

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 1ST DAY OF DECEMBER 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:

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| Tom Hayden | Mayor |
| Jean Levenick | Mayor Pro Tem |
| Michael Walker | Deputy Mayor Pro Tem |
| Mark Wise | Councilmember Place 3 |
| Steve Dixon | Councilmember Place 4 |

With the following members absent:

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| Bryan Webb | Councilmember Place 2 |
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constituting a quorum with the following members of the Town Staff participating:

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| 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 |
| Mark Wood | Director of Economic Development |
| Kari Biddix | Park Development Manager |

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:02 p.m.

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

Mayor Hayden gave the invocation and led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero banner to Joshua Burrows

Accepting on behalf of Joshua, his mother, Sandy Burrows accepted the proclamation.

2. Recognition of Veterans Day relay runners and volunteers

Mayor Hayden recognized all of the relay runners and volunteers that participated in the Town's inaugural Veterans Day Relay on November 11, 2014.

3. Presentation of check for \$10,000 to Town from Friends of the Library

Friends of the Library, President, Ann Martin and Richard Scheff, Vice President presented the check to Sue Ridnour, Director of Library Services.

E. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke and speakers are located in Flower Mound unless otherwise indicated.

The following speakers spoke in opposition of the rezoning planned in the vicinity of Rippy Road/FM 2499, and each person that spoke expressed various concerns related to the change in density currently being proposed for the site:

1. Mark Malone, 5025 Bayberry St
2. Jeff Rackley, 3309 Pecan Meadows Dr
3. Brian Ward, 3200 Pecan Meadows
4. Christie Streit, 5101 Bayberry
5. Brent Streif, 5101 Bayberry
6. Nicholas Strittmatter, 4816 Mesquite St
7. Paul Porter, 5208 Singing Brook
8. Todd Eaddy, 3305 Pecan Meadows
9. James Engel, 5110 Bayberry St
10. Rob Dohrman, 4916 Cedar St
11. JoAnne Saberre, 5100 Singing Brook
12. Kelly James, 5113 Bayberry St
13. Lisa & Mark Malone, 5025 Bayberry St
14. Shyron Shenko, 5001 Rippy Rd
15. Patrick McUmber, 3204 Pecan Meadows Dr
16. Brad Ruthrauff, 3302 Pecan Meadows Dr

Carol Kohankie, 4312 Lauren Way, Flower Mound, TX, 75028

Ms. Kohankie expressed concern regarding the cutting down of trees and how the Town is losing its tree canopy. She also suggested having membership representation from the Friends of the Library on the new Cultural Arts Commission. She also indicated there is a need for zoning that allows for senior housing, such as allowing for in-law suites.

Councilmember Dixon provided a statement of fact noting that there is currently an application process within single family residence zoning for an ancillary use to build something for parents.

F. ANNOUNCEMENTS

Mayor Pro Tem Levenick announced that she, State Representative Parker, Mayor Hayden, Commissioner Eads, representatives from the Town, TxDOT, and Northgate Constructors met regarding the DFW Connector project to discuss the traffic issues on FM 2499 near the Grapevine Mills Mall area given the impact on Flower Mound residents that travel regularly in that area. She stated that the

meeting included a discussion about their timetable, future lane closures, traffic changes, light timing, etc. She added that Northgate Constructors accepted the Town's invitation to speak at the December 15th Council meeting to inform Flower Mound residents about what the project will look like at completion, as well as an update on the project in general, and how residents can continue to be informed about various changes during the construction phases. She acknowledged that Council is aware of the traffic concerns in this area and is working with Town staff and the appropriate representatives to do everything possible to alleviate or minimize those concerns.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos provided the following capital improvement project updates:

- Progress update of the new Senior Center
- The stop sign currently in place at the first round-about in the Lakeside Development will be changed to a yield sign in about a month. He pointed out there is some additional road work that needs to be done to make that change and that is why it will take about a month

Councilmember Dixon inquired as to if the Town has taken control of the traffic signal in Grapevine near the Camden apartments.

Mr. Parr stated the Town has established a coordinated signal program with Grapevine that includes that location in the Town's overall program, meaning the Town gets to furnish them with information for the timing of the signal but they will actually be installing it and adjusting the timing according to the Town's program. He further noted that the Town's traffic engineer would work with them to ensure the timing is implemented in accordance to the program.

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided the following economic development updates:

- The national brand name for the recently approved hotel incentive package should be made known later this month
- Staff is finalizing negotiations with a company that will be one of the Town's largest employers and an agreement should be on the next Council agenda for consideration, and it will bring several hundred jobs
- Parkview Commerce Center, a 280,000 square feet corporate location, near the CAC just broke ground and because of the Town's 99% occupancy in the business district there is a lot of interest in building spec buildings

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The next Town Council meeting is a scheduled for December 15th.

2. Consider canceling the December 18th work session.
3. Consider canceling the January 5th regular meeting and making the January 15th work session a special meeting.

There was Council consensus to cancel the December 18th work session and the January 5th regular meeting, with the change of the January 15th work session to a special meeting.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on November 17, 2014.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on November 17, 2014.

2. Consider a resolution revising the duties and responsibilities of the Parks, Arts, and Library Services Board (PALS); establishing the Cultural Arts Commission (CAC) and providing for the duties and responsibilities of the Cultural Arts Commission (CAC).

RECOMMENDATION: Move to approve a resolution revising the duties and responsibilities of the Parks, Arts, and Library Services Board (PALS); establishing the Cultural Arts Commission (CAC) and providing for the duties and responsibilities of the Cultural Arts Commission (CAC).

RESOLUTION NO. 19-14

A RESOLUTION AMENDING RESOLUTION NO. 06-10 TO AMEND THE PUBLIC ARTS POLICY TO CHANGE THE NAME OF THE PUBLIC ARTS COMMITTEE TO CULTURAL ARTS COMMISSION; EXPAND THE MEMBERSHIP TO SIX MEMBERS AND REVISE THE DUTIES OF THE CULTURAL ARTS COMMISSION; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

3. Consider approval of a resolution authorizing the adoption of the Program Year 2013 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RECOMMENDATION: Move to approve a resolution authorizing the adoption of the Program Year 2013 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RESOLUTION NO. 20-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM

YEAR 2013 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of a Memorandum of Understanding with the U.S. Department of Justice that will give the Marshal Services permission to program and use Flower Mound radio channels for the sole purpose of mutual aid and benefit.

RECOMMENDATION: Move to approve a Memorandum of Understanding with the U.S. Department of Justice that will give the Marshal Services permission to program and use Flower Mound radio channels for the sole purpose of mutual aid and benefit.

5. Consider approval of an ordinance vacating and abandoning the northern 10 feet of the existing 15-foot drainage and utility easement located along the southern property line of Lot 4, Block C, of the Adams Estates Addition, which lot is more commonly known as 3113 Gremer Street, thereby reducing said easement upon and across this lot to a 5-foot drainage and utility easement; authorizing the Mayor to execute a Quitclaim Deed releasing the public ownership interest and control in the property; requiring a Hold Harmless Agreement; authorizing the Town Secretary to file the Quitclaim Deed and Hold Harmless Agreement in the deed records of Denton County; providing a severability clause; and providing an effective date. The Adams Estates Addition is generally located east of Old Settlers Road and south of Sagebrush Drive.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the northern 10 feet of the existing 15-foot drainage and utility easement located along the southern property line of Lot 4, Block C, of the Adams Estates Addition, which lot is more commonly known as 3113 Gremer Street, thereby reducing said easement upon and across this lot to a 5-foot drainage and utility easement; authorizing the Mayor to execute a Quitclaim Deed releasing the public ownership interest and control in the property; requiring a Hold Harmless Agreement; authorizing the Town Secretary to file the Quitclaim Deed and Hold Harmless Agreement in the deed records of Denton County; providing a severability clause; and providing an effective date. The Adams Estates Addition is generally located east of Old Settlers Road and south of Sagebrush Drive.

ORDINANCE NO. 61-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE NORTHERN 10 FEET OF THE EXISTING 15-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE SOUTHERN PROPERTY LINE OF LOT 4, BLOCK C, OF THE ADAMS ESTATES ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 3113

GREMAR STREET; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. Consider approval of Change Order No. 2 to the Sidewalk Links project, amending the contract with 2L Construction, LLC, for an increase in the amount of \$40,296.25, for a total revised contract price of \$263,851.25; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 2 to the Sidewalk Links project, amending the contract with 2L Construction, LLC, for an increase in the amount of \$40,296.25, for a total revised contract price of \$263,851.25; and authorize the Mayor to execute same on behalf of the Town.

7. Consider the award of Request for Bid 2015-5 for the purchase of water meters and meter reading equipment, on an as-needed basis, to Neptune Technology Group, Incorporated.

RECOMMENDATION: Move to approve the award of Request for Bid 2015-5 for the purchase of water meters and meter reading equipment, on an as-needed basis, to Neptune Technology Group, Incorporated.

8. Consider approval of the 2014 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

RECOMMENDATION: Move to approve the 2014 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

Councilmember Dixon moved to approve by consent Items 1 – 8. Mayor Pro Tem Levenick 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, LEVENICK, DIXON, WISE

NAYS: NONE

ABSENT: WEBB

J. REGULAR ITEMS

9. Public Hearing to consider approval of a Chapter 380 Agreement with CADG River Walk LLC for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mark Wood gave a presentation identifying or noting:

- Project details
- Incentive summary
- Cost-benefit analysis

Mr. Wood or Mr. Stathatos responded to questions from Council regarding:

- Clarification regarding the cost-benefit analysis
- For the benefit of the public, can you provide an explanation as to why the Town provides incentives in a situation where the Flower Mound market is already perceived as thriving

Applicant Presentation

Jack Dawson, Senior Vice President of Development, Centurion America

Mr. Dawson provided background information regarding the general concept for the restaurants that make up the 27,000 square feet within the River Walk development, including future restaurant venues that are anticipated. He also introduced Andrea Pambechy as a new member of their team that is working on restaurant recruitment for the site.

Mr. Dawson responded to questions from Council related to:

- Timetable involved
- Clarification regarding the concept
- Is senior housing planned for the River Walk in general

Mayor Hayden opened the Public Hearing at 7:17 p.m.

Todd Eaddy, 3305 Pecan Meadows, Flower Mound

Mr. Eaddy questioned the building footprint size, noting that based on the sizes presented, as he understood it, they seem relatively small and resembles that of a food court, in his opinion.

Mayor Hayden responded to Mr. Eaddy's questions and concerns.

Nels Pearson, 2808 Chelsea Lane, Flower Mound, TX

Mr. Pearson pointed out he is in favor of the incentive and it is his hope that the project will not be cookie cutter in nature and that the developer will put in high quality restaurants and with consideration to their long-term success.

Mayor Hayden closed the Public Hearing at 7:25 p.m.

Councilmember Dixon moved to approve a Chapter 380 Agreement with CADG River Walk LLC for the economic development of Flower Mound, and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER

NAYS: NONE

ABSENT: WEBB

Town Council recessed at 7:30 p.m. and reconvened at 7:36 p.m.

10. Consider approval of the Park Master Plan and design recommendations for Pond Dredging and Bank Stabilization for Rheudasil Park.

Staff Presentation

Ms. Biddix gave a presentation identifying or noting:

- Historical timelines for Rheudasil Park Improvements

Ms. Biddix or Mr. Sims responded to questions from Council related to:

- What was the cost to do the dredging 10 years ago
- What is the condition of the playground equipment at the park
- If the total amount of money presented includes new money or money already allocated

Consultant Presentation

Freese & Nichols:

Rebecca Pittman, Landscape Architect

Katie Hogan, Stormwater Engineer

Kelly Dillard, Stormwater Engineer

Ms. Pittman gave a presentation identifying or noting:

- Project site location
- Existing conditions of the park pond, including photographs
- Recap of the June 2, 2014 Council meeting and a summary of concerns identified by area residents at that time
- Concept A option and what that revitalization plan would include, as well as associated costs
- Concept B option and what that redesign plan would include, as well as associated costs
- PALS Board recommendations

Ms. Hogan gave a presentation identifying or noting:

- Existing conditions related to sediment within the ponds, and its inability to support aquatic life under the current conditions
- Recommended type of dredging
- Cost comparison for hydraulic and mechanical dredging

Ms. Dillard gave a presentation identifying or noting:

- Factors that could have contributed to the sediment that exists today and the associated benefit that bank stabilization could offer
- options that could be utilized for bank stabilization

Representatives with Freese and Nichols responded to questions or comments from Council related to:

- costs and how imperative is it to do the dredging
- clarification regarding cost determination
- long term viability of the bank stabilization plan that was recommended by PALS
- can the amenities be put in without the dredging
- where would the staging area be for accessing the pond (for the dredging)
- explanation regarding the option of just bank stabilization
- if there is an option to dredge some of the pond with minimal dredging
- how would the neighborhood be disrupted
- a desire to see security elements, as discussed at a previous meeting, incorporated in the design phase
- if the calculations for the bank stabilization are for the entire perimeter
- why is a flood study needed if the dredging is increasing the depth of the pond
- is staging in the flood plain not allowed by FEMA
- can more park land be added by reclaiming some of that sediment
- which type of dredging gives the Town an advantage if there is interest in reclaiming more park land
- life expectancy of some of the bank stabilization options
- if the dredging is a one and done situation
- what treatment options are available that don't include dredging

There was Council discussion related to:

- concern related to the overall total estimated cost presented.
- interest in having a mix of revitalization and design
- the possibility of having Kid Fish at Twin Coves to reduce the traffic at the park to prevent future erosion

Mr. Stathatos proposed reviewing economies of scale with 8 feet, for example, to reduce the cost.

There was general consensus of being in acceptance of concept B, however, with a request for staff to do further investigation related to the dredging and to have real estimates as to what the cost would be.

Councilmember Dixon moved to approve the Park Master Plan Option B, with staff direction to come back with options related to bank stabilization and dredging, along with clarification on the flood study, and all associated cost estimates. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

ABSENT: WEBB

11. Consider approval of the Heritage Park Master Plan construction phasing.

Ms. Biddix provided background information and summarized the purpose of the item.

Consultant Presentation

Clint Wofford, Schrickel, Rollins, and Associates, Inc., 1161 Corporate Drive West, Ste 200, Arlington, TX

Mr. Wofford gave a presentation identifying or noting:

- Phasing plan
- Associated cost

Mr. Sims responded to questions from Council related to:

- Timeline related to the completion of the phases
- Has there been research on the idea of incorporating a small train within the park

Councilmember Dixon moved to approve the Heritage Park Master Plan construction phasing. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER

NAYS: NONE

ABSENT: WEBB

K. BOARDS/COMMISSIONS (Executive Conference Room)

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Public Arts Committee, Environmental Conservation Commission, Parks, Arts and Library Services Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:08 p.m. on Monday, December 1, 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, personnel, and consultation with attorney, and reconvened into an open meeting at 9:58 p.m. on Monday, December 1, 2014, to take action on the items as follows:

- a. 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.

- b. 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.

- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation (12/31/14 term expiration dates), and Planning and Zoning Commission.

Deputy Mayor Pro Tem Walker moved to reappoint the following members to the Community Development Corporation with an effective date of January 1, 2015:

Cassandra Forest, Director, Place 2

Tom Hayden, Director, Place 3

William Henderson, Director, Place 4

Jodi Seay, Director, Place 5

Dana Smith, Director, Place 6

Mark Wise, Director, Place 7

with a term expiration date of December 31, 2015 for places 3, 5, and 7 and December 31, 2016 for places 2, 4, and 6. Mayor Pro Tem Levenick seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

ABSENT: WEBB

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

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:59 p.m. on Monday, December 1, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY