

**THE FLOWER MOUND TOWN COUNCIL SPECIAL 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 2ND DAY OF SEPTEMBER, 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:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Mark Wood	Director of Economic Development
David Bauer	Construction Manager
Christianne Price	Budget and Grants Manager

**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**

Pastor Wallace, Temple Baptist Church, gave the invocation and Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. Proclamation for United Way of Denton County, "LIVE UNITED Month"

Mayor Hayden recited the Proclamation and Gary Henderson, President and Chief Executive Officer of United Way Denton, accepted the Proclamation.

2. Introduction and discussion related to Outstanding Citizenship Award

Mayor Hayden provided background information related to how the idea of an Outstanding Citizenship Award came about.

Ms. Scott gave a presentation identifying or noting:

- A review of other cities that offer similar programs
- Options for consideration relative to the nomination process and criteria

Ms. Scott responded to questions from Council as follows:

- Who typically forms the review committee

Mr. Meredith responded to questions from Council as follows:

- Clarification relative to this discussion taking place in open or closed session.

Council Discussion:

- Concerns related to Council being the decision maker, particular due to these discussions taking place in open session
- Have categories for organizations or groups as well as for individuals, with the organization being based in Flower Mound
- There was general interest in proceeding with a recognition award with the understanding that recipients be Flower Mound residents and organizations or groups be based in Flower Mound. In addition, it must be for something that was done in Flower Mound
- Council requested more information related to how the cities that utilize Council as the selection committee handle that process given that discussion needs to occur in open session
- Suggestion that the Mayor and each Councilmember pick someone to be on the selection committee

#### **E. PUBLIC PARTICIPATION**

Steve Boudreaux, 6409 Meadowcrest Ln, Flower Mound, TX

Mr. Boudreaux expressed appreciation for the boat ramp, however, believes the new boat ramp needs to go deeper, particularly for use when water levels are low. He also pointed out other area boat ramps.

#### **F. ANNOUNCEMENTS**

Councilmember Webb announced that he attended a recent documentary presented by Winning the Fight called "Not Me".

**G. MAYOR/COUNCIL COMMENTS AND DISCUSSION ON CURRENT ROAD PROJECTS; HOLIDAY PLANNING**

1. Explore ways to encourage shopping in Flower Mound during the Holiday Season

Mayor Hayden suggested that the Town do something special for the holiday season and asked if there are funds allocated.

Mr. Stathatos summarized what is planned for the upcoming holiday season.

2. West Windsor Roundabouts

There was Council discussion related to landscaping at the roundabouts on West Windsor and whether or not Council found those plantings to be satisfactory enough to proceed with the same plant material at the Chinn Chapel roundabouts.

Mr. Stathatos or Mr. Parr responded to questions from Council as follows:

- Were the plants selected drought tolerant
- What is the feasibility of using gray water
- Has purple pipe been installed
- Were the plants selected from the Thoroughfare Landscape Master Plan

There was general consensus of Council to bring forward other drought tolerant landscaping options for potential use at the Chinn Chapel roundabout. It was noted that once that basis is established Council can make a decision for a preferred plant material.

3. Chinn Chapel road construction

Mr. Stathatos provided an update related to the Chinn Chapel road construction project.

**H. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects

Mr. Stathatos reported on the following CIP projects:

- The dog park is scheduled for the September 15<sup>th</sup> Council meeting and there will be three design options for Council consideration at that time

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported on the following Economic Development projects:

- Modmarket is scheduled to open in a week
- Bed Bath & Beyond will be open by the end of the year

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

1. The next Town Council meeting is scheduled for September 15<sup>th</sup>.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a work session of the Town Council held on August 14, 2014.

**RECOMMENDATION:** Move to approve the minutes from a work session of the Town Council held on August 14, 2014.

2. 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 18, 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 18, 2014.

3. Consider approval of a resolution casting the Town of Flower Mound's vote for Jim Carter as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2014.

**RECOMMENDATION:** Move to approve a resolution casting the Town of Flower Mound's vote for Jim Carter as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2014.

**RESOLUTION NO. 12-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPOINTING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

Mayor Pro Tem Levenick moved to approve by consent Items 1 - 3. Councilmember Webb 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**

**K. REGULAR ITEMS**

4. Public Hearing to consider a tax rate of \$0.4390 per \$100 assessed valuation.

### **Staff Presentation**

Ms. Price gave a presentation identifying or noting:

- 2014 Debt Service and Tax Rates
- Adoption language
- How FM Compares – 2013 Tax Rate
- How FM Compares – 2014 Tax Rate (when adopted)
- Benchmark city comparison

Mayor Hayden opened the Public Hearing at 7:20 P.M.

No one spoke during the public hearing.

Mayor Hayden closed the Public Hearing at 7:20 p.m.

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."

Mayor Hayden opened items 5, 6, 7 and 8 at the same time.

5. Public Hearing to consider a request for rezoning (ZPD14-0009 – Parkview Commerce Center) to amend Planned Development District-44 (PD-44) with Industrial District-1 (I-1) and Industrial District-2 (I-2) uses, by amending the Development Standard(s), and to consider adopting an ordinance providing for said amendment. The property is generally located south of Spinks Road and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 with 1 abstention at its August 25, 2014, meeting.)*

### **Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site location
- Site plan
- Unique elements about the property
- Location for the tree removal request
- Noted the area that is zoned agricultural
- Three areas where a reduction in the buffer is being requested
- Concerns that were presented at the Planning & Zoning meeting
- Concept plan
- Elevations
- Recommendation related to a TIA
- No comments have been received

**Applicant Presentation**

David Hicks, Vice President, EastGroup Properties

Mr. Hicks responded to questions from Council as follows:

- Additional information related to the exceptions being requested

Mayor Hayden opened the Public Hearing for items 5, 6, and 7 at 7:40 p.m.

No one spoke during the public hearing.

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

Mayor Pro Tem Levenick moved to approve a request for rezoning (ZPD14-0009 – Parkview Commerce Center) to amend Planned Development District-44 (PD-44) with Industrial District-1 (I-1) and Industrial District-2 (I-2) uses, by amending the Development Standard(s), and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

**ORDINANCE NO. 49-14**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 89-86, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 44 (PD-44) WITH INDUSTRIAL DISTRICT-1 (I-1) AND INDUSTRIAL DISTRICT-2 (I-2) USES ON APPROXIMATELY 175.77 ACRES OF LAND IN THE JOHN KNIGHT SURVEY, ABSTRACT 722, JOSEPH KNIGHT SURVEY, ABSTRACT 692, C. BATEMAN SURVEY, ABSTRACT 1653, ROSANNAH BAKER SURVEY, ABSTRACT 49, W. GIBSON SURVEY, ABSTRACT 464, AND J. T. TURNER SURVEY, ABSTRACT 1251, BY AMENDING EXHIBIT "B," THROUGH THE AMENDMENT OF PARAGRAPH 2, "DEVELOPMENT STANDARDS-ADDITIONAL REQUIREMENTS (TRACTS 1, 2, 3, 4, 5, 6, & 7)," BY AMENDING SUBPARAGRAPH "G" 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: WALKER, WEBB, LEVENICK, DIXON, WISE**

**NAYS: NONE**

6. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Parkview Commerce Center. The property is generally located south of Spinks Road and east of Gerault Road. *(The Environmental Conservation Commission recommended approval by a vote of 5-0 at its July 1, 2014, meeting).*

Mayor Pro Tem Levenick moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as Parkview Commerce Center. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

7. Public Hearing to consider a request for a Replat (RP 14-0010 – Cornerstone I, Lot 2R, Block A) in order to dedicate various utility easements. The property is generally located south of Spinks Road and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 with 1 abstention at its August 25, 2014, meeting.)*

Mayor Pro Tem Levenick moved to approve a request for a Replat (RP 14-0010 – Cornerstone I, Lot 2R, Block A) in order to dedicate various utility easements. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

8. Consider a request for a Site Plan (SP14-0015 – Parkview Commerce Center) to develop three warehouse/distribution buildings, with exceptions to Section 82-302, "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and a request for additional height pursuant to Section 98-1031(d), "Additional height," of the Code of Ordinances. The property is generally located south of Spinks Road and east of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 with 1 abstention at its August 25, 2014, meeting.)*

Deputy Mayor Pro Tem Walker moved to approve a request for a Site Plan (SP14-0015 – Parkview Commerce Center) to develop three warehouse/distribution buildings, with exceptions to Section 82-302, "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances, and a request for additional height pursuant to Section 98-1031(d), "Additional height," of the Code of Ordinances. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

Administrative Note: Item 9 was opened first for the regular items.

9. Consider approval of Change Order No. 2 for the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc. dba, Dean Construction, at a not to exceed amount of \$93,600.00, for a total CMR contract value of \$546,736.78; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Bauer gave a presentation identifying or noting:

- Background information related to the original design
- Overview of proposed work
- Grading plan
- Panel layout

Mr. Bauer responded to questions from Council as follows:

- Is the proposal sufficient to accommodate the lower water depths
- Will the three(3) feet limit the size of boat that can launched
- Historical information related to low lake levels

Councilmember Dixon moved to approve Change Order No.2 for the Twin Coves Park Boat Access Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc. dba, Dean Construction, at a not to exceed amount of \$93,600.00, for a total CMR contract value of \$546,736.78; and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

**VOTE ON THE MOTION**

**AYES: WISE, DIXON, WALKER**

**NAYS: LEVENICK, WEBB**

10. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Signature Systems Group LLC, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Wood gave a presentation identifying or noting:

- Company background information
- What the Chapter 380 Agreement provides for
- Cost benefit analysis

Mr. Wood responded to questions from Council as follows:

- What were the general recruitment efforts that led to securing this company
- If the new software related to the analytics is being applied in this situation

Mayor Hayden opened the Public Hearing at 7:50 p.m.

No one spoke during the public hearing.



Mayor Hayden closed the Public Hearing at 7:50 p.m.

Councilmember Webb moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Signature Systems Group LLC, and authorize the Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Walker seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**L. 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 discussion or action taken.

**M./N. CLOSED/OPEN MEETING**

**The Town Council convened into a closed meeting at 7:51 p.m. on September 2, 2014, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 8:44 p.m. on September 2, 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. Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.
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. Amendment to Raising Cane's Development Agreement

No action taken.

O. **ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 8:44 p.m. on Monday, September 2, 2014, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



**THOMAS E. HAYDEN, MAYOR**

*Jean M. Levenick, Mayor Pro Tem*

**ATTEST:**



**THERESA SCOTT, TOWN SECRETARY**