

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6TH DAY OF OCTOBER, 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
Michael Walker	Deputy Mayor Pro Tem
Bryan Webb	Councilmember Place 2
Mark Wise	Councilmember Place 3
Steve Dixon	Councilmember Place 4

The following member was not present:

Jean Levenick	Mayor Pro Tem
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constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Gary Sims	Executive Director of Community Services
Ken Parr	Executive Director of Public Works
Tommy Dalton	Director of Strategic Services

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

Jon Cannon of 'Latter Day Saints' gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

- 1. Proclamation and presentation of Hometown Hero banner to David Allen Kunsy, Jr.**
Mayor Hayden recited the Proclamation and David Kunsy Jr. accepted it.
- 2. Proclamation for The National Society of Colonial Dames**
Mayor Hayden recited the proclamation and Martha Canant, of the La Belle Chapter of Colonial Dames accepted it.
- 3. Proclamation to the Flower Mound Chamber of Commerce in conjunction with Texas Chamber of Commerce Week**
Mayor Hayden recited the proclamation and Lori Walker, President, accepted it.

E. PUBLIC PARTICIPATION

Clark Canant, 7708 Emerson Ln, Flower Mound, TX

Mr. Canant asked for Council to consider putting up a sound wall along FM 1171 in conjunction with the current TxDOT road construction project. He noted it would be best if there is a wall with a consistent look instead of each homeowner putting up their own fence

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX

Ms. Kohankie announced the upcoming Friends of the Library book sale.

Steve Pace, 7612 Emerson Ln, Flower Mound, TX

Mr. Pace requested the Town put in a wall along FM 1171 in conjunction with the current TxDOT road construction project for safety reasons.

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Walker announced and encouraged participation in National Night Out tomorrow night.

Councilmember Dixon encouraged residents to lock their vehicles as some of the recent crimes that have taken place are because vehicles are being left unlocked.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Discuss the possibility of constructing a sound wall on 1171 near High Rd.

Councilmember Webb provided background information that led to the request from the residents in the vicinity of Emerson and FM 1171 (near FM 1171 and High Rd) to have a sound wall. A video was shown to demonstrate the impact.

Mr. Parr gave a presentation outlining what is planned by TxDOT and what options are available and the associated timing.

Mr. Parr responded to questions from Council as follows:

- Cost for building the wall, including per linear foot
- Funding sources
- Types of plant material that might be used
- If the intent is for sound mitigation
- Who has the maintenance responsibility
- Amount of space that would be needed to install a berm
- Has the Town had a discussion with TxDOT about a guard rail

There was Council discussion related to:

- Possibility of shared cost with the impacted homeowners
- The role of past development ordinances that led to the situation
- Options that are available should the homeowners be willing to wait until after the road is constructed

- The commitment of the use of red ribbon funding from Denton County (Commissioner Eads)
- The option of contacting TxDOT regarding the possibility of a permanent or temporary guard rail. Furthermore, if there is going to be a sidewalk it might be nice in the planning to have the guardrail between the sidewalk and FM 1171 for safety reasons.
- The possibility of exploring if the impacted homeowners might be willing to give up some land for the project as that might provide the distance needed to allow for a berm
- Estimate for the cost to do the clearing

There was Council direction to reach out to the residents to explore some of the items discussed and to come back to Council in mid November.

2. Update and discussion on Economic Development projects

Mr. Stathatos gave the following economic development update:

- Recent ratings report
- Allies Day
- Mellow Mushroom and Luna Grill are scheduled to open this month

3. Update on the Town Council strategic plan and discussion of the Town's Board and Commission input process

Mr. Dalton gave a presentation identifying or noting:

- Background information
- Four scenarios being used by boards and commissions
 - Typical feedback
 - Special project
 - Joint work session
 - Other
- Intent
- Council options
- Next steps

There was Council discussion related to:

How parks discussions dominate the Parks, Arts, and Library Services Board and there was interest in discussing the possibility of creating subcommittee to hear the arts and library items that are currently being heard by PALS collectively.

Mr. Meredith responded to questions from Council related to the PALS Board as defined in the Charter.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

The next Town Council meeting is a scheduled for Monday, Oct. 20th.

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 September 15, 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 September 15, 2014.

2. **Consider approval of the minutes from a special meeting of the Town Council and Joint Town Council/Environmental Conservation Commission work session held on September 18, 2014.**

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council and Joint Town Council/Environmental Conservation Commission work session held on September 18, 2014.

3. Consider approval of the minutes from a special meeting of the Town Council held on September 27, 2014.

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on September 27, 2014.

4. Consider approval of canceling the January 19, 2015, regular meeting of the Town Council.

RECOMMENDATION: Move to approve canceling the January 19, 2015, regular meeting of the Town Council.

5. Consider approval of the award of Bid No. 2014-59, to Wilson Contractor Services, LLC, for the construction of the Raintree 12-Inch Water Line project, in the amount of \$225,565.62; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Bid No. 2014-59, to Wilson Contractor Services, LLC, for the construction of the Raintree 12-Inch Water Line project, in the amount of \$225,565.62; and authorization for the Mayor to execute same on behalf of the Town.

6. Ratify the purchase of real property in association with the Churchill Drive project, the Stonecrest Road Project, and a sanitary sewer easement in association with the Oak Street LS and FM Phase III project.

RECOMMENDATION: Move to approve the purchase of real property in association with the Churchill Drive project, the Stonecrest Road Project, and a sanitary sewer easement in association with the Oak Street LS and FM Phase III project.

7. Consider approval of an ordinance for a street name change (MISC14-0005) for Blair Drive (3300 block) to Clearpoint Drive. *(The Transportation Commission recommended changing of this street name by a vote of 5 to 0 at its September 9, 2014, meeting.)*

RECOMMENDATION: Move to approve an ordinance for a street name change (MISC14-0005) for Blair Drive (3300 block) to Clearpoint Drive. *(The Transportation Commission recommended changing of this street name by a vote of 5 to 0 at its September 9, 2014, meeting.)*

ORDINANCE NO. 56-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF BLAIR DRIVE (3300 BLOCK) TO CLEARPOINT DRIVE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of services to remove and replace overhead apparatus bay doors at Central Fire Station, located at 3838 Forums Drive.

RECOMMENDATION: Move to approve services to remove and replace overhead apparatus bay doors at Central Fire Station, located at 3838 Forums Drive.

Councilmember Dixon moved to approve by consent Items 1 – 8. 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, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

- J. Discuss and consider resignations, appointments, board or commission organizational structure, or evaluations for the following boards or commissions: Animal Services Board, Capital Improvements Advisory Committee, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Public Arts Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

LISD LIAISON

For the Lewisville Independent School District Liaison Councilmember Dixon moved to appoint Catherine Fox-Simpson with a term beginning date of October 1, 2014, and ending on September 30, 2016. Councilmember Wise seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

ANIMAL SERVICES BOARD

For the **Animal Services Board** Councilmember Walker moved to:

<u>REAPPOINT</u>	and	<u>APPOINT</u>
<u>Christine Hastings, Place 2</u>		<u>Clarene Schroeder-Brown, Place 6</u>
<u>Cynthia Patterson, Place 4</u>		<u>Jeffrey Kendall, Place 8 (Alt)</u>

all with terms beginning October 1, 2014, and ending on September 30, 2016 .

And to....

<u>APPOINT</u>
<u>Charisse Davidson , Place 3</u>
<u>Sandra Fambrough, Place 9 (Alt)</u>

both with a term beginning October 1, 2014, and ending on September 30, 2015.
Councilmember Webb seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

BOARD OF ADJUSTMENT/OIL & GAS BOARD OF APPEALS

For the **Board of Adjustment/Oil and Gas Board of Appeals** Councilmember Wise moved to:

<u>REAPPOINT</u>	and	<u>APPOINT</u>
<u>Laile Neal, Place 4</u>		<u>Stephen Harris, Place 2</u>
<u>Zephra Freeman, Place 6 (Alt)</u>		<u>Christopher Baca, Place 8 (Alt)</u>

all with terms beginning October 1, 2014, and ending on September 30, 2016.
Councilmember Dixon seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

COMMUNITY DEVELOPMENT CORP.

For the Community Development Corporation Councilmember Wise moved to:

APPOINT

Scott Lang, as Director

with a term beginning December 31, 2014, and ending on December 31, 2015.
Councilmember Walker seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

ENVIRONMENTAL CONSERVATION COMMISSION

For the Environmental Conservation Commission Councilmember Wise moved to:

REAPPOINT

and

APPOINT

Ellen Stallcup, Place 2

Marilyn Lawson, Place 4

Jennifer Romaszewski, Place 6

Carol Kohankie, Place 8 (Alt)

Jim Cumbest, Place 10 (Alt)

all with terms beginning October 1, 2014, and ending on September 30, 2016.
Councilmember Dixon seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

PARKS, ARTS, AND LIBRARY SERVICES (PALS)

For the Parks, Arts, & Library Services Board Councilmember Webb moved to:

APPOINT

Debbie Simon, Place 2

Denis Toth, Place 4

Ann Handren, Place 6

all with terms beginning October 1, 2014, and ending on September 30, 2016.
Councilmember Wise seconded the motion.

And to...

APPOINT

Teresa Thomason, Place 3

Brian Fox, Place 5

all with a term beginning October 1, 2014, and ending on September 30, 2015.
Councilmember Wise seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

PUBLIC ART COMMITTEE

For the **Public Art Committee** Councilmember Webb moved to:

REAPPOINT

Tammie Turner

David Gary

and

APPOINT

Annette Weir

Ron Miller

Mary Perkins

Melissa Perez

all with a term beginning October 1, 2014, and ending on September 30, 2016.
Councilmember Walker seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

Town Council discussed the possibility of restructuring the PALS Board given parks items primarily dominate the meetings.

PLANNING & ZONING COMMISSION

For the **Planning & Zoning Commission** Councilmember Dixon moved to:

REAPPOINT

Claudio Forest, Place 4

and

APPOINT

Sandeep Sharma, Place 2

Emily Strittmatter, Place 6

Freddie Guerra, Place 8 (Alt)

all with a term beginning October 1, 2014, and ending on September 30, 2016.

And to...

APPOINT

Don McDaniel, Place 1

Mike McCall, Place 3

Itmar Gelbman, Place 9 (Alt)

all with a term beginning October 1, 2014, and ending on September 30, 2015.
Councilmember Wise seconded the motion.

and with the understanding that each member also serves on the Capital Improvement Advisory Committee and the SMARTGrowth Commission.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

For the **SMARTGrowth Commission** Councilmember Webb moved to:

REAPPOINT

Mark Glover, as the Real Estate Representative

all with a term beginning October 1, 2014, and ending on September 30, 2017.
Councilmember Walker seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, WEBB, WALKER

NAYS: NONE

ABSENT: LEVENICK

TRANSPORTATION COMMISSION

For the **Transportation Commission** Councilmember Walker moved to:

APPOINT

Robert Caput, Place 2

Stan Nelsen, Place 4

Chris Reed, Place 6

Ron Hogue, Place 8 (Alt)

all with terms beginning October 1, 2014, and ending on September 30, 2016.

And to...

APPOINT

Andy Allen, Place 9 (Alt)

all with a term beginning October 1, 2014, and ending on September 30, 2015.
Councilmember Webb seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:43 p.m. on October 6, 2014, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.071, and 551.074 to discuss matters relating to economic development negotiations, real property, consultation with attorney, and personnel and reconvened into an open meeting at 10:45 p.m. on October 6, 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.
- b. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.
- 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.
- d. Consultation with Attorney as follows:
 1. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound **No Action Taken**
 2. Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley **No Action Taken**
 3. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound **No Action Taken**
 4. 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**
 5. First Amendment to Raising Cane's Development Agreement

Councilmember Webb moved to approve an amended development agreement with Raising Cane's. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

6. Use of 4B Funds for funding of the arts **No Action Taken**

e. Annual Review of Town Manager and Town Secretary.

Councilmember Dixon moved to approve the information discussed in closed session regarding the Town Secretary and the Town Manager. Councilmember Wise seconded the motion.

VOTE ON MOTION

AYES: WALKER, WEBB, DIXON, WISE

NAYS: NONE

ABSENT: LEVENICK

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:47 p.m. on Monday, October 6, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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