

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 18TH DAY OF AUGUST, 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
Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

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

Jimmy Stathatos	Town Manager
Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
David Bauer	Construction Manager
Chuck Jennings	Director of Parks and Recreation
Christianne Price	Budget and Grants Manager
Tommy Dalton	Director of Strategic Services
Mark Wood	Director of Economic Development

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden 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**

Rev Daniel Humbert, Trietsch Memorial United Methodist Church, gave the invocation and Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. Proclamation for International Overdose Awareness Day with Winning The Fight

Mayor Hayden recited the Proclamation and Mr. Jeff Graves accepted the it on behalf of Winning The Fight.

2. Certificate of Recognition - Crystal Stanley, Artist/Domino's Pizza General Manager

Crystal Stanley accepted the certificate of recognition.

3. Certificate of Recognition – Bronze Award, Girl Scout Troop 3733

Troop leader Andie Milton and troop members accepted the certificates of recognition.

**E. PUBLIC PARTICIPATION**

George Jenkins, 6716 Raintree Place, Flower Mound, TX

Mr. Jenkins stated a petition has been circulated and submitted to the Town for a stop sign and other traffic control measures for Raintree Place. He stated it was his hope that some of those measures would be given consideration during the budget process.

**F. ANNOUNCEMENTS**

Mayor Pro Tem Levenick announced that school will start up again on August 25<sup>th</sup> and encouraged citizens to observe warning signs in school zones.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects

Mr. Stathatos reported on the following CIP projects.

- Chinn Chapel Road construction update
- A public meeting regarding the proposed improvements for Sagebrush is scheduled for August 25<sup>th</sup>

2. Update and discussion on Economic Development projects

- Salata (new salad restaurant) is now open
- Modmarket is scheduled to open the first week of September

3. Update and discussion on cluster septic systems within the Cross Timbers Conservation Development District.

Mr. Dalton gave a presentation identifying or noting:

- Background information
- Traditional septic (June 16 – amended Chapter 34)
- Texas Land Application Permit (TLAP) for Cluster Septic
- TLAP for cluster septic and permitting process
- Options
  - No amendments
  - Minor code amendment

Mr. Dalton responded to questions from Council as follows:

- Clarification related to the timing associated with the process developers would use if they choose to pursue a cluster septic system, as well as alternative options should they opt to not use the cluster system during the lengthy process.
- What was the feedback received from TCEQ related to residential developments
- Was this information shared with Mr. Robinson
- Clarification for next steps
  - Offering guidance to developers from a consulting perspective that coincides with the development process, which would include options that are available should there be interest
  - Continue the conversation with TCEQ given the newness of the concept

#### Council Discussion

There was Council discussion as follows:

- Background information that led to this point
  - Environmental impacts
  - The possibility of introducing this new concept as an opportunity to put in a development that encourages the Town's open space program
  - Extended timing associated with the option of a septic system
    -
4. Update and discussion on possible amendments to the Town's sign ordinance

Mr. Stathatos gave a presentation identifying or noting:

- Proposed options
- Council's interest in pursuing the use of blade signs in shopping centers for the purpose of bringing awareness to pedestrians that might not otherwise be aware of an adjacent store.

#### Council Discussion

There was Council discussion related to:

##### Political Signs:

- Background information that led to the request to review the sign ordinance
- Unintended consequences
- Timing associated with having to remove political signs (early voting and election day) and the turnaround time to put them back up

##### Blade Signs for Shopping Center:

- Options that exist within the comprehensive sign package

There was consensus by Council to proceed with a revision to the ordinance to not have any appendages attached to political signs. In addition, there was consensus to pursue options related to the use of overhead signs in various shopping centers as part of a sign ordinance revision.

Mayor Pro Tem Levenick requested that when the discussion for signs comes back that some consideration be given to allowing for some flexibility for garage sale signs.

5. Discuss boat ramp extension project

Mr. Bauer gave a presentation identifying or noting:

- Lake elevation levels
- Frame and panels that would be used
- Grading plan
- Proposed dimensions and weight of ramp
- Project costs
- Corps of Engineers (Corp) permit process

Mr. Bauer responded to questions or concerns from Council as follows:

- How does this compare to other ramps on the lake with respect to access
- Existing rock that has the potential to cause damage to the boat prop
- Whether there are other more reasonable options (cost)
- Will the foundation include bedrock
- What is the timing for installation
- What was the feedback from the Corp
- How will the project be funded
- What kind of revenue is anticipated

There was consensus of Council to proceed with submitting an application with the Corp, followed by a request for staff to come back in a few weeks to identify funding for the boat ramp and more information as to how it will be used. In addition, to further explain what the likelihood of losing depth in the lake is.

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

The next Town Council meeting is scheduled for Tuesday, September 2<sup>nd</sup>.

Ms. Scott stated that based on feedback and availability of Councilmembers September 27<sup>th</sup> was the best date for board and commission interviews.

Mayor Hayden stated there is a resident that is concerned about how HUD funding might impact the Town and whether it would negatively impact the Town's Master plan.

Mr. Meredith indicated he is working on a response to that.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 4, 2014.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 4, 2014.

2. Consider approval of an Ordinance amendment to Sections 2-112 and 2-113 of the Town's Code of Ordinances regarding the organization and officers and procedures of the Parks, Arts, and Library Services Board, restructuring from 10 places (7 regular and 3 alternate members) to a total of 7 regular members with no alternates.

**RECOMMENDATION:** Move to approve an Ordinance amendment to Sections 2-112 and 2-113 of the Town's Code of Ordinances regarding the organization and officers and procedures of the Parks, Arts, and Library Services Board, restructuring from 10 places (7 regular and 3 alternate members) to a total of 7 regular members with no alternates.

**ORDINANCE NO. 48-14**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 2, ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," DIVISION 2, "PARKS, ARTS AND LIBRARY SERVICES (PALS) BOARD;" SECTIONS 2-112 AND 2-113; PROVIDING FOR THE NUMBER OF MEMBERS OF THE BOARD; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of a Memorandum of Understanding between the Town of Flower Mound and HD Development Properties, L.P. as it relates to the Daldav Lakeside/Gerault Partnership 380 Agreement, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Memorandum of Understanding between the Town of Flower Mound and HD Development Properties, L.P. as it relates to the Daldav Lakeside/Gerault Partnership 380 Agreement, and authorization for the Mayor to execute same on behalf of the Town.

4. Consider approval of an Interlocal Cooperation Agreement with Denton County for the collection of assessments 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.

**RECOMMENDATION:** Move to approve an Interlocal Cooperation Agreement with Denton County for the collection of assessments 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.

5. Consider approval of nineteen engineering firms to provide professional engineering services and three firms to provide professional material testing services for the Town for a two-year term ending August 18, 2016.

**RECOMMENDATION:** Move to approve nineteen engineering firms to provide professional engineering services and three firms to provide professional material testing services for the Town for a two-year term ending August 18, 2016.

6. Consider approval of a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc. (SPAN), in an amount not-to-exceed \$42,934.92, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc. (SPAN), in an amount not-to-exceed \$42,934.92, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of a Development Agreement between Wilbow Regency Development Corporation, and the Town of Flower Mound for the dedication, construction and payments for Lone Tree Park within the Regency Park Phase II development; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Development Agreement between Wilbow Regency Development Corporation, and the Town of Flower Mound for the dedication, construction and payments for Lone Tree Park within the Regency Park Phase II development; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Levenick moved to approve by consent Items 1 – 7. 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: WALKER, WEBB, LEVENICK, DIXON, WISE**

**NAYS: NONE**

**J. REGULAR ITEMS**

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

8. Public Hearing to consider approval of a resolution authorizing the application of a grant proposal to the Texas Parks and Wildlife Department, for funding assistance for the renovation of Twin Coves Park; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Jennings gave a presentation identifying or noting:

- Background information about Twin Coves, including the work to date, various design meetings, and a summary of the amenities included in the Master Plan
- An itemization of amenities for inclusion in the grant application
- Timing

**Consultant Presentation**

Mark Spencer, MHS Planning & Design, 212 W. 9th Street, Tyler, TX 75701

Mr. Spencer gave a presentation identifying or noting:

- Recommended major elements
- Recommended minor elements
- Site Master Plan that includes each of the items that came out of the study
  - Recreational Vehicle area
  - Cabin areas
  - Boat ramp
  - Day use area
  - Park headquarters
  - Bike lanes
  - Photographs to describe what some of the elements presented might look like

Mr. Spencer responded to questions from Council as follows:

- Phasing for the various elements

Mr. Spencer, Mr. Jennings, or Ms. Wallace responded to questions or comments from Council as follows:

- Day rates
- Security elements to deter vandalism or other unwanted activities
- What would the Town get for the \$3.1 million budget
- What is being proposed in the grant application

- What is the quality of the cabins proposed
- What areas will remain natural and what areas will be mowed
- How the movable cabins work relative to the quick release system mentioned
- Feedback from the Corp of Engineers
- Has an approximate pricing structure been set for the usage fees
- Who would be responsible for maintenance and operations of the park, as well as for cleaning the cabins
- What are the estimated expenses and what are the anticipated revenues – the return on investment
- Would a demand for the improvements still be there even in times with low lake levels

There was Council discussion related to:

- Interest in not losing sight of maintaining the Town’s existing parks
- Comments related to the quality of the cabins being beyond what was expected
- Interest in using native grasses

Mayor Hayden opened the Public Hearing at 8:20 p.m. for item 8.

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

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
None	None	Connie Smith, 2700 Pecan Leaf Ln, Flower Mound What is the actual cost relative to what was presented?

Mayor Hayden closed the Public Hearing for item 8 at 8:21 p.m.

There was discussion related to various options that would impact costs.

Councilmember Webb moved to approve a resolution authorizing the application of a grant proposal to the Texas Parks and Wildlife Department, for funding assistance for the renovation of Twin Coves Park; and authorization for the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Walker seconded the motion.

**RESOLUTION NO. 11-14**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND AS HEREINAFTER REFERRED TO AS "APPLICANT," DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT," FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK**



**GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES.**

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WEBB, WALKER**

**NAYS: NONE**

9. Consider approval of adopting the conceptual master plan for the 243-acre Twin Coves Park Project as prepared by MHS Planning and Design, LLC.

Councilmember Webb moved to approve adoption of the conceptual master plan for the 243 acre Twin Coves Park Project as prepared by MHS Planning and Design, LLC. Deputy Mayor Pro Tem Walker seconded the motion.

**VOTE ON THE MOTION**

**AYES: WALKER, WEBB, LEVENICK, DIXON, WISE**

**NAYS: NONE**

Town Council recessed at 8:28 p.m. and reconvened at 8:41 p.m.

Mayor Hayden opened items 10 - 13 at the same time.

10. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015.

**Staff Presentation**

Ms. Price gave a presentation identify or noting:

- 2014 Debt service and tax rates
- Required budget and tax rate adoption language
- How Flower Mound compares – 2013 tax rate
- Changes since proposed budget
- General Fund review
- Utility Fund review
- Water/Wastewater fees
- Stormwater utility fund projections
- CIP Summary
- Crime & Fire Control District budget

Mayor Hayden opened the Public Hearing for items 10 – 13 at 8:50 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	Question(s)/Comments Only
		Randall Wilson, 3005 Oak Meadow Dr., Flower Mound Mr. Wilson expressed concerns related to item 6 from the August 4, 2014 Council meeting as it relates to HUD.

Mayor Hayden closed the Public Hearing for items 10 – 13 at 8:54 p.m.

Mr. Meredith offered clarification related to Mr. Wilson’s question.

11. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015.
12. Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015.
13. Public Hearing to consider a tax rate of \$0.4390 per \$100 assessed valuation.

Mayor Hayden made the following announcement:

"The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 15, 2014, at 6:00 p.m., at a regular Town Council meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028."

14. Public Hearing to consider a request for a Comprehensive Sign Package (CSP13-0001 Westside Professional Center) for the Westside Professional Center Addition. The property is generally located on the west side of Long Prairie Road and north of Windsor Centre Trail. ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its August 11, 2014, meeting.)***

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning

- Photographs of the site
- Site plan
- Examples of what the signs would look like
- Summary of the discussion at P & Z

Mayor Hayden opened the Public Hearing at 9:06 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 9:06 p.m.

Mayor Pro Tem Levenick moved to approve a request for a Comprehensive Sign Package (CSP13-0001 – Westside Professional Center) for the Westside Professional Center Addition. Councilmember Wise seconded the motion.

#### **VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WEBB, WALKER**

**NAYS: NONE**

15. Public Hearing to consider a request for a Comprehensive Sign Package (CSP14-0002 - Town Center Addition) for the Town Center Addition. The property is generally located on the west side of Long Prairie Road and south of Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its August 11, 2014, meeting.)*

#### **Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Site location
- Photographs of the site
- Sign location
- Summary of the discussion at P & Z

Mayor Hayden opened the Public Hearing at 9:10 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 9:10 p.m.

Councilmember Webb moved to approve a request for a Comprehensive Sign Package (CSP14-0002 - Town Center Addition) for the Town Center Addition. Deputy Mayor Pro Tem Walker seconded the motion.

#### **VOTE ON THE MOTION**

**AYES: WALKER, WEBB, LEVENICK, DIXON, WISE**

**NAYS: NONE**

16. Public Hearing to consider approval of First Amendment to Chapter 380 Incentive Agreement between the Town of Flower Mound and 407 Chinn Chapel Investments, LP, for the Highlands Plaza shopping center, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Wood gave a presentation identifying or noting:

- Background information related to the original agreement
- First amendment summary
- Aerial photo of Highlands Plaza shopping center

**Applicant Presentation**

Michael Herrera, Hermansen Land Development, 5994 Luther Lane, Dallas, TX

Mr. Herrera responded to questions from Council as follows:

- What are the specific enhancements being planned for the proposed corner and what is the estimated cost for the enhancements

Mayor Hayden opened the Public Hearing at 9:17 p.m.

No one spoke in support

Mayor Hayden closed the Public Hearing at 9:17 p.m.

Mayor Pro Tem Levenick moved to approve First Amendment to Chapter 380 Incentive Agreement between the Town of Flower Mound and 407 Chinn Chapel Investments, LP, for the Highlands Plaza shopping center, and authorize the Mayor to execute same on behalf of the Town. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, LEVENICK, WEBB, WALKER**

**NAYS: NONE**

17. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and The Table 14 LLC, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Wood gave a presentation identifying or noting:

- The Table – project details
- Aerial photo of proposed location
- Incentive summary
- Cost benefit analysis

**Applicant Presentation**

Ty Wellborn, 2808 Glen Ellen Dr., 75022

Mr. Wellborn responded to questions from Council as follows:

- What is different for this type of concept
- What is the timing for opening

Mayor Hayden opened the Public Hearing at 9:25 p.m.

No one spoke in support or opposition.

Mayor Hayden closed the Public Hearing at 9:25 p.m.

Mayor Pro Tem Levenick moved to approve a Chapter 380 Agreement between the Town of Flower Mound and The Table 14 LLC, and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: WALKER, WEBB, LEVENICK, DIXON, WISE**

**NAYS: NONE**

**K. BOARDS/COMMISSIONS (Executive Conference Room)**

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, 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.

No action taken.

**L./M. CLOSED/OPEN MEETING**

**The Town Council convened into a closed meeting at 9:26 p.m. on August 18, 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 10:35 p.m. on August 18, 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, Community Development Corporation, and Planning and Zoning Commission.

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:

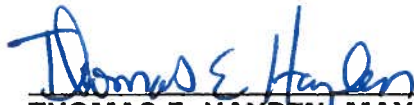
1. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
2. Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley
3. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
4. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs The Town of Flower Mound and The Flower Mound Oil and Gas Board of Appeals
5. Amendment to Raising Cane's Development Agreement

No action taken.

**N. ADJOURN REGULAR MEETING**

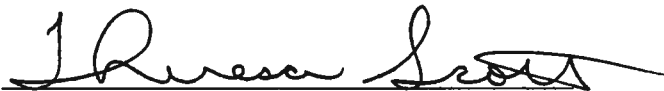
Mayor Hayden adjourned the meeting at 10:36 p.m. on Monday, August 18, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY