates to wrought iron fencing as well as those adjacent to open space and how to effectively go about that
- How practicality comes into play in setting the roof coverage limit
- The possibility of gaining permission from adjacent property owners regarding allowing a waiver of the screening

There was consensus of Council related to removing the 80% roof coverage language, however, there was not consensus related to how the screening element should be addressed.

*Town Council recessed at 8:44 p.m. and reconvened at 8:54 p.m.*

Councilmember Webb moved to approve the Ordinance as presented, however, with the exception of striking the no more than 80% of the total roof coverage language as well as the screening regulations as it relates to the tubular fencing. Councilmember Wise seconded the motion.

Mr. Russell offered clarification relative to what changes would be made to the draft ordinance based on the motion as presented.

**VOTE ON THE MOTION**

**AYES: WISE, WEBB**

**NAYS: DIXON**

**ABSENT: LEVENICK, WALKER**

Motion failed.

*Administrative Note: Town Charter, Section 3.10 - Rules of Procedure states no action of Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.*

Councilmember Dixon moved to approve a request to amend the Land Development Regulations (LDR14-0002) by amending Subpart B, Chapter 98, of the Code of Ordinances, entitled "Zoning" through the amendment of Article IV, "Supplementary District Regulations," through the amendment of Division 2, "Uses," by amending Subdivision 3, entitled "Special Use Conditions," by adding a new Section 98-1002, "Solar panel systems," providing regulations for the construction, use, maintenance and abandonment of solar energy systems, and adopt an ordinance providing for said amendment, and striking the 80% limitation for solar arrays on a roof but having an administrative waiver for screening element by which an application is submitted to the Town and an adjacent neighbor approves, in writing, creating a way by staff to approve them not putting in the screening without that administrative waiver for that side of the property.

Council Deliberation:

- Definition of adjacent neighbor and the provision of enhanced landscaping
- Compatibility buffering would be needed for any adjacent property owner that didn't grant the waiver as it relates to that property line

Mr. Powell responded to the following questions from Council:

- Clarification as to what degree of screening is required and what type of plants would be utilized

The motion failed due to lack of a second.

Councilmember Webb moved to postpone item 17 (solar panel systems) to the August 4, 2014, Town Council meeting. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, WEBB**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

Mayor Hayden encouraged Council to provide feedback to Mr. Russell prior to this item coming back on the 4<sup>th</sup>.

Councilmember Dixon requested multiple draft motion options as a baseline for Council to work with based on tonight's discussion.

18. Public Hearing to consider a request for rezoning (ZPD14-0008 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards by removing the requirements to construct a Town gateway entrance sign and to amend the Comprehensive Sign Package by allowing attached blade signs, 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 denial of the request to remove the requirements to construct a Town gateway entrance sign by a vote of 4 to 3 and recommended approval of the request to amend the Comprehensive Sign Package by allowing attached blade signs by a vote of 6 to 0 at its July 14, 2014, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Blade sign exhibit
- Location of the building signs
- Building renderings

Mayor Hayden opened the Public Hearing at 9:02 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 9:02 p.m.

Councilmember Wise moved to approve a request for rezoning (ZPD14-0008 – Highlands Plaza) to amend Planned Development District No. 104 (PD-104) with Retail District-2 (R-2) uses to modify the development standards to amend the Comprehensive Sign Package by allowing attached blade signs, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 37-14**

**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 3R-1 AND 3R-2, BY AMENDING EXHIBIT "F," "COMPREHENSIVE SIGN PACKAGE," TO ALLOW FOR ATTACHED BLADE SIGNS 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: WEBB, DIXON, WISE**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

19. Consider approval of a Professional Services Agreement with Freese and Nichols Inc., to provide the Park Master Plan and design recommendations for Pond Dredging and Bank Stabilization for Rheudasil Park, in the amount of \$58,759.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Biddix indicated she did not have a presentation, however, she, as well as Rebecca Pittman with Freese & Nichols, was available for questions.

Ms. Biddix or Ms. Pittman responded to questions from Council related to:

- Scope of work involved and whether feedback from residents was a component of the scope
- Were design layout options being considered in the scope of work
- Time line associated with the project from start to finish
- When looking at the dredging element are you considering both north and south of the road

Ms. Biddix offered clarification in that the scope of work involves analysis of the ponds on both the north and south side of the street, however, dredging was slated for just the south side.

Councilmember Dixon moved to approve a Professional Services Agreement with Freese and Nichols Inc., to provide the Park Master Plan, and design recommendations for Pond Dredging and Bank Stabilization for Rheudasil Park, in the amount of \$58,759.00; and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, DIXON, WISE**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

- K. 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.

Councilmember Webb moved to appoint Jeff Tasker to the Tax Increment Reinvestment Zone (TIRZ) Board with a term expiration date of December 31, 2015 and to have him serve as Chair. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: WEBB, DIXON, WISE**

**NAYS: NONE**

**ABSENT: LEVENICK, WALKER**

**L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 9:51 p.m. on July 21, 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 10:38 p.m. on July 21, 2014, to take action on the items as follows:

- a. 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.

- b. 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.

- c. 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.

- d. Consultation with Attorney 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.

**M. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 10:39 p.m. on Monday, July 21, 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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