

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF FEBRUARY, 2015, 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
Debra Wallace	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works

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

Chaplain Liles gave the invocation Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Recognition of Detective Joe Adcock, Recipient of the 2015 Multidisciplinary Team Member Award from Children's Advocacy Centers of Texas

Dan Leal, Executive Director, Children's Advocacy Center, presented Detective Joe Adcock with the Multidisciplinary Team Member Award from the Children's Advocacy Centers of Texas.

E. PUBLIC PARTICIPATION

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

Selina McCumber, 3204 Pecan Meadows
Brian Rountree, 3200 Jameston Dr

Carol Kohankie, 4312 Lauren Way
Joanne Saberre, 5100 Singing Brook Rd
Patrick McUmbert, 3204 Pecan Meadows Dr
Shyron Shenko, 5001 Rippy Rd
Eric Jellison, 2705 Lake Ville
Katy Grote, 165 Double Oaks, Double Oak, TX
Mark Mayor, 3612 Burlington
Emily Strittmatter, 4816 Mesquite St
Renee Doyle, 920 Drake Tr
Nicholas Strittmatter, 4816 Mesquite St
Kris Thompson, 1612 Flatwood Dr
Annette Engel, 5110 Bayberry St
Linda Hogan, 5305 Singing Brook Rd
Kelly James, 5113 Bayberry St
James Engel, 5110 Bayberry St
Tom Kline, 5104 Singing Brook Rd
Patsy Mizeur, 1821 Castle Ct
Linda Martin, 2849 Sagebrush Dr
Dusty Rainbolt, 1320 Homestead

F. ANNOUNCEMENTS

Councilmember Levenick announced that she will not be running for re-election in the upcoming May election.

Deputy Mayor Pro Tem Walker announced that today he filed for re-election to Place 1 in the upcoming May election.

Members of Council thanked Mayor Pro Tem Levenick for her service.

Mayor Hayden provided an update on various road construction projects. He also offered a brief explanation about Flower Mound's growth in response to comments that were made during public participation.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos provided an update on the following capital improvement projects:

- DFW Connector project
- Heritage dog park
- Rheudasil Park FEMA flood study

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided an update on the following economic development projects:

- The business of Hardware Resources is coming to the Lakeside Business

District and they will occupy 96,000 sf

- Jake's Hamburgers is going to be taking the site previously occupied by Agave Azul
- The business of Taco Ocho is anticipated for the River Walk
- There is an item on tonight's agenda for an employer that, if approved, will be the deciding factor for that business to call Flower Mound home

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

The next Town Council meeting is scheduled for February 16th.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on January 15, 2015.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on January 15, 2015.

2. Consider approval of Chapter 59 Forfeiture Agreement with the Criminal District Attorney, Tarrant County, Texas and the Flower Mound Police Department and permission for the Chief of Police to sign this agreement on behalf of the Town of Flower Mound.

RECOMMENDATION: Move to approve Chapter 59 Forfeiture Agreement with the Criminal District Attorney, Tarrant County, Texas and the Flower Mound Police Department and permission for the Chief of Police to sign this agreement on behalf of the Town of Flower Mound.

3. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorize the Mayor to execute same on behalf of the Town.

4. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorize the Mayor to execute same on behalf of the Town.

5. Town Council to consider approval of a resolution supporting a revision of the Regional Transportation Council's Clean Fleet Vehicle Policy.

RECOMMENDATION: Move to approve a resolution supporting a revision of the Regional Transportation Council's Clean Fleet Vehicle Policy and authorize the Mayor to execute same on behalf of the Town.

RESOLUTION NO. 04-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AFFIRMING THE TOWN'S IMPLEMENTATION OF THE REGIONAL TRANSPORTATION COUNCIL'S CLEAN FLEET VEHICLE POLICY.

6. Consider approval of revisions to the Town's Personnel and Administrative Regulations Manual specifically Title I, Chapter 4, Benefits and Chapter 5, Leave effective immediately.

RECOMMENDATION: Move to approve revisions to the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Personnel Regulations, Chapter 4 Benefits and Chapter 5 Leave effective immediately.

7. Item 7 was pulled from Consent and moved to Regular items.

8. Consider approval of the award of Bid No: 2015-30, to 2L Construction, LLC, for the construction of the park improvements to Cortadera, Culwell and Leonard Johns Parks, part of the Individual Park Improvements project, in the amount of \$114,815.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No: 2015-30, to 2L Construction, LLC, for the construction of the park improvements to Cortadera, Culwell, and Leonard Johns Parks, part of the Individual Park Improvements project, in the amount of \$115,315.00; and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of the award of Bid No. 2015-18, to 3-D Paving and Contracting, LLC, for the construction of the Flower Mound Road Turn Lanes, and Auburn Drive Right Turn Lane projects, in the amount of \$232,101.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 2015-18, to 3-D Paving and Contracting, LLC, for the construction of the Flower Mound Road Turn Lanes, and Auburn Drive Right Turn Lane projects, in the amount of \$232,101.80; and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of the award of Bid No. 2015-19, to NG Painting, for the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$1,235,700.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No. 2015-19, to NG Painting L.P., for the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$1,235,700.00, and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of the Professional Services Agreement to Steel Inspectors of Texas, Inc., for the construction material testing of the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$18,000.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement to Steel Inspectors of Texas, Inc., for the construction material testing of the Pintail Ground Storage Tank Rehabilitation project, in the amount of \$18,000.00; and authorize the Mayor to execute same on behalf of the Town.

12. Consider approval of an ordinance amending Chapter 14, "Buildings and Building Regulations," Article V, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2014 edition of the National Electrical Code with local amendments.

RECOMMENDATION: Move to approve an ordinance amending Chapter 14, "Buildings and Building Regulations," Article V, of the Code of Ordinances of the Town of Flower Mound, by adopting the 2014 edition of the *National Electrical Code* with local amendments.

ORDINANCE NO. 07-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," THROUGH THE AMENDMENT OF ARTICLE V, ENTITLED "ELECTRICAL CODE," BY ADOPTING THE 2014 EDITION OF THE *NATIONAL ELECTRICAL CODE* THROUGH THE AMENDMENT OF SECTION 14-131, ENTITLED "*NATIONAL ELECTRICAL CODE* ADOPTED," BY AMENDING SECTION 14-132, ENTITLED "AMENDMENTS TO THE *NATIONAL ELECTRICAL CODE*," AND BY AMENDING SECTION 14-138, ENTITLED "BOARD OF APPEALS"; PROVIDING THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES AND REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Dixon moved to approve by consent Items 1-6; 8-12. 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: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

J. REGULAR ITEMS

7. A resolution of the Town of Flower Mound, Texas authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining fee simple title to approximately 0.585 acres of property located on the west side of FM 2499, south of Sagebrush Drive, Flower Mound, Denton County, Texas, as right-of-way necessary for construction and maintenance of roadway improvements, and for other public purposes permitted by law.

Administrative Note: .585 acres (noted in the agenda caption) is the distance from FM 2499 to the spine road dead-end end and the .966 acres (noted in the Resolution and survey in the agenda packet) reflects the entire tract from FM 2499 to an existing trail and past the current dead-end for the spine road.

Councilmember Wise announced he will be recusing himself for this item due to a conflict of interest.

Staff Presentation

Mr. Stathatos offered clarification regarding some misinformation associated with this item, as has been communicated either by emails or through social media.

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Specific Planned Area (SPA) outline and an explanation about what a SPA is
- Aerial map of site location
- Historical review of the 1994 Master Plan – SPA 2, including page 43 of the text, area controls
- Master Plan 2001 – SPA 2, including the timeline and process
- Photographs of the site

Mr. Meredith clarified the legal action that could be taken by Council related to this item.

Mayor Pro Tem Levenick asked to consult with the Town Attorney regarding the item.

At 7:58 p.m. Mayor Hayden announced that per section 551.071 of the Texas Government Code, the Town Council is convening into closed session to discuss matters related to real property. The Town Council reconvened into open session at 8:15 p.m.

Mr. Powell or Mr. Stathatos responded to questions from Council related to:

- Actual purpose of the item
- Clarification regarding the access points
- What is the impact if the item is not approved
- Timing associated with considering other options

Mayor Hayden extended an invitation to Ms. Sharon Gentry and Ms. Janvier Scott (property owner) to offer their comments.

Ms. Scott and Ms. Gentry offered their comments related to the agenda item and after further discussion on the subject matter, they both indicated a willingness to enter into a discussion with Town staff regarding other options.

Various members of Council offered their comments related to:

- The safety issue that is a driver behind the item
- The need for a sidewalk in this area
- The need for a trail connection in this area
- Interest in taking the time to come to an agreement in the spirit of compromise; however, not to the point of kicking it down the road for two years, for safety reasons
- Reference to this item being on the Master Plan since 1994 (to have some type of spine road to connect Sagebrush and Firewheel)

There was general consensus of Town Council to proceed with postponing the item given Ms. Gentry and Ms. Scott indicated they would be willing to sit down with Town staff to discuss other options.

Councilmember Webb moved to postpone a resolution authorizing the use of the power of eminent domain to acquire fee simple title to approximately 0.966 acres of the property located at 2700 Bob White Lane, Flower Mound, Denton County, Texas, owned by Janvier Gentry Scott, for the public use as public right-of-way to April 20, 2015. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

ABSTAIN: WISE

13. Consider a request for a Site Plan (SP14-0040 – DFW North Distribution Center) to develop an industrial warehouse building with a waiver to Section 94-63(3) of the Code of Ordinances requiring that each parking space be located within 50 feet of a

tree. The property is generally located north of Lakeside Parkway and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 26, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Photographs of the site
- Approved site plan
- Proposed landscaping
- Building size (401,600 sf) and the request for regular employee parking in a space previously designated for truck parking
- Project summary

Mr. Powell responded to questions from Council as follows:

- Clarification regarding the amount and type of trees that would be required

Applicant Presentation

Steve Meyer, Dallas, TX

Mr. Meyer offered appreciation to the Town staff and noted M & I Windows will bring 500 jobs to Flower Mound.

Councilmember Webb moved to approve a request for a Site Plan (SP14-0040 – DFW North Distribution Center) to develop an industrial warehouse building, with a waiver to Section 94-63(3) of the Code of Ordinances requiring that each parking space be located within 50 feet of a tree. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

14. Consider approval of an ordinance for MISC15-0001 street name change for three streets adjacent to the River Walk Development. *(The Transportation Commission recommended changing of these street name changes by a vote of 5 to 0 at its January 13, 2015, meeting.)*

Staff Presentation

Mr. Parr gave a presentation identifying or noting:

- Location of River Walk streets
- Identification of streets proposed for street changes, including detail section information
- Reason for the request

Mr. Parr or Mr. Scott Minnus with G & A Consultants responded to questions from Council regarding:

- Clarification regarding the distance for the part of Forums (off of the new drive called Community) that would remain for the Fire Department
- Clarification regarding the general transition of the name change associated with River Walk Drive and Forums
- For the Fire Station - Is there an issue with keeping Forums as the driveway and with a new street address off of the proposed Community Drive
- Why was the Fire Department firm on wanting to keep the Forums address for Central Fire Station and what is the feedback from the new Fire Chief
- Concerns about Forums being changed to River Walk Drive and the need for input from the tenants of the building located on Forums

Mr. Parr asked for clarification if Council's concerns were in relation to all or some of the proposed street name changes.

Councilmember Dixon moved to postpone an ordinance for MISC15-0001 a street name change for Euclid Avenue, Forums Drive and Buckeye Drive to Market Street, River Walk Drive, and 1st Avenue respectively to February 16, 2015. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WALKER, WEBB, LEVENICK, DIXON, WISE

NAYS: NONE

K. BOARDS/COMMISSIONS (Executive Conference Room)

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

No action taken.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:22 p.m. on February 2, 2015, 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 10:16 p.m. on February 2, 2015, 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, and Planning and Zoning Commission.

No action taken.

- d. Consultation with Attorney as follows:

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

Councilmember Webb moved to approve the settlement of Ivanna Terrell v. Town of Flower Mound, Texas and Brandon Carley as discussed in Executive Session. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON MOTION

AYES: WISE, DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:16 p.m. on Monday, February 2, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY