

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 1ST DAY OF JUNE 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
Steve Dixon	Mayor Pro Tem
Itamar Gelbman	Deputy Mayor Pro Tem
Brian Rountree	Councilmember Place 1
Bryan Webb	Councilmember Place 2
Kevin Bryant	Councilmember Place 3

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
Doug Powell	Executive Director of Development Services
Kenneth Parr	Executive Director of Public Works
Tiffany Bruce	CIP Engineering Manager
Matt Woods	Director of Environmental Services

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

Chaplain Mike Liles gave the invocation Phoebe Burnham led the pledges with Mayor Hayden.

D. PRESENTATIONS

1. Presentation by Garden Ridge Elementary 5th Grade students about helping the community

Garden Ridge Elementary students selected various topics about helping their communities and those with the winning entries gave a presentation.

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.

1. David Johnson, 3612 San Paula
2. Patsy Mizeur, 1821 Castle Ct
3. Martin Warner, 2801 Garden Ridge
4. Brad Ruthrauff, 3302 Pecan Meadows

5. Emily Strittmatter, 4816 Mesquite St
6. Cindy Spillberg, 5204 Bayberry St
7. Jim Engel, 5110 Bayberry St
8. Jason Hitt, 912 Wood Duck Way
9. Mark Behrens, 4020 Mattise Dr
10. Claudio Forest, 1904 Towne View Blvd

F. ANNOUNCEMENTS

Mayor Pro Tem Dixon offered congratulations to Flower Mound resident Mr. Steven Bowditch for winning the Byron Nelson Classic yesterday.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects
 - ADA Transition Plan

Mr. Stathatos announced that on June 10th there will be a public hearing on the ADA Transition Plan at the public works center from 6 – 8 p.m.

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported on various business retention and recruitment activities, as well as an update on other developments either under construction or slated to open soon.

Mr. Stathatos, Mr. Parr, or Mr. Sims responded to comments from Council related to:

- Interest in the Town contacting FEMA in order for Flower Mound property owners that live in a flood plain to obtain flood assistance, and more specifically in relation to a request from Flower Mound resident Gary Reader
- Notification process to homeowners when the Town is conducting municipal work in their neighborhood and interest in following the same or similar notification this is required for commercial projects
- Safety concerns as it relates to the new senior center and a need for some type of signage that will prompt drivers to yield for cyclist or pedestrians when exiting the center since the entrance crosses a hike and bike trail
- How does the Town handle major clean up in Town parks, such as after a major storm event

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. The next Town Council meeting is a scheduled for June 15th
- 2–3. Discussion regarding a future amendment to eliminate the tree mitigation

exemptions from the Tree Ordinance and discussion regarding a future proposal to impose more stringent requirements for tree removal requests.

There was Council discussion to consider the following as it relates to the Town's tree ordinance:

- the elimination of tree mitigation exemptions in Specific Plan Areas (SPAs) as it relates to commercial developments
- classification changes for trees, including the addition of the Heritage Oak tree for consideration and discussion by the Environmental Conservation Commission (ECC)
- removal of Section 8 from the regulations
- tree removal moratorium in the SPAs.
- the ability to offer incentives for protecting post oak trees
- consider having a super majority vote of council requirement to approve any tree removal permit request
- concerns regarding future litigation
- use of outside vendors (e.g. nurseries) to obtain trees for the tree farm
- background information related to the tree ordinance and the thinking that went into bringing in the exemptions
- what happens in a situation where a specimen tree gets declassified in the event it's in poor health
- at what size (caliper inch) can a post oak be viably transplanted
- a request for an inventory of the SPAs, including the date when it was established, the percent of build-out it is currently at, and the types of land use within those SPAs
- what types of modifications were done when the tree ordinance was redone in 2008
- when was the first tree ordinance introduced

Mr. Meredith, Mr. Woods, or Mr. Stathatos responded to questions or comments from Council as follows:

- the tree removal permit application process
- summary of recent direction related to the tree ordinance, introduction of a new specimen tree with the Heritage Oak
- requirements associated with imposing a moratorium and what is needed to initiate the process
- clarification relative to the term of the moratorium (how long would it last)
- clarification regarding the state parameters as to when a moratorium could be called
- would the moratorium apply to items that have already been to council and approved
- timing associated with the tree removal process
- what impact would this have for a commercial application within a SPA
- has there ever been a decisive revision of the tree ordinance
- request for a review of the direction that was given by Council about a month ago regarding trees

- what is the incentive clause as it relates to saving specimen trees and is there an incentive clause for protected trees
- what is the challenge as it relates to having a cut off associated with the age of the tree (estimating the years)
- before anything is done that triggers something automatically, interest in having a consultation with the Town Attorney to fully understand what the intended or unattended consequences are

Mayor Hayden summarized with Mr. Meredith that for the next meeting, and for the purpose of discussion, the direction from Council is to:

- have a formal item regarding a moratorium only
- create an opportunity to provide legal advice in executive session, including having a discussion about consequences
- have preliminary framework prepared, such as a sample Ordinance for discussion purposes that could initiate the moratorium process if necessary.

Mr. Stathatos confirmed that the moratorium and any discussion about removing the exception are only for the SPAs for both items at this time, and members of Council confirmed that is the direction.

4. Discussion regarding the possible creation of an ad-hoc committee to consider modifying the Town's Social Media Policy.

There was discussion regarding if a committee should be formed to review whether or not a social media policy should be introduced, followed by a request for a legal opinion on the matter.

There was Council discussion regarding:

- what the objective would be in creating a policy
- option of having separate log ins
- unknowns as it relates to the Town's official response in relation to on line comments
- the need for clarification as to if someone is speaking as in individual or as a representative of the town
- what are the sanctions that might apply
- any policy implemented would be an official policy towards the Town's approach to social media which doesn't exist today, and would be an added safeguard for the individual and the Town, and it holds the appointed and elected officials to a higher standard to protect the image of the Town
- interest in defining records retention as it relates to official and non-official communication
- there is no separation between a citizen and an elected official
- concerns regarding violating First Amendment rights
- perception of censorship and hindering ability to communicate with

residents

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

- is Town staff covered under a social media policy
- what would be the process for creating the committee
- staff's role in relation to the committee
- a request for thoughts and recommendations from the Town Attorney as it relates to legal parameters associated with proceeding with a social media policy
- interest in differentiating between an employee following a social media policy and a non-employee
- interest in reviewing other cities with social media policies in place and how it affected them
- a request for the background information when the Charter Review Commission took up the topic and what was the final recommendation.

Mayor Hayden summarized that at the next meeting each member of Council can select someone to serve on the board, along with a precise charge for them.

I. CONSENT ITEMS

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

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

2. Consider approval of the consumption of alcoholic beverages (wine) at the Flower Mound Senior Center during the SIM Auxiliary's Elite Chef Competition.

RECOMMENDATION: Move to approve the consumption of alcoholic beverages (wine) at the Flower Mound Senior Center during the SIM Auxiliary's Elite Chef Competition.

3. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during the Flower Mound Rotary's 5K Neon Run and Festival. *(The Parks, Arts and Library Services (PALS) Board recommended approval by a vote of 4 to 0 at its May 7, 2015, meeting.)*

RECOMMENDATION: Move to approve the sale and consumption of alcoholic beverages (beer and wine) at the Heritage Park of Flower Mound during the Flower Mound Rotary's 5K Neon Run and Festival.

4. Consider approval of an ordinance, amending Chapter 26, "Court," Article II, "Municipal Court of Record," Division 5, "Funds," Subdivision II, "Municipal Court Technology Fund," to re-create the Municipal Court Technology Fund; 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.

RECOMMENDATION: Move to approve an ordinance, amending Chapter 26, "Court," Article II, "Municipal Court of Record," Division 5, "Funds," Subdivision II, "Municipal Court Technology Fund," to re-create the Municipal Court Technology Fund; 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.

ORDINANCE NO. 31-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 26, "COURT," ARTICLE II, "MUNICIPAL COURT OF RECORD," DIVISION 5, "FUNDS," SUBDIVISION II, "MUNICIPAL COURT TECHNOLOGY FUND," TO RE-CREATE THE MUNICIPAL COURT TECHNOLOGY FUND; 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.

5. Consider approval of an ordinance adopting rate schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division.

RECOMMENDATION: Move to approve an ordinance adopting rate schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division.

ORDINANCE NO. 32-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

6. Consider approval of a Development Agreement between ABL/2711 Partners, L.P., and the Town of Flower Mound for the entitlement of Water Impact Fee credits and reimbursement of unused Water Impact Fee credits attributable to the cost of upsizing an 8-inch water line to a 12-inch water line that is identified on the Town's Water Master Plan, for an amount not to exceed \$30,040.00; and

authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Development Agreement between ABL/2711 Partners, L.P., and the Town of Flower Mound for the entitlement of Water Impact Fee credits and reimbursement of unused Water Impact Fee credits attributable to the cost of upsizing an 8-inch water line to a 12-inch water line that is identified on the Town's Water Master Plan, for an amount not to exceed \$30,040.00; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of a Professional Services Agreement with RJN Group, Inc., to provide professional services for the Inflow/Infiltration/Evaluation & Repair project, in the amount of \$158,487.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with RJN Group, Inc., to provide professional services for the Inflow/Infiltration/Evaluation & Repair project, in the amount of \$158,487.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of a contractual agreement with TFR Enterprises, Inc., to provide Disaster Debris Removal, Reduction, Disposal, and Other Emergency Debris Related Services; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a contractual agreement with TFR Enterprises, Inc., to provide Disaster Debris Removal, Reduction, Disposal, and Other Emergency Debris Related Services; and authorization for the Mayor to execute same on behalf of the Town.

9. Consider approval of the purchase of materials and services, with the Texas Cooperative Purchasing Network, provided by Kellogg Brown & Root Services, Inc., for the rehabilitation of Final Clarifier No. 3, with the Wastewater Treatment Plant Final Clarification Rehabilitation project, in the amount of \$164,767.00.

RECOMMENDATION: Move to approve the purchase of materials and services, with the Texas Cooperative Purchasing Network, provided by Kellogg Brown & Root Services, Inc., for the rehabilitation of Final Clarifier No. 3, with the Wastewater Treatment Plant Final Clarification Rehabilitation project, in the amount of \$164,767.00.

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 9. Councilmember Webb 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: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN
NAYS: NONE

J. REGULAR ITEMS

10. Consider a request for a Development Plan (DP15-0003 – Highland Court) to develop a residential subdivision and acceptance of cash in lieu of land in the amount of \$215,071.34 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$134,636.00. The property is generally located west of Long Prairie Road and north and east of Rippy Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Land use and zoning
- SPA Plan # 5
- Photographs of the site
- Concept plan
- Summary of the discussion regarding the wall
- Summary of the discussion regarding the roundabout (550' distance element)

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

- Does the concept plan match the 550' distance east of Rippy Road as approved in the Master Plan
- Overview of what a development plan/preliminary plat is
- Clarification regarding the element of cash in lieu of park land and interest in a uniform policy. Mr. Stathatos pointed out that staff will be revamping the policy on how the appraised amount is established in relation to park land for different areas and bringing that forward to PALS and then Council
- How much time will it take the Town to get an appraisal on that value of land
- Clarification regarding process should the item get postponed by Council

Applicant Presentation

Tommy Mann, 500 Windstead Bldg, Dallas (Representing Direct Development)

Mr. Mann addressed the issue of the location of the roundabout.

David Watson, Managing Principal, Direct Development, 2001 Ross, Ste 550, Dallas, TX

Mr. Watson responded to questions from Council regarding:

- concerns about the quality of the masonry wall that was brought up during public participation
- clarification regarding the number of approved lots they can build

Mr. Meredith responded to questions from Council regarding:

- What the Town is required to evaluate based on the item before Council

Per Section 551.071 of the Texas Government Code the Town Council convened into closed session at 8:28 p.m. to consult with the Town Attorney and reconvened at 9:02 p.m.

Councilmember Webb moved to approve a Development Plan (DP15-0003 – Highland Court) to develop a residential subdivision and acceptance of cash in lieu of land in the amount of \$215,071.34 in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$134,636.00. Mayor Pro Tem Dixon seconded the motion.

Council Discussion

There was discussion by Council related to:

- Interest in postponing the item until an appraisal of the land was conducted

VOTE ON MOTION

AYES: DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

ABSTAIN: GELBMAN

11. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0008 – Specific Plan Area 2) to amend Section 3, Specific Plans, by modifying the access standards and map for Specific Plan Area 2 (SPA 2) to address the Bob White Lane public access, utility and sidewalk easements per the terms of the approved Contract of Sales Agreement, and to consider adopting an ordinance providing for said amendment. SPA 2 is generally located on both sides of Long Prairie Road (FM 2499) between Sagebrush Drive and Chaparral Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Map of General location/SPA 2
- Photos of the site
- Contract of Sales Agreement summary
- Existing SPA

Mr. Powell responded to questions from Council regarding:

- Clarification regarding the spine road access (temporary versus permanent connections)

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

- Legal requirements associated with this item as it relates to the sales contract
- What are the financial liabilities should the item get postponed
- Clarification regarding if there is a date or time within the contract in which Council is required to take action
- Has there been any additional information since the original contract that needs to be reviewed

- Clarification regarding date options for postponement consideration that would not conflict with the Town’s legal obligations
- Timing associated with the postponement and concerns regarding a breach of contract
- Clarification regarding the allowance of a written waiver from the property owner to prevent the Town from being at risk of default

Mayor Hayden opened the Public Hearing at 9:15 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None.	None.	Janvier Scott, 2829 Bob White Ln
		Jim Engel, 5110 Bayberry St

Mayor Hayden closed the Public Hearing at 9:17 p.m.

Deputy Mayor Pro Tem Gelbman moved to postpone MPA15-008 to July 20, 2015. Councilmember Bryant seconded the motion. An amendment to the motion followed and seconded for the date change of June 15, 2015.

Council Discussion

There was discussion by Council related to:

- Timing associated with the postponement and concerns regarding a breach of contract
- An inquiry was presented to Ms. Janvier Scott asking if she wanted to reveal any issue(s) that is constituting the discussion on a motion to postpone
- Consideration for the June 15th date versus July 20th.

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

12. Public Hearing to consider a request for rezoning (Z15-0004 – 3400 Firewheel Drive) from Single-Family District-10 (SF-10) uses to Agricultural District (A) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road and east of Firewheel Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location (aerial)
- Land use and zoning
- Photos of the site
- The reason for the change (to allow for horses)

Mr. Arthur responded to questions from Council as follows:

- How long have horses been on the property

Mayor Hayden opened the Public Hearing at 9:28 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Jody Smith, 3705 Sarah Springs Trl	None.	None.

Mayor Hayden closed the Public Hearing at 9:27 p.m.

Councilmember Rountree moved to approve a request for rezoning (Z15-0004 – 3400 Firewheel Drive) from Single-Family District-10 (SF-10) uses to Agricultural District (A) uses, and to consider adopting an ordinance providing for said amendment. Deputy Mayor Pro Tem Gelbman seconded the motion.

ORDINANCE NO. 33-15

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 2.82 ACRES BEING ALL OF LOT 15R, J.L. ALLISON REALTY COMPANY SUBDIVISION, FROM SINGLE-FAMILY DISTRICT-10 (SF-10) TO AGRICULTURAL DISTRICT (A) IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING 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: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

Mayor Hayden opened items 13 and 14 at the same time.

13. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0005 - Section 8.0 Water Plan) to amend Section 8.0, Water Plan, of the Master Plan to adopt amendments and additions to the 2009 Water Master Plan Update as components of the Master Plan, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.)*

Staff Presentation

Ms. Bruce introduced Mr. Glenn Gary, with Kimley-Horn and Associates, who gave a presentation identifying or noting:

- Background information
- Project scope
- Methodology
- Water infrastructure
- Future water supply needs
- Wastewater infrastructure
- Master plan amendments
- Next steps

Mr. Gary, Ms. Bruce, or Mr. Stathatos responded to questions from Council related to:

- how many years beyond the CIP did they look at
- if this meets the needs in relation to the Town's current zoning and density
- how would future development in relation to any unforeseen circumstances impact the need
- if the forecasted budget accounts for the project
- clarification regarding how impact fees are used
- clarification as to if there are low pressure concerns in the Rippy Road area
- need to reconcile the discrepancy between the 12 inch and the difference in the cost for an 8 inch pipe and the overall impact of the proposed cost
- does this water plan reduce the fixed cost the Town is obligated to
- how much of the fund is going toward infrastructure
- what is the budget for future maintenance
- future water supply needs
- what are the consequences if this item isn't approved tonight
- was cost of inflation calculated

Mayor Hayden opened the Public Hearing for items 13 and 14 at 9:40 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None.	None.	Jim Engel, 5110 Bayberry St

Mayor Hayden closed the Public Hearing for items 13 and 14 at 10:06 p.m.

Councilmember Webb moved to approve a Master Plan amendment (MPA15-0005) to amend Section 8.0 Water Plan, of the Master Plan, to adopt amendments and additions to the 2009 Water Master Plan Update as components of the Master Plan, and to consider adopting an ordinance providing for said amendment. Deputy Mayor Pro Tem Gelbman seconded the motion. There was an amendment to the motion, followed by a second to include a correction of the discrepancy to reflect 12" instead of 8" within the Appendix page for Project 6.

ORDINANCE NO. 34-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE MASTER PLAN, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED THE MASTER PLAN; BY AMENDING SECTION 8.0 WATER PLAN TO ADOPT UPDATES FOR THE YEAR 2015 TO THE 2009 WATER MASTER PLAN AS A COMPONENT OF THE MASTER PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

- 14. Public Hearing to consider a request for a Master Plan Amendment (MPA15-0007 - Section 9.0 Wastewater Plan) to amend Section 9.0, Wastewater Plan, of the Master Plan to adopt amendments and additions to the 2009 Wastewater Master Plan Update as components of the Master Plan, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2015, meeting.)*

Councilmember Webb moved to approve a Master Plan amendment (MPA15-0007) to amend Section 9.0 Wastewater Plan, of the Master Plan, to adopt amendments and additions to the 2009 Wastewater Master Plan Update as components of the Master Plan, and to consider adopting an ordinance providing for said amendment. Deputy Mayor Pro Tem Gelbman seconded the motion.

ORDINANCE NO. 35-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE MASTER PLAN, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED THE MASTER PLAN; BY AMENDING SECTION 9.0 WASTEWATER PLAN TO ADOPT UPDATES FOR THE YEAR 2015 TO THE 2009 WASTEWATER MASTER PLAN AS A COMPONENT OF THE MASTER PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

15. Consider approval of the award of Bid No. 2015-69, to CD Builders, Inc., for the construction of Sagebrush Drive Improvements project, in the amount of \$2,439,999.99; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce gave a presentation identifying or noting:

- Project location (map)
- Layout of Sagebrush and what the project provides (West end, Center section, and East end)
- Public meetings associated with the project
- Construction schedule

Ms. Bruce responded to questions from Council as follows:

- Does the Town own all of the right of way
- What is the bidding process

Mayor Pro Tem Dixon moved to approve the award of Bid No. 2015-69, to CD Builders, Inc., for the construction of Sagebrush Drive Improvements project, in the amount of \$2,439,999.99; and authorization for the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

K. BOARDS/COMMISSIONS (Executive Conference Room)

(Bold text represents boards with vacancies)

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.**

No discussion. No action taken.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 10:17 p.m. on June 1, 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 11:58 p.m. on June 1, 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.**

Councilmember Bryant moved to appoint Mark Wise to the Community Development Corporation (CDC) with a term expiration date of December 31, 2015. Mayor Pro Tem Dixon seconded the motion.

Administrative Note: Per the Articles of Incorporation of the CDC, if a member ceases to be a Town employee, officer, or a member of Town Council, such event shall constitute an automatic resignation. For this reason a motion of Council was required to appoint former Councilmember Mark Wise to this board as desired by the current Town Council.

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

Deputy Mayor Pro Tem Gelbman moved to remove David Johnson from Place 5 of the Planning and Zoning Commission. Councilmember Rountree seconded the motion.

Council Discussion

There was Council discussion on the motion as follows:

- Legal input regarding the request made by Mr. Johnson for discussion to take place during open session
- Reasons that triggered the motion to remove him from office
- Comments related to Mr. Johnson's service

- Past experiences and regrets when board and commission members were removed from office outside of their term expiration date

VOTE ON THE MOTION

AYES: ROUNTREE, BRYANT, GELBMAN

NAYS: DIXON, WEBB

Deputy Mayor Pro Tem Gelbman moved to appoint Emily Strittmatter to Place 5 on the Planning and Zoning Commission effective immediately, and with a term expiration date of September 30, 2015. Councilmember Rountree seconded the motion.

Council Discussion

There was Council discussion on the motion as follows:

- Past action related to when Ms. Strittmatter was removed from office
- Clarification why the request to separate out the motions was made

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

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

No action taken.

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

No action taken.

- d. 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.

- e. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights of way, and/or other municipal purposes and all matters incident and related thereto.

No action taken.

f. 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.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 12:15 a.m. on Tuesday, June 2, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY