

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF MARCH, 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
Wayne Olson	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 6:01 p.m.

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

Rabbi Dennis gave the invocation and Girl Scout Troop 3421 led the pledges.

**D. 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.*

1. Paul Stone, 709 Lake Bluff Dr
2. Don McDaniel, 3801 Hide A Way Ln
3. Brad Ruthrauff, 3302 Pecan Meadows
4. Emily Strittmatter, 4816 Mesquite St
5. Nicholas Strittmatter, 4816 Mesquite St
6. James Engel, 5110 Bayberry St
7. Renee Doyle, 920 Drake Tr
8. Jerry Meador, 3301 Juniper
9. Kevin Bryant, 1537 Yaggi Dr
10. Carol Kohankie, 4312 Lauren Way
11. Shyron Shenko, 5001 Rippy Rd
12. Missy Grant, 3303 Sycamore Dr
13. Patrick McUumber, 3204 Pecan Meadows
14. Traci Bowen, 3409 Pecan Meadows
15. Brian Rountree, 3200 Jameston Dr
16. Mark Walker, 3310 Juniper St
17. Rob Dorman, 2916 Cedar St
18. Kelly James, 5113 Bayberry St
19. Mark Wegele, 4713 Bayberry St
20. Todd Eady, 3305 Pecan Meadows
21. Rob Dorman, 4916 Cedar St
22. Naveen Dronavalli, 3307 Cottonwood Dr
23. David Watson, 2001 Ross, Dallas, Tx

**E. ANNOUNCEMENTS**

Mayor Hayden offered clarification regarding a comment that was made during public participation about a social media posting. He also offered clarification regarding the decision that was made to reschedule the Planning and Zoning Commission meeting from February 23<sup>rd</sup> to March 9<sup>th</sup> given the inclement weather experienced on February 23<sup>rd</sup>.

Councilmember Dixon offered clarification regarding the process associated with zoning and master plan items prior to them coming before Council for final action.

**F. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an explanation in relation to the sequence of items that have been rescheduled as a result of cancelling the Planning & Zoning meeting on February 23<sup>rd</sup> due to the inclement weather experienced that day.

1. Update and status report related to capital improvement projects

Mr. Stathatos gave an update on the following CIP Projects:

- Senior center
- Regency Park water booster pump station (construction award)

2. Update and discussion on Economic Development projects

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

- Dairy Queen is slated for the former KFC site (near the corner of FM 2499 and FM 3040)
- MI Windows and Doors:
  - Job count update
  - Dallas Business Journal has placed this project as a finalist for best deals

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

The next Town Council meeting is scheduled for March 16<sup>th</sup>.

**H. CONSENT ITEMS**

1. **Consider approval of the minutes from a regular meeting of the Town Council held on February 16, 2015.**

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on February 16, 2015.

2. **Consider approval of the purchase and installation of play equipment for the Shadow Ridge Park Playground project, from Child's Play, Inc., through the Texas**

**Local Government Purchasing Cooperative, in the amount of \$141,548.00.**

**RECOMMENDATION:** Move to approve the purchase and installation of play equipment for the Shadow Ridge Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$141,548.00.

3. **Consider approval of the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1509 Echo Bluff and the Foxborough Hollow Outfall Stabilization projects, to Knight Erosion Control, Inc., a sole source provider, in the total amount of \$195,819.00.**

**RECOMMENDATION:** Move to approve the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1509 Echo Bluff and the Foxborough Hollow Outfall Stabilization projects, to Knight Erosion Control, Inc., a sole source provider, in the total amount of \$195,819.00.

4. **Consider approval of the Final Acceptance and Change Order No. 1, for the construction of the FM 2499 12-inch Water Line Phase III, and Long Prairie 12-inch Water Line projects, amending the contract with Dowager Utility Construction, Ltd., for a decrease in the amount of \$4,992.38, acceptance of the project, and final payment authorization of retainage and work completed to the contractor, Dowager Utility Construction, Ltd., in the amount of \$24,617.37; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve the Final Acceptance and Change Order No. 1, for the construction of the FM 2499 12-inch Water Line Phase III, and Long Prairie 12-inch Water Line projects, amending the contract with Dowager Utility Construction, Ltd., for a decrease in the amount of \$4,992.38, acceptance of the project, and final payment authorization of retainage and work completed to the contractor, Dowager Utility Construction, Ltd., in the amount of \$24,617.37; and authorization for the Mayor to execute same on behalf of the Town.

5. **Consider approval of the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for section two of the Long Prairie 12-Inch Water Line project, for \$82,000.00; and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for section two of the Long Prairie 12-Inch Water Line project, for \$82,000.00; and authorization for the Mayor to execute same on behalf of the Town.

6. **Consider the award of Request for Bid 2015-40 for street sweeping services to Sweeping Services of Texas. Services will be performed at various locations for**

an annual amount of \$33,600.00. The term of this agreement is one year with three one-year options, subject to funding availability.

**RECOMMENDATION:** Move to approve Bid 2015-40 for street sweeping services to Sweeping Services of Texas. Services will be performed at various locations for an annual amount of \$33,600.00. The term of this agreement is one year with three one-year options, subject to funding availability.

7. Consider approval of a Professional Services Agreement with Richard Mudd to provide Housing Rehabilitation Specialist services, and authorization for the Mayor to execute same on behalf of the Town. *(This item was postponed from the February 16, 2015, Town Council meeting.)*

**RECOMMENDATION:** Move to approve a Professional Services Agreement with Richard Mudd to provide Housing Rehabilitation Specialist services, and authorization for the Mayor to execute same on behalf of the Town. (This item was postponed from the February 16, 2015, Town Council meeting.)

8. Consider approval of Best Value Bid No. 2015-52 Landscape Maintenance Program to VMC Landscape Services L.P. at the unit prices bid, in the estimated annual amount of \$500,000.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Best Value Bid No. 2015-52 Landscape Maintenance Program to VMC Landscape Services L.P. at the unit prices bid, in the estimated annual amount of \$500,000.00; and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of an ordinance amending Article XII, "RIGHTS-OF-WAY CONSTRUCTION," of Chapter 14, "Buildings and Building Regulations," of the Code of Ordinances, regulating the installation, repair and maintenance of facilities within the Public Rights-of-Way in the Town of Flower Mound.

**RECOMMENDATION:** Move to approve an ordinance amending Article XII, "RIGHTS-OF-WAY CONSTRUCTION," of Chapter 14, "Buildings and Building Regulations," of the Code of Ordinances, regulating the installation, repair and maintenance of facilities within the Public Rights-of-Way in the Town of Flower Mound.

**ORDINANCE NO. 12-15**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE XII, "RIGHTS-OF-WAY CONSTRUCTION," OF CHAPTER 14 OF THE TOWN'S CODE OF ORDINANCES REGULATING THE INSTALLATION, REPAIR AND MAINTENANCE OF FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY IN THE TOWN OF FLOWER MOUND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS;**

**REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

10. Consider approval of an ordinance of the Town Council of the Town of Flower Mound, Texas, amending section 18-527 of the code of ordinances to provide a variance procedure to Town regulations prohibiting the sale of alcohol within 300 feet of certain uses; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing for publication; and providing an effective date.

**RECOMMENDATION:** Move to approve an ordinance of the Town Council of the Town of Flower Mound, Texas, amending section 18-527 of the code of ordinances to provide a variance procedure to Town regulations prohibiting the sale of alcohol within 300 feet of certain uses; providing this ordinance shall be cumulative of all ordinances.

**ORDINANCE NO. 13-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 18-527 OF THE CODE OF ORDINANCES TO PROVIDE A VARIANCE PROCEDURE TO TOWN REGULATIONS PROHIBITING THE SALE OF ALCOHOL WITHIN 300 FEET OF CERTAIN USES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Levenick made a motion to approve by consent Items 1 – 10. Councilmember Dixon 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**

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

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

*(Bold text represents boards with current vacancies)*

No action taken.

**J./K. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:47 p.m. on March 2, 2015, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, consultation with attorney, and reconvened into an open meeting at 8:32 p.m. on March 2, 2015, 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. State Farm Mutual Automobile Insurance Company, as subrogee of Sandra Terrell v. Town of Flower Mound
2. Lanette Williams a/n/f A.W., a Minor Child vs. Town of Flower Mound
3. 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.

**L. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 8:32 p.m. on Monday, March 2, 2015, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

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**THERESA SCOTT, TOWN SECRETARY**