

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4TH DAY OF MAY 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 (arrived at 6:40 pm) |
| 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 |
| Matthew Woods | Director of Environmental Services |
| Mark Wood | Director of Economic Development |
| Danny Hartz | Building Official |
| Kari Biddix | Park Development Manager |
| Greg Perry | Sr. Project Engineer |

A. CALL REGULAR MEETING TO ORDER

Honorary Mayor for the Day, Cooper Stephenson and Mayor Pro Tem Levenick called the regular meeting to order at 6:03 p.m.

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

Minister Kevin Thomas gave the invocation and Cooper Stephenson led the pledges.

D. PRESENTATIONS

1. Old Settlers Elementary Student - Honorary Mayor for the Day, Cooper Stephenson

Mayor Pro Tem Levenick presented Cooper with a Certificate of Recognition for being honorary Mayor of the Day.

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.

Alton Bowman, 6524 Orchard Dr
Claudio Forest, 1904 Towne View Blvd
Kevin Bryant, 1537 Yaggi Dr
Emily Strittmatter, 4816 Mesquite St
Nicholas Strittmatter, 4816 Mesquite St
Carol Kohankie, 4312 Lauren Way

F. ANNOUNCEMENTS

1. Announce recent and upcoming civic and social events

Councilmember Webb offered an explanation regarding campaign contributions in response to a comment made during public participation.

2. Discussion regarding the Town's Tree Farm and the Town's tree mitigation requirements

Deputy Mayor Pro Tem Walker asked for an update on the Town's current plans for the tree farm, as well as what are the options with respect to mitigation.

Mr. Woods provided background information related to the Town's tree mitigation, including past and current locations and size, as well as the source of funding for the trees at the farm.

Mr. Woods or Mr. Meredith responded to questions or comments from Council related to:

- Where is the Environmental Conservation Commission(ECC) in reviewing the text in the Ordinance related to the potential of deleting those exceptions so that there will be universal application across the Town (for commercial and residential)
- In what year did the Council enact the exception provisions where there was no mitigation, and when was it amended
- When is the tree canopy survey scheduled to be completed
- What are the next steps (interest in putting some type of time line, such as Arbor Day in November)
- Interest in having Council discuss this topic at the strategic planning session and at that time have a list of every SPA, date established, location of it, and the overall purpose for its creation (objective and goal), and what percent of build out is that SPA so Council can get a handle on what is out there
- Interest in having ECC discuss an approved tree list (species types) and to give consideration to the root system for situations where the topography slopes
- What is the process should the Town want to retire a SPA
- Existence of sustainability plan options to address some concerns
- Possibility of expanding the Town's tree farm out west and incorporate a community garden on the same property
- Interest in having a tree bank set up where there would be a constant rotation of trees to continuously replace those that are used

G. Town Manager's Report

1. Update and status report related to capital improvement projects

Mr. Stathatos provided an update on various CIP items.

2. Update and discussion on Economic Development projects

Mr. Stathatos provided an update on various Economic Development projects in the works.

3. Legislative update

Mr. Meredith provided an update on the status of HB 40 and he responded to questions from Council related to other bills pending in the legislature that have significant impacts on the ability of municipalities to govern themselves.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The Town Council special meeting for the primary purpose of canvassing the election is scheduled for May 20th.
2. The next Town Council regular meeting is scheduled for June 1st.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 20, 2015.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 20, 2015.

2. Consider approval of the purchase and installation of play equipment for the Tealwood Oaks Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$201,977.00.

RECOMMENDATION: Move to approve the purchase and installation of play equipment for the Tealwood Oaks Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$201,977.00.

Mayor Pro Tem Levenick moved to approve by consent Items 1 - 2 Councilmember 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: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

J. CLOSED MEETING

The Town Council convened into closed meeting at 6:58 p.m. pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, and 551.071, to discuss matters relating to personnel matters, and consultation with attorney, as follows:

- a. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the presiding Municipal Court Judge.

- b. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the alternate Municipal Court Judge.

The Town Council reconvened at 9:00 p.m. and no action was taken.

K. REGULAR ITEMS

3. College Parkway Extension (MPA15-0006) **Public Hearing**

Public Hearing to consider a request for a Master Plan Amendment (MPA15-0006 – College Parkway Extension) to amend Section 3, Specific Plans, and Section 7.0, Thoroughfare Plan, to change the designation and design of the College Parkway Extension west of Long Prairie Road, and to amend corresponding sections and development controls outlined within Specific Plan Area 5 (SPA 5) that apply to the College Parkway Extension, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Transportation Commission recommended approval of the Thoroughfare Plan amendment by a vote of 4 to 0 at its April 14, 2015, meeting.) (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 27, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Detailed location Land use and zoning
- Specific area plan (SPA) # 5 and the two-fold purpose of the amendment
- SPA 5 amendment
- Existing thoroughfare plan and new proposed
- Reference to correspondence in the packet
- Thoroughfare plan amendment options presented to the Transportation Commission

Mayor Hayden opened the Public Hearing at 9:05 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item and all addresses are located in Flower Mound unless otherwise indicated:

| Support: Comments/Questions | Opposition: Comments/Questions | Question(s)/Comments Only |
|---|---|---------------------------------------|
| Brad Ruthrauff, 3302 Pecan Meadows Dr | None | Kendra Stephenson, 2321 Roadrunner Dr |
| John Shenko, 5001 Rippy Rd | | |
| Shyron Shenko, 5001 Rippy Rd | | |
| Jim Engle, 5710 Bayberry St | | |
| Todd Eaddy, 3305 Pecan Meadows | | |
| | | |
| <p>The following individuals didn't speak; however submitted a speaker card indicating they were in favor:</p> <p>Missy Grant, 3303 Sycamore Dr</p> <p>Eddie Wynne, 4841 Rippy Rd</p> | | |

Mayor Hayden closed the Public Hearing at 9:19 p.m.

Mr. Powell or Mr. Meredith responded to questions from Council as follows:

- Is the alignment issue resolved
- Is anything planned on the CIP to improve Rippy Rd to ensure it's a safe road
- Is Waketon on the schedule for a future improvement

Councilmember Webb moved to approve a request for a Master Plan Amendment (MPA15-0006 – College Parkway Extension) to amend Section 3, Specific Plans, and Section 7.0, Thoroughfare Plan, to change the designation and design of the College Parkway Extension west of Long Prairie Road, and to amend corresponding sections

and development controls outlined within Specific Plan Area 5 (SPA 5) that apply to the College Parkway Extension, and adopt an ordinance providing for said amendment. Mayor Pro Tem Levenick seconded the motion.

ORDINANCE NO. 27-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 3.0, SPECIFIC PLANS, AND SECTION 7.0 THOROUGHFARE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, BY CHANGING THE DESIGNATION OF COLLEGE PARKWAY WEST OF LONG PRAIRIE ROAD (FM 2499) TO A POINT APPROXIMATELY 550 FEET EAST OF RIPPY ROAD TO AN URBAN COLLECTOR, ADDING A MODERN ROUNDABOUT AT THE TERMINATION OF COLLEGE PARKWAY, ADDING AN URBAN COLLECTOR STARTING AT THE TERMINATION OF COLLEGE PARKWAY CONTINUING GENERALLY NORTH TO AN INTERSECTION WITH WAKETON ROAD, ADDING A MODERN ROUNDABOUT APPROXIMATELY HALFWAY BETWEEN WAKETON ROAD AND COLLEGE PARKWAY; BY AMENDING THE CORRESPONDING DEVELOPMENT CONTROL AND DEVELOPMENT CONTROL EXHIBIT OUTLINED WITHIN SPECIFIC PLAN AREA 5 (SPA 5) THAT APPLIES TO THE COLLEGE PARKWAY EXTENSION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

4. Public Hearing to consider approval of First Amendment to Chapter 380 Partnership Agreement with RMI River Walk Investors, LP, and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Wood summarized the details associated with the previous agreement and pointed out what is included in the amendment.

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

- The size of the parking structure

Applicant Presentation

Scott Tarwater, DePalma Hotels, 700 Highlander Blvd, Ste 400, Arlington, TX 76012

Mr. Tarwater responded to questions from Council related to:

- When will the project begin and when will it be completed (hotel and parking)

Mayor Hayden opened the Public Hearing at 9:24 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 9:24 p.m.

Councilmember Webb moved to approve the First Amendment to Chapter 380 Partnership Agreement with RMI River Walk Investors, LP, and authorize the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, DIXON, WISE

NAYS: NONE

5. Public Hearing to consider approval of a Chapter 380 Agreement with New Era Partners LLC to develop a luxury hotel, 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
- Site location
- Features of the hotel
- Cost of construction (\$80 million)
- Cost benefit analysis
- What the agreement provides for
- How Hotel Occupancy Tax (HOT) funds must be expended

Mr. Wood or Mr. Stathatos responded to questions from Council (or as presented during the public hearing) as follows:

- Does the current zoning allow for this type of use
- Does what is proposed change anything with the Hines property
- Is the agreement in line with peers in trying to attract hotels
- What is the source for the net benefit analysis information
- Clarification that the agreement presented is not a public private partnership
- Clarification as to what the HOT tax is and how can it be expended
- Clarification that everything is based on a reimbursement to the Town and there is no risk to the taxpayer that it could go negative

Applicant Presentation

Scott Tarwater, Executive Vice President/Development, DePalma Hotels, 700 Highlander Blvd., Suite 400, Arlington, TX 76015

Mr. Tarwater gave a presentation identifying or noting:

- Background information about the property location and associated family history

Milton Anderson, Merriman Associates/Architects, Vice President, Director of Design, 300 N. Field, Dallas, TX 75202

Mr. Anderson gave a presentation identifying or noting:

- Concept plan and various images depicting what is planned for the hotel

Mr. Anderson or Mr. Tarwater responded to questions or comments from Council (or as presented during the public hearing) as follows:

- How many floors
- What are the dimensions of the ball room
- What is the difference between a regular hotel and a luxury hotel
- What is their timing for completion
- What is the integration with the Corp of Engineers and the City of Grapevine, and is a water taxi system viable to transport people between some of the facilities, and is a water docking area allowed (e.g. courtesy docking)
- How does the Gaylord compare to what is planned
- What will happen to the existing house on the property
- What will happen around the hotel over time
- Will this be a flag hotel (and why or why not)

Mayor Hayden opened the Public Hearing at 10:05 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item and all addresses are located in Flower Mound unless otherwise indicated:

| Support: Comments/Questions | Opposition: Comments/Questions | Question(s)/Comments Only |
|--|---|--------------------------------------|
| Carol Kohankie, 4312 Lauren Way | None | None |
| David Johnson, 3617 San Paula Dr | | |

Mayor Hayden closed the Public Hearing at 10:06 p.m.

Council Discussion

There were comments from Council related to:

- Appreciation for how they positioned the building around the lake to maximize the views
- The benefit of having a high end hotel and the impact it will have on Lakeside
- Clarification regarding what the hot tax would be used for
- Benefit of keeping the public access to the property for citizens to enjoy the lake views, and the added benefit of access to the trails
- How the Town will benefit from the symbiotic relationship and the ripple effect when hotel guests go to area businesses to eat and shop

- Clarification that the Town is not writing a check and it's a rebate
- How the project is an economic development driver for the area, and particular in relation to the conference space
- General excitement for the project coming to Town

Mayor Pro Tem Levenick moved to approve a Chapter 380 Agreement with New Era Partners LLC, to develop a luxury hotel, and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WALKER, WEBB

NAYS: NONE

6. Public Hearing to consider a request for a Comprehensive Sign Package (CSP15-0001- Black Walnut Cafe) for the Black Walnut Café. The property is generally located west of Long Prairie Road and south of Bob White Lane. *(Planning and Zoning recommended approval by a vote of 6 to 0 at its April 27, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Site plan
- Proposal for three bollards (considered to be signs)
- Pictures of other locations where they are in existence

Mayor Hayden opened the Public Hearing at 10:34 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item and all addresses are located in Flower Mound unless otherwise indicated.

| Support: Comments/Questions | Opposition: Comments/Questions | Question(s)/Comments Only |
|----------------------------------|-----------------------------------|---------------------------|
| Janvier Scott, 2829 Bob White Ln | None | None |

Mayor Hayden closed the Public Hearing at 10:35 p.m.

Council Discussion

There was Council discussion that the signs are just as much art as they are a sign.

Councilmember Webb moved to approve a request for a Comprehensive Sign Package (CSP15-0001- Black Walnut Cafe) for the Black Walnut Café. Deputy Mayor Pro Tem Walker seconded the motion.

VOTE ON THE MOTION

AYES: WEBB, WALKER, LEVENICK, DIXON

NAYS: NONE

ABSTAIN: WISE

7. Public Hearing to consider a request for rezoning (ZPD15-0008 –The Pines of Flower Mound) to amend Planned Development District No. 82 (PD-82) by amending the Comprehensive Sign Package standards contained within Exhibit “I” of Ordinance 31-10, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Flower Mound Road and west of Gerault Road. *(Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its April 27, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Location
- Photos of shopping center
- Use of exposed neon by one of the businesses and the process to bring them in compliance
- Clarification that the applicant would like to allow exposed neon signs throughout the center, however, the P & Z recommendation was just for the one business of Jake’s

Mr. Powell, Mr. Hartz, or Mr. Stathatos responded to questions from Council or had comments as follows:

- How many sign permits per year does the Town process
- Does the sign go with the tenant or the space
- Is there a plastic covering over the tube itself
- Is there an option to dim the brightness of the signs
- Why has the Town limited neon in the past
- Is the sign visible from any nearby neighborhood
- What caused the error
- Is there a modification option where you wouldn’t see the tube
- Is this issue holding up the opening of Jake’s
- What are the hours that the sign could be lit (business hours or all night long)
- The possibility of leaving the name, however, removing the “burgers, beer & atmosphere” part of the sign
- How the sign contractor also knew the exposed neon wasn’t allowed
- How the recommendation from P & Z was for the one building and clarification that the motion takes into account that one business

Applicant Presentation

Bill Hanks, CEO, Rosebriar Properties, 5833 Sky Park Dr, Plano, Texas

Mr. Hanks provided background information about the shopping center, and the application Jake’s submitted to them. He also noted there are other tenants within the shopping center that want the same kind of sign.

Greg Garvey, 4338 Travis St, Dallas, Texas (Jake’s)

Mr. Garvey gave background information about the application process and how they were later told to turn the signs off because they were not in compliance. He also noted they would like to open tomorrow for business.

Mr. Garvey responded to questions from Council or presented comments as follows:

- Are you willing to work with the Town to come up with a compromise
- What are the alternatives or next steps if the item gets denied
- They would be willing to turn the signs off when they are not operating (put them on a timer)
- Pointed out there is another business in Town that has a similar sign
- What about the use of LED lighting

Mayor Hayden opened the Public Hearing at 10:54 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 |
|--|---|----------------------------------|
| David Burdick, 4000 Vicksberry Trail (owner of Twelve Stones Restaurant) | Jim Engle, 5110 Bayberry | None |

Mayor Hayden closed the Public Hearing at 10:57 p.m.

Council Discussion

There was Council discussion regarding:

- How allowing the neon signs would set precedence going forward
- Whether the Town should own up to the mistake and come to a compromise or joint resolution, which could include potentially toning down the brightness
- Allowing the sign to remain given the mistake was made instead of incurring the cost to correct the mistake
- How the original comprehensive sign package for The Pines specifically says no exposed neon is allowed and how the application was presented to begin with
- Reflection on the discussion about neon when it was discussed for Lakeside
- How applications are looked at on a case by case basis and in many cases coincides with a comprehensive sign package
- The possibility of allowing a temporary period for a resolution to be worked out between now and the next year

Councilmember Webb moved to approve a request for rezoning (ZPD15-0008 –The Pines of Flower Mound) to amend Planned Development District No. 82 (PD-82) by amending the Comprehensive Sign Package standards contained within Exhibit “I” of Ordinance 31-10, with an expiration date of February 28, 2016, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORDINANCE NO. 28-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 89-04, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 82 (PD-82) WITH RETAIL DISTRICT-2 (R-2) USES, AND ORDINANCE NO. 31-10, WHICH AMENDED THE COMPREHENSIVE SIGN PACKAGE FOR PD-82; BY FURTHER AMENDING EXHIBIT “I,” “COMPREHENSIVE SIGN PACKAGE,” TO ALLOW FOR EXPOSED NEON SIGNS FOR A CERTAIN TIME PERIOD ON A PORTION OF LOT 3R, BLOCK A, IN THE PINES OF FLOWER MOUND ADDITION, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS 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: WISE, LEVENICK, WALKER, WEBB

NAYS: NONE

ABSTAIN: DIXON

8. Public Hearing to consider a request to amend the Land Development Regulations (LDR15-0002) by amending subparagraph (2)b of Section 86-106, entitled “Political Signs,” of the Town’s Code of Ordinances to allow the placement of political signs at an officially designated polling place during certain time periods, and to consider adopting an ordinance providing for said amendment (*The Planning and Zoning Commission recommended approval by a vote of 5 with 1 abstention at its April 27, 2015, meeting.*)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Current code in the LDR
- Proposed code & what it allows
- Summary of the discussion at P & Z
- New text in the code that allows for leaving them up during early voting to election day

Mr. Powell responded to questions from Council as follows:

- Confirmation that the proposed text doesn’t mean someone can put out signs at a different polling location.

Mayor Hayden opened the Public Hearing at 11:26 p.m.

No one spoke in support or opposition, or had questions / comments related to the item:

Mayor Hayden closed the Public Hearing at 11:26 p.m.

Council Discussion

- Explanation as to why this item was requested for staff to review

Councilmember Webb moved to approve a request to amend the Land Development Regulations (LDR15-0002) by amending subparagraph (2)b of Section 86-106, entitled "Political Signs," of the Town's Code of Ordinances to allow the placement of political signs at an officially designated polling place during certain time periods, and adopt an ordinance providing for said amendment. Mayor Pro Tem Levenick seconded the motion.

ORDINANCE NO. 29-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 86-106 OF THE CODE OF ORDINANCES TO ALLOW THE PLACEMENT OF POLITICAL SIGNS AT AN OFFICIALLY DESIGNATED POLLING PLACE DURING CERTAIN TIME PERIODS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: WISE, DIXON, LEVENICK, WEBB

NAYS: NONE

ABSTAIN: WALKER

9. Provide direction to staff on Rheudasil Park improvements including Mechanical Pond Dredging, Bank Stabilization and Construction Phasing recommendations.

Staff Presentation

Mr. Perry and Ms. Biddix gave a presentation identifying or noting:

- Background information from December of last year
- Identified floodplain area
- Bank stabilization recommendation
- Pond dredging recommendation
- Approved Master Plan options from December 2014
- Park amenities recommendations
- Cost estimates

- o Floodplain (LOMR) - \$20,000
- o Bank stabilization (mixed) - \$282,500
- o Pond dredging (mechanical) - \$1,505,000
- o Engineering/contingency - \$632,700
- o Park amenities - \$1,165,600
- o Total: \$3,605,800

Mr. Perry, Ms. Biddix, or Ms. Wallace responded to questions from Council, or offered comments related to:

- How many yards of sediment are anticipated for removal from the pond
- Once the dredging is completed, is there a time when it would need to be thought about in the future
- What part of the dredging cost estimate is for haul off of the mud
- How much of the contingency is for the dredging
- Where are we going to get \$3.6 million dollars
- What is the current 4B balance
- What is the justification for the dredging
- The option of a phased in approach
- Does what is proposed include the water area to the North of Forest Vista
- Can the mud from the pond being dredge be transported to the other side if the intent is to fill it (for cost savings)
- How soon can you bring back the project

Council Discussion

There was Council discussion related to:

- The cost estimate is higher than anticipated
- Importance of maintenance of the pond versus amenities
- Consideration to look at the amenities at a later time as the funds become available
- The possibility of the park becoming mosquito infested if something isn't done (safety aspect)
- Interest in getting the park amenities on the CIP, even if it means moving other small things
- Whether there was interest in issuing debt for the project

Mayor Hayden summarized that the direction from Council is to move forward with the bank stabilization and pond dredging as soon as possible within the next year or so, utilizing 4b funds for the bulk of the expense, and to find other funding sources for the remaining difference, and put the park amenities on the future CIP. Furthermore, if the plan is to abandon the ponds to the north, and the Corp would allow us to fill those, the option to pump it (not truck it) might be doable (to save dollars).

L. 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.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 11:56 p.m. on May 4, 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 12:09 a.m. on May 5, 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. 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

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 12:09 a.m. on Tuesday, May 5, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY