

**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 15TH 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 (6:00 - 8:20 p.m. and returned at 10:09 p.m.)
Jean Levenick	Mayor Pro Tem
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember, Place 2
Steve Dixon	Councilmember, Place 4

The following councilmember was absent:

Mark Wise	Councilmember, Place 3
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constituting a quorum with the following members of the Town Staff participating:

Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Mark Wood	Director of Economic Development
Gary Sims	Executive Director of Community Services
Christianne Price	Budget and Grants Manager
Tommy Dalton	Director of Strategic Planning
Kari Biddix	Park Development Manager

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:06 p.m.

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

Amy McDaniel gave the invocation and Cub Scout Pack 392 led the pledges.

**D. PRESENTATIONS**

1. Presentation of Grant Funds from CoServ to the Flower Mound Police Department

Mary Worthington of CoServ presented Chief Kancel with a check in the amount of \$8,500, to be used for rain gear for police personnel.

**E. PUBLIC PARTICIPATION**

Elizabeth Covington, 2845 London Ln, Flower Mound, TX

Ms. Covington expressed her support for the dog park and more specifically, design option three.

Don McDaniel, 3801 Hide A Way Lane, Flower Mound, TX

Mr. McDaniel expressed appreciation for Tom Goss, Planning and Zoning Commission chairman, who is resigning after 13 years of service to the Town.

**F. ANNOUNCEMENTS**

Mayor Hayden announced the satisfactory completion of Chinn Chapel.

**G. TOWN MANAGER'S REPORT**

1. Update and status report related to capital improvement projects

- Twin Coves financial analysis

Ms. Wallace gave a presentation identifying or noting:

- Pro Forma update
- Key factors from the Feasibility Study related to return on investment (ROI)
- Pros Consulting Pro Forma
- Updated development costs
- Updated Pro Forma (with changes)
- Next steps

Ms. Wallace responded to questions from Council related to:

- Hotel occupancy rates
- If the \$130/night cabin rental cost assumption is a flat rate or demand driven
- Maintenance and upkeep

There was Council discussion related to:

- Interest in pre-paying debt on an accelerated rate
- The revenue from this park referenced in the spreadsheet (\$226,000) is going back into 4b money and the possibility of prioritizing the funds to be used specifically for parks
- The theory of the park being a self-sustaining enterprise, and even to the possibility of a revenue stream

There was Council consensus to proceed with the next step of bringing this forward to the Community Development Corporation board, as well as the Parks, Arts, and Library Services Board.

- Landscape plan options for Town roundabouts:

Ms. Biddix gave a presentation identifying or noting:

- What was planned for the West Windsor roundabouts
- Current plant materials used at the existing roundabouts on West Windsor
- Roundabout planting plan options, noting that direction received from Council would be for all future roundabouts

Ms. Biddix responded to questions from Council as follows:

- Clarification as to why option two was recommended by staff
- What caused some of the maintenance/irrigation problems for the existing roundabouts

There was Council discussion related to:

- Interest in using native Texas plant materials

There was Council consensus to let staff make the decision related to the proper plant materials for use in the roundabouts with the understanding it would be sustainable and look nice when complete.

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported on the following Economic Development projects:

- Modmarket opened last week
- Mellow Mushroom is completing their tenant finish out
- Black Walnut Café is progressing and scheduled to be open in the first quarter of 2015

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

1. The next Town Council meeting is a scheduled for Thurs, Sept. 18th:
  - 5:00 pm - Interview applicants for Boards and Commissions
  - 6:00 pm - Joint work session with the Environmental Conservation Commission (ECC)

#### **I. CONSENT ITEMS**

1. Consider approval of the minutes from a special 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 September 2, 2014.

**RECOMMENDATION: Move to approve the minutes from a special 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 September 2, 2014.**

2. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

**RECOMMENDATION: Move to approve a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.**

**RESOLUTION NO. 13-14**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of a resolution amending the financial policies of the Town of Flower Mound.

**RECOMMENDATION: Move to approve Move to approve a resolution amending the financial policies of the Town of Flower Mound.**

**RESOLUTION NO. 14-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF AMENDED FINANCIAL POLICIES; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider approval of Change Order No. 3, for the Wellington Interceptor project - section 2, amending the contract with Flow-Line Construction, Inc., for a decrease in the amount of \$1,945.00; final acceptance of the project; authorization of final payment to the contractor, Flow-Line Construction, Inc., in the amount of \$36,567.93; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION: Move to approve Change Order No. 3 for the Wellington Interceptor project – section 2, amending the contract with Flow-Line Construction, Inc., for a decrease in the amount of \$1,945.00; final acceptance of the project; authorize final payment to the contractor, Flow-Line Construction, Inc., in the amount of \$36,567.93; and authorize the Mayor to execute same on behalf of the Town.**

5. Consider approval of Change Order No. 3 to the Wastewater Treatment Plant Rehabilitation Phase III project, amending the contract with Prime Controls, LP, at an increase in the amount of \$27,291.75, for a total contract price of \$703,523.85; and authorization for the Mayor to execute same on behalf of the Town.



**RECOMMENDATION:** Move to approve Change Order No. 3 to the Wastewater Treatment Plant Rehabilitation Phase III project, amending the contract with Prime Controls, LP, for an increase in the amount of \$27,291.00, for a total revised contract price of \$703,523.85; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during the Flower Mound Rotary's Heritage Park Special Event and 5K Glow Run. *(The Parks, Arts and Library Services (PALS) Board recommended approval by a vote of 5 to 0 at its September 4, 2014, meeting.)*

**RECOMMENDATION:** Move to approve the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during the Flower Mound Rotary's Heritage Park Special Event and 5K Glow Run.

7. Consider approval of a purchase order for a new roof at the Police and Courts facility, for the Police and Courts Facility Upgrades project, to Parsons Commercial Roofing, Inc., through the Texas Cooperative Purchasing Network, in the amount of \$130,518.00.

**RECOMMENDATION:** Move to approve the replacement of the roof for the Police and Courts Facility, to Parsons Commercial Roofing, Inc., in the amount of \$130,518.00.

8. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, by amending an existing reduced speed 20 mph school zone for Morriss Road in conjunction with Marcus High School by extending the school zone south approximately 140 feet south of Waketon Road; and adding new reduced speed 20 mph school zones to both Kirkpatrick Lane (Morriss Road to approximately 300 feet east of Morriss) and Waketon Road (Morriss Road to approximately 30 feet east of Pebblebrook Lane).

**RECOMMENDATION:** Move to approve amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, by amending an existing reduced speed 20 mph school zone for Morriss Road by extending the school zone approximately 140 feet south of Waketon; and adding new reduced speed 20 mph school zones for both Kirkpatrick Lane (Morriss Road to approximately 300 feet east of Morriss Road) and Waketon Road (Morriss Road to approximately 30 feet east of Pebblebrook Lane).

**ORDINANCE NO. 50-14**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS; AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING THE MAXIMUM PRIMA FACIE SPEED LIMIT**

**FOR CERTAIN PORTIONS OF STREETS WITHIN THE TOWN AT CERTAIN TIMES; 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**

9. Consider approval of a bid from Johnson Equipment to remove and replace four overhead apparatus bay doors at Fire Stations Two (2), located at 4401 Shiloh Road, and Three (3), located at 2020 Woodhill Lane, with new bi-fold doors.

**RECOMMENDATION:** Move to approve award of Bid No. 2014-64, to Johnson Equipment Company for removal and replacement for four apparatus bay doors at Fire Stations Two(2), located at 4401 Shiloh Road, and Three (3), located at 2020 Woodhill Lane, with new bi-fold doors

10. Consider approval of an ordinance for park closing hours by amending Chapter 54 of the Code of Ordinances, entitled "Parks and Recreation". (*The Parks, Arts and Library Services (PALS) Board recommended approval by a vote of 5 to 0 at its September 4, 2014, meeting.*)

**RECOMMENDATION:** Move to approve an ordinance for park closing hours by amending Chapter 54 of the Code of Ordinances, entitled "Parks and Recreation".

**ORDINANCE NO. 51-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 54-72 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, ENTITLED "ENUMERATION OF PROHIBITED ACTS" BY THE AMENDMENT OF SUBPARAGRAPH (Q), TO BE RETITLED "PARK CLOSURES AND UNAUTHORIZED TRESPASS" TO ESTABLISH REGULATIONS REGARDING PARK HOURS; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

*Administrative Note: Item 22 below was intended for Consent and therefore included with the other Consent items as noted in the motion below.*

22. Consider and approve annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.

**RECOMMENDATION:** Move to approve the annual update to the Riverwalk Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

Mayor Pro Tem Levenick moved to approve by consent Items 1-10 and 22; Deputy Mayor Pro Tem Walker 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**

**NAYS: NONE**

**ABSENT: WISE**

**J. REGULAR ITEMS**

11. Consider approval of a design option for the Town's first dog park to be located in Heritage Park East.

**Staff presentation**

Mr. Sims gave a presentation identifying or noting:

- Background information
- Vicinity map

Clint Woffard, Schrickle Rollins

Mr. Woffard gave a presentation identifying the proposed location as well as proposed elements for the three dog park design options.

Mr. Woffard or Mr. Sims responded to questions from Council as follows:

- Clarification regarding the costs associated with the various phases
- Are there enhancements that could be added later should the park prove to be successful
- Annual maintenance cost
- Interest in knowing what is absolutely needed to open the park

There was Council discussion regarding:

- Concerns related to the cost associated with the various phases and the unknowns related to how successful the park will be
- Use of black vinyl for the front only
- Making sure to include water fountains for humans too
- Some of the items that could potentially be considered for a future phase in order to get the costs down are:
  - Kiosk
  - Dog wash area
  - Reduce the amount of shade structures
  - Hold off on the enhanced entry

There was general Council direction to move forward with option two (standard) and for the items highlighted in yellow, with the exception of the concrete sidewalk, obtain a break out on the bids.

Councilmember Webb moved to approve a design option 2(two) for the Town's first dog park to be located in Heritage Park East. Deputy Mayor Pro Tem Walker seconded the motion.



**VOTE ON THE MOTION**

**AYES: LEVENICK, WEBB, WALKER**

**NAYS: DIXON**

**ABSENT: WISE**

*Town Council recessed at 8:15 p.m. and reconvened at 8:22 p.m.*

12. Consider approval of the Final Conceptual Master Plan for The Heritage Park of Flower Mound.

**Staff presentation**

Ms. Biddix introduced Mr. Clint Woffard, Schrickle/Rollins, consultant for the Heritage Park Master Plan.

Clint Woffard, Schrickle/Rollins

Mr. Woffard gave a presentation identifying or noting:

- Existing structures, sidewalks, ravines, trails
- Photographs of the site
- Proposed items such as:
  - Splash pad
  - Picnic stations
  - Wildflower meadow
  - Kiosk area
  - Waterfall feature and scenic overlook
  - Connection areas
  - Sculptural elements

Mr. Woffard responded to questions from Council as follows:

- A review of what was in the 2010 plan and what is different in the new plan
- Is there a plan to address vandalism for the art structures

Councilmember Dixon moved to approve the final conceptual master plan for The Heritage Park of Flower Mound. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

*Administrative Note: Item 13 below was heard after Item 21 on the agenda.*

13. Public Hearing to consider a request for rezoning (ZPD14-0007 – Orchard Flower) to amend Planned Development District No. 120 (PD-120) by modifying the development standards, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Flower Mound Road and west of Old Orchard Lane. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its September 8, 2014, meeting.)*

**Staff presentation**

Mr. Powell gave a presentation identifying or noting:

- o Site location
- o Land use and zoning
- o Photographs of the site
- o Modification requests related to lot coverage
- o Landscape plan
- o Concerns that came up at the P & Z meeting
- o Purpose of the plat

Mayor Pro Tem Levenick opened the public hearing for items 13 and 14 at 9:10 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
	<p><u>Dick Calvert, 1001 W Main, Carrollton, TX 75006 (representing the church)</u></p> <ul style="list-style-type: none"> <li>o Fencing along the west side is a concern because a wooden and not masonry fence is planned</li> <li>o Driveway connection and a request for a gated fire lane</li> </ul> <p><u>Jason Kim, 200 Flower Mound Rd, Flower Mound, TX (First Korean Baptist Church)</u></p> <ul style="list-style-type: none"> <li>o Shared drive access is a concern for safety reasons</li> <li>o Request for masonry versus wood fencing</li> </ul>	<p><u>Truett King, 3629 Raintree Dr, Flower Mound, TX</u></p> <ul style="list-style-type: none"> <li>o Request for a masonry fence instead of wood</li> <li>o Request for a gated fire lane</li> </ul>

Mayor Pro Tem Levenick closed the public hearing for items 13 and 14 at 9:18 p.m.

Anthony Natale, Applicant, Grenadier Homes

Mr. Natale clarified that the Homeowner’s Association will be maintaining the wooden fencing.

Mr. Powell responded to questions from Council as follows:

- o Explanation related to the connection of the drive aisle
- o Is the Town creating a cut through situation
- o When did Council approve the new building for the Korean Church
- o Will the maintenance of the wooden fencing be documented with the Town

There was Council discussion related to:

- o How the original plan was to make the connection
- o Market need related to age-restricted neighborhood
- o Drive aisle connections for other developments in Town
- o How the fencing will be maintained by the HOA

Deputy Mayor Pro Tem Walker moved to approve a request for rezoning (ZPD14-0007 – Orchard Flower) to amend Planned Development District No. 120 (PD-120) by modifying the development standards, and adopt an ordinance providing for said amendment. Councilmember Dixon seconded the motion.

**ORDINANCE NO. 52-14**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 12-12, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 120 (PD-120) WITH SINGLE-FAMILY DISTRICT-5 (SF-5) USES AND RETAIL DISTRICT-2 (R-2) USES ON APPROXIMATELY 27.307 ACRES OF LAND IN THE ROSANNAH BAKER SURVEY, ABSTRACT NO. 49, SAID LAND BEING ALL OF LOTS 1 AND 2, BLOCK A, WINBORN ADDITION BY AMENDING EXHIBIT "B," ENTITLED "DEVELOPMENT STANDARDS," THROUGH THE AMENDMENT OF PARAGRAPH A, "SINGLE-FAMILY RESIDENTIAL DISTRICT-5 (SF-5) USES," BY AMENDING SUBPARAGRAPH 4, "MINIMUM AND MAXIMUM DIMENSIONS," IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBIT 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, LEVENICK, DIXON**

**NAYS: WEBB**

**ABSENT: WISE**

14. Public Hearing to consider a request for a Replat (RP14-0011 – Orchard Flower) to create a residential subdivision. The property is generally located north of Flower Mound Road and west of Old Orchard Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 8, 2014, meeting.)*

Councilmember Dixon moved to approve a request for a Replat (RP14-0011 – Orchard Flower) to create a residential subdivision. Deputy Mayor Pro Tem Walker seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

15. Consider a request for a Site Plan (SP14-0019 - Justin Road Storage Center) to develop a miniwarehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances. The property is generally located south of Justin Road and west of Meadow View. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 8, 2014, meeting.)*

**Staff presentation**

Mr. Powell gave a presentation identifying or noting:

- o Site location
- o Photographs of the site
- o Conceptual site plan

Mr. Powell responded to questions from Council as follows:

- o Example of a situation where the Town has allowed building to the property line
- o If the Fire Department is acceptable to what is being proposed

**Applicant Presentation**

Jim Lee, 8413 Fisher Rd, Frisco, TX

Mr. Lee noted security issues related to the wall.

Deputy Mayor Pro Tem Walker moved to approve a request for a Site Plan (SP14-0019 - Justin Road Storage Center) to develop a miniwarehouse facility, with exceptions to Sections 82-302(1) and 82-302(2), "Compatibility buffer," and Section 82-303, "Compatibility setback," of the Code of Ordinances. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

Mayor Pro Tem Levenick opened Items 16 - 20 below at the same time.

16. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015.

**Staff presentation**

Ms. Price gave a presentation identifying or noting:

- Required budget and tax rate adoption language
- 2014 debt service and tax rates
- How Flower Mound compares – 2014 tax rate
- Required publishing language for the tax rate
- General fund (3 year projection)
- Utility fund (3 year projection)
- Water/wastewater fees structure
- Stormwater utility fund
- Special revenue funds
- Crime and Fire control district budgets
- Changes since proposed budget filed at the end of July
- Community support criteria (proposed revision)

Deputy Mayor Pro Tem Walker moved that The Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015. Councilmember Webb seconded the motion.

**RESOLUTION NO. 15-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

17. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015.

Deputy Mayor Pro Tem Walker, moved that the Town Council, acting as the Board of Directors for the Crime Control and Prevention District, approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015. Mayor Pro Tem Levenick seconded the motion.

**RESOLUTION NO. 16-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES: WALKER, WEBB, LEVENICK, DIXON  
NAYS: NONE  
ABSENT: WISE**

18. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, and making appropriations for each fund and department.

Deputy Mayor Pro Tem Walker moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, and making appropriations for each fund and department. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: DIXON, LEVENICK, WEBB, WALKER  
NAYS: NONE  
ABSENT: WISE**

Deputy Mayor Pro Tem Walker moved to ratify the property tax revenue increase reflected in the FY 2014-2015 budget. Councilmember Webb seconded the motion.

**VOTE ON THE MOTION**

**AYES: DIXON, LEVENICK, WEBB, WALKER  
NAYS: NONE  
ABSENT: WISE**

**ORDINANCE NO. 53-14**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; ESTABLISHING A SINKING FUND FOR EXISTING TOWN FINANCIAL OBLIGATIONS; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SUCH SINKING FUND OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

19. Consider approval of an ordinance adopting the 2014 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2014.

Councilmember Webb moved that the property tax rate be increased by the adoption of a tax rate of \$0.4390 per \$100 of assessed value, which is effectively a 3.10 percent increase in the tax rate; and move to approve an ordinance adopting the 2014 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2014 and Deputy Mayor Pro Tem Walker seconded the motion.

There was Council discussion in that state statute requires the motion to be recited using the word "increase", however, in reality it's a decrease in the tax rate because it went from .4497 to .4390.

**ORDINANCE NO. 54-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014, AND ENDING ON SEPTEMBER 30, 2015, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4390 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2014; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2014 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

20. Consider approval of an ordinance amending Appendix A of the Code of Ordinances by revising the charges for residential and non-residential water and wastewater service; providing a severability clause; providing for publication; and providing an effective date.

Mayor Pro Tem Levenick moved to approve an ordinance amending Appendix A of the Code of Ordinances by revising the charges for residential and non-residential water and wastewater service; providing a severability clause; providing for publication; and providing an effective date. Deputy Mayor Pro Tem Walker seconded the motion.

**ORDINANCE NO. 55-14**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY REVISING THE CHARGES CONTAINED THEREIN FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER SERVICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

*Administrative Note: Item 21 below was heard by Council after Item 12.*

21. Consider approval of a Memorandum of Understanding between the Town of Flower Mound, Beverly Development Corporation, and the University of North Texas to establish the framework for a business incubator and co-working space, 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
- What incubators are used for
- Purpose of the MOU

Marie Smith, Consultant for Beverly Development Corporation (developer of Southgate)

Ms. Smith gave a presentation identifying or noting:

- The Incubator Program would be a partnership between the Town of Flower Mound, Southgate by Beverly Development Corporation, and the University of North Texas
- Outlined their vision, mission, impact, and goal for entrepreneurial growth
- Statistical information related to the need for an incubator and community profile
- Southgate development and probable location for an incubator within the project
- The entrepreneurial ecosystem
- Why an incubator could work in a situation when a city and university work together
- How incubators benefit a community
- Next steps



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

- Update on the progress of the Southgate development
- Why the MOU and agreement is not linked to an address
- Timing associated with having this item come forward prior to entitlements

Councilmember Webb moved to approve a Memorandum of Understanding between the Town of Flower Mound, Beverly Development Corporation, and the University of North Texas to establish the framework for a business incubator and co-working space, and authorize the Mayor to execute same on behalf of the Town. Councilmember Dixon seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

23. Consider approval of performance measures for the Town Council Strategic Plan.

**Staff presentation**

Mr. Dalton gave a presentation identifying or noting:

- Background information
- Timeline
- Staff Captains
- Goals, objectives, action items, and targets overview
- Proposed timing associated with status updates and the reporting process

Mr. Dalton responded to questions from Council related to:

- How are we going to spread the word to non-HOA neighborhoods as to how they are being invited to the community summit
- Will the document be published on the Town web site

Council discussion:

- With regard to reporting frequency, Council will offer feedback along the way regarding if the timing is sufficient.

Councilmember Webb moved to approve performance measures for the Town Council Strategic Plan. Mayor Pro Tem Levenick seconded the motion.

**VOTE ON THE MOTION**

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

**NAYS: NONE**

**ABSENT: WISE**

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

Discuss and consider resignations, appointments, board or commission organizational structure, 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.

There was discussion related to board and commission structure related to the Parks, Arts, and Library Services Board (PALS) and the possibility of creating a committee or subcommittee similar to what is done with SMARTGrowth to differentiate between parks, arts, and library needs.

Mr. Meredith gave a legal opinion related to the PALS Board as referenced in the Town Charter.

There was additional discussion related to how past attempts have been unsuccessful due to the lack of staff with the necessary qualifications or funding to support an arts board.

There was consensus of Council to, at this juncture, seek legal input as to whether 4B funds can be used for funding of arts programs.

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

**The Town Council convened into a closed meeting at 10:20 p.m. on September 15, 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 11:38 p.m. on September 15, 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

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 11:38 p.m. on Monday, September 15, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

  
THOMAS E. HAYDEN, MAYOR

ATTEST:

  
THERESA SCOTT, TOWN SECRETARY

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