

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15TH 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
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
Chuck Jennings	Director of Parks and Recreation
Terrell Smith	Town Manager's Office – Intern
James Hoefert	Environmental Services – Env Review Analyst
Matthew Woods	Director of Environmental Services
Tommy Dalton	Director of Strategic Services
Mark Wood	Director of Economic Development
Andy Kancel	Police Chief

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:17 p.m.

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

Chaplain Jon Bell gave the invocation Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Proclamation for National Parks and Recreation Month

Mr. Jennings accepted the Proclamation for National Parks and Recreation Month

2. Flower Mound Police Department bicycle unit update

Chief Kancel provided an update on the bicycle unit and announced that the new bicycles that were made possible by the Flower Mound noon Rotary club.

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. Paul Stone, 709 Lake Bluff Dr
2. Ron Hilliard, 2461 Sherri Ln
3. Sharon Gentry, 2750 Bob White Ln
4. Janvier Scott, 2829 Bob White Ln
5. Nels Pearson, 2808 Chelsea Ln
6. Don McDaniel, 3801 Hide A Way Ln
7. Linda Martin, 2849 Sagebrush Dr
8. Stephen Smith, 3705 Sarah Springs
9. Gerald Robinson, 6920 Hidden Valley Rd
10. Eli Arts, 3801 Cortadera
11. Renee Doyle, 920 Drake Trl
12. Charlotte Harris, 2200 Becket Dr
13. Brad Ruthrauff, 3302 Pecan Meadows
14. Kris Thompson, 1612 Flatwood Dr
15. Deborah Granata, 4209 Gallant Ct
16. Si Simonson, 3104 Native Oak
17. Philip Van Guilder, 3800 Sunnyview Ln

Ms. Wallace offered an explanation as it relates to an inquiry made during public participation about the Certificates of Obligation agenda item.

Mr. Parr offered an explanation related to the funding sources for the FM 2499 traffic signal upgrades (Riverwalk at 2499 and at the 2499/Gerault flyover) and drainage project.

F. ANNOUNCEMENTS

1. Announce recent and upcoming civic and social events.

Councilmember Rountree offered comments based on various citizen requests he has been receiving and acknowledged them as follows:

- Neon sign at Lakeside
- Medians on the Sagebrush project
- Warehouses on Spinks (the buffer)
- The no right turn problem coming out of the senior center
- The peacock issue

And he indicated he is working on resolving these issues.

Several members of Council offered thanks to those who worked or participated in the Backing the Badge event this past weekend.

Councilmember Bryant announced that on Saturday he attended the Fire Department's promotion of eight new engineers.

Mayor Hayden reported on some research he did about park dedication fees, which included a comparison to nine neighboring communities.

2. Clarification and discussion regarding the Town's practice as it relates to recognizing individuals by way of proclamations, certificates, or other tokens of appreciation.

Mayor Hayden indicated this item is on the agenda because a member of Council requested the Town present the keys to the city to Chris Kyle's widow.

There was discussion by Council related to:

- Should the Town proceed with offering her some type of recognition
- Interest in also recognizing Flower Mound residents who have had a family member that paid the ultimate sacrifice
- Interest in the Town having a Memorial Day ceremony event
- Possibility of Ms. Kyle serving as the Grand Marshal in the Town's Christmas parade

Mayor Hayden summarized that there is Council consensus to proceed with reaching out to Ms. Kyle to schedule a time when she can be presented with a Proclamation on behalf of the Town, preferably during a regularly scheduled meeting; however, Council was open to having a specially called meeting for this purpose, along with extending an invitation to Veterans in the community to participate and be recognized on that same day.

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects.

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

- Rheudasil Park
- Oak Street life station (phase 3)
- Sagebrush Road

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on economic development projects:

- Movie House and eatery scheduled to open July 10th
- Flower Mound had two of the top 25 deals in the Dallas Business Journal's list of largest industrials deals in 2014 (Keystone Associates headquarters and MI Windows and Doors)
- MI Windows and Doors update in response to some resident concerns as it relates to landscaping and setback requirements
- Courtyard by Marriott new groundbreaking date of June 25th

Mr. Stathatos, Mr. Powell, or Mr. Hoefert responded to questions from members of Council regarding:

- For the MI Windows and Doors facility on Spinks, what is the spacing between the trees that have been planted?
- How much time will it take to build the wall
- How much time before the trees mature to make a decent amount of screening

3. Discussion on the proposed Flower Mound Citizen's Academy.

Mr. Smith gave a presentation identifying or noting:

- Background information
- Purpose of the academy
- Programs surveyed
- Length and schedule
- Sample schedule
- Application and Selection
- Expectations
- Next Steps

There was Council input or feedback on the program as follows:

- Liked the program and time frame of 7 – 9 pm
- Interest in having some of the sessions recorded from a promotional perspective
- It would be helpful as the classes are proceeding that the group can actually attend a board and commission meetings and walk them through an item that progresses through the system in order to enhance the experience (expose them to the life cycle of the item and how it ties in with state and local regulations)
- Idea of having a previous member of Council be responsible for a class
- Idea of contacting LISD/high school students to see if they would be interested in participating
- Allow for a notation of course completion on the board and commission application form

Mr. Stathatos or Mr. Smith responded to questions from Council or offered comments as follows:

- Where did it originate
- Is it a growing curriculum where it can be modified as we go along if there is an issue that arises in the community where that could be addressed in that setting
- Has consideration been given to overlapping the program in the school year
- What is staff's interest in doing something like this
- Recommend that former elected officials not be involved to not make it political

There was Council consensus to proceed with creating the Citizen's Academy.

Council Discussion (Other):

- Request for staff to look into the possibility of introducing a no U-turn sign at Rippy & 2499.

4. Legal input related to the Town's solicitation ordinance.

Mr. Meredith reported on what's allowed/not allowed within the Town's solicitation ordinance, particularly as it relates to hours of operation and the option of posting no soliciting or trespassing signs on the homeowner's property.

5. Legal input related to Boards and Commissions as it relates to the Open Meetings Act.

Mr. Meredith offered clarification as to why the Town's boards and commissions are separated out on the agenda (closed and open session) and responded to questions from Council as it relates to what types of discussion is allowed in closed session.

H. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Work session scheduled for June 18th (Town Hall feasibility study)

Due to two members of Council being out this day, there was Council consensus to not have the June 18th work session.

Work session scheduled for July 16th

There was consensus of Council to not have the July 16th work session.

Regular meeting scheduled for July 20th

Town Council members requested the following future agenda items:

Deputy Mayor Pro Tem Gelbman offered the following ideas and indicated he would be interested in knowing what residents think, as well as some future agenda items:

1. Community garden
2. Peacock ordinance
3. Food safety scoring for restaurants (to be discussed at the next council meeting)
4. Have a discussion about people who haven't been active in participating in boards and propose a policy for attendance
5. Interest in sending a letter to all of the board and commission members that have less than 75% participation
6. Farmer's market concept

Councilmember Bryant indicated he would like to have a discussion on the following future agenda items:

1. for boards and commissions consider adjusting terms where they end closer to the election season to eliminate the limbo period for a long period of time.

Councilmember Rountree offered the following future agenda item requests:

1. Interest in having an exploratory group to consider doing something in conjunction with the Memorial Day holiday.

I. CONSENT ITEMS

Items 6 and 7 were pulled from Consent.

1. Consider approval of the minutes from a strategic planning session of the Town Council held on May 29, 2015.

RECOMMENDATION: Move to approve the minutes from a strategic planning session of the Town Council held on May 29, 2015

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

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on June 1, 2015

3. Consider approval of canceling the September 7, 2015, regular meeting of the Town Council and calling a regular meeting on September 8, 2015.

RECOMMENDATION: Move to approve canceling the September 7, 2015, regular meeting of the Town Council and calling a regular meeting on September 8, 2015.

4. Consider approval of the CoServ Electric Service and Easement Agreement to provide dual source electric service for the Wastewater Treatment Plant Auxiliary Power project, in the amount of \$416,062.15; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the CoServ Electric Services and Easement Agreement to provide dual source electric service for the Wastewater Treatment Plant Auxiliary Power project, in the amount of \$416,062.15; and authorize the Mayor to execute the same on behalf of the Town.

5. Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide professional services in preparing an Asset Management Program for water and sewer pipeline infrastructure, for the Utility Asset Management & Utility Replacement project, in the amount of \$124,700.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Alan Plummer Associates, Inc., to provide professional services in preparing an Asset Management Program for water and sewer pipeline infrastructure, for the Utility Asset Management & Utility Replacement project, in the amount of \$124,700.00; and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of a Professional Services Agreement with Kleinfelder Central Inc., to provide construction materials engineering and testing, for the Sagebrush Drive Improvements project, in the amount of \$35,784.50; and authorization for the Mayor to execute the same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kleinfelder Central Inc., to provide construction materials engineering and testing, for the Sagebrush Drive Improvements project, in the amount of \$35,784.50; and authorize the Mayor to execute the same on behalf of the Town.

9. Consider acceptance of grant funds from the Department of Justice Office of Justice Programs for the Bulletproof Vest Partnership.

RECOMMENDATION: Move to authorize the acceptance of grant funds from the Department of Justice Office of Justice Programs for the Bulletproof Vest Partnership and authorize the purchase of bulletproof vests pursuant to the requirements of the grant program.

RESOLUTION NO. 11-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS FOR THE BULLETPROOF VEST PARTNERSHIP PROGRAM; APPROVING THE PURCHASE OF BULLETPROOF VESTS FOR THE TOWN USING AWARDED GRANT FUNDS; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE BULLETPROOF VEST PARTNERSHIP PROGRAM.

10. Request to set a public hearing, on the amendment of roadway, water, and wastewater impact fees for August 17, 2015.

RECOMMENDATION: Move to approve request to set a public hearing, on the amendment of roadway, water, and wastewater impact fees for August 17, 2015.

11. Consider approval to authorize staff to prepare and advertise bid specifications for the approximately 1.61-acre Town-owned West Windsor property.

RECOMMENDATION: Move to approve authorization for staff to prepare and advertise bid specifications for the approximately 1.61-acre Town-owned West Windsor property.

12. Consider approval of Change Order No. 4 for the construction of the Western Pump Station Phase I project, amending the contract with Crescent Constructors, Inc., to provide for additional substantial and final completion days and an increase to the contract in the amount of \$17,676.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order Number No. 4 for the construction of the Western Pump Station Phase I project, amending the contract with Crescent Constructors, Inc., to provide for additional substantial and final completion days and an increase to the contract in the amount of \$17,676.00; and authorize the Mayor to execute same on behalf of the Town.

13. Consider approval of an Interlocal Cooperation Agreement with the Argyle Independent School District for the joint use of property.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with the Argyle Independent School District for the joint use of property.

Mayor Pro Tem Dixon moved to approve by consent Items 1-5; 8-13. 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

Motion passes.

J. REGULAR ITEMS

Items 6 and 7 were pulled from Consent and opened at the same time.

6. Consider approval of Amendment No. 4 to the Fiscal Year 2014-2015 Capital Improvement Program.

Councilmember Rountree indicated he requested the item be pulled from consent given the amount of \$12.7 referenced and interest in having a discussion for the purpose of getting some questions answered.

Councilmember Rountree moved to have items 6 and 7 postponed to the July 20, 2015 Town Council meeting. Councilmember Bryant seconded the motion

Staff Presentation

Ms. Wallace clarified the purpose of the items 6 and 7. She, or Mr. Stathatos, responded to the following questions from Council:

- If the rest rooms at Rheudasil are part of this amendment
- What are the specific projects in the amendment and why are they needed
- Clarification regarding some of the original projects that were removed
- Clarification regarding the process as it relates to the CIP, including in relation to funding and contracts
- Clarification about the Sagebrush Road construction project, including the funding of it
- The Town's General Fund balance
- What are the consequences if these items are postponed for a month
- Terms on the debt such as interest rates

Mr. Meredith responded to the following questions from Council:

- Contract obligations as it relates to termination clauses

John Martin, Southwest Securities, Financial Advisor

Mr. Martin responded to Council questions and comments as it relates to what the Town's AAA rating means.

VOTE ON MOTION

AYES: GELBMAN, ROUNTREE

NAYS: DIXON, BRYANT, WEBB

Motion fails.

There was Council discussion related to:

- Explanation for voting no
- Summary of amounts associated with the project items
- Interest in having an explanation related to how the Town issues debt and the Town's financial policies and the separate types of funds

Councilmember Webb moved to approve Amendment No. 4 to the Fiscal Year 2014-2015 Capital Improvement Program. Mayor Pro Tem Dixon seconded the motion.

VOTE ON MOTION

AYES: WEBB, BRYANT, DIXON, GELBMAN

NAYS: ROUNTREE

Motion passes.

7. Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2015A, in the principal amount not to exceed \$12,700,000.

Councilmember Webb moved to approve a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2015A, in the principal amount not to exceed \$12,700,000. Mayor Pro Tem Dixon seconded the motion.

Council Discussion

There was some discussion about whether the item should be postponed.

RESOLUTION NO. 10-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

VOTE ON MOTION

AYES: DIXON, BRYANT, WEBB

NAYS: GELBMAN, ROUNTREE

Motion passes.

14. 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.) (The Town Council postponed this item at its June 1, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Purpose of the item
- General location
- Photos of the site
- Master Plan Amendment, and with an added provision, and text in accordance with the contract of sales agreement

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

- Clarification that what is presented is in accordance with the terms of the contract in order to close on the property
- Background information related to the purpose of the property

- Timing associated with the closing date
- Is there any way the road can be constructed without the removal of the two trees
- What would be the cost associated with realigning the road that would encroach upon the adjacent business
- What has the dialogue been with Ms. Scott since the last meeting
- A request for a map diagram to show where the two trees are slated for removal
- Is there an option to realign the road to the west
- What are the consequences should there be Council interest in rescinding the contract
- Does the Master Plan address what would need to happen that would trigger the road connection
- What is the process to move the road alignment and to acquire the neighboring property needed in order to do so
- Can the parking be adjusted to not disrupt the business
- The type of motion that would be needed if there is interest in extending the closing date beyond August 17th.

Council Discussion

There was Council discussion as follows:

- Whether or not there was interest in rescinding the entire contract
- Clarification regarding the Town's Master Plan and the road connection
- It was suggested to postpone the item with direction to staff to approach the business owners to seek an alternate design that could be considered that would save the trees, and come back with cost estimates for any proposed design changes
- Contractual requirements
- Is it better to terminate the contract and renegotiate a different and better contract in the future
- Concerns about the safety issue and the use of the access road to exit on to FM 2499 and the use of the sidewalk
- Possibility of extending the contract for 60 days to explore what options are available

Janvier Scott, 2829 Bob White Ln

Ms. Scott responded to questions from Council as follows:

- If the trees could be saved, how would you feel about the road going through or would you rather it not go at all
- If she was willing to extend the agreement for 60 days and her response was "I would be fine with 60 days"
- She was asked if she would prefer an extension or to terminate the contract and she replied "probably reworking the deal", meaning allowing for the extension and to work with the business to save the trees

Councilmember Bryant moved to authorize the Mayor to execute a 60-day extension for this agreement for the purpose of finding a solution to save as many trees as possible. Councilmember Rountree seconded the motion.

Council Discussion

There was Council discussion on the item as follows:

- Clarification that the motion and staff direction is clear

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Motion passes.

Councilmember Webb moved to postpone Item 14 (Master Plan Amendment (MPA15-0008 – Specific Plan Area 2) to July 20, 2015. Councilmember Rountree seconded the motion.

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

Motion passes.

15. Public Hearing to consider a request to amend the Town's Code of Ordinances (LDR15-0001) by moving regulations governing alcohol sales from Chapter 98, Article IV, entitled "Supplementary District Regulations," to Chapter 18, Article IX, entitled "Alcoholic Beverages; Generally," 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 June 8, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Background information
- Proposal as it relates to clean up

Mayor Pro Tem Dixon opened the Public Hearing at 10:29 p.m.

No one spoke in support or opposition.

Mayor Pro Tem Dixon closed the Public Hearing at 10:29 p.m.

Councilmember Webb moved to approve a request to amend the Town's Code of Ordinances (LDR15-0001) by moving regulations governing alcohol sales from Chapter 98, Article IV, entitled "Supplementary District Regulations," to Chapter 18, Article IX, entitled "Alcoholic

Beverages; Generally," and adopt an ordinance providing for said amendment. Bryant seconded the motion.

ORDINANCE NO. 36-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 18-527 OF THE CODE OF ORDINANCES TO PROVIDE REGULATIONS PROHIBITING THE SALE OF ALCOHOL WITHIN 300 FEET OF CERTAIN USES; PROVIDING A VARIANCE PROCEDURE TO THE DISTANCE REGULATIONS IN CERTAIN CIRCUMSTANCES; DELETING CERTAIN REGULATIONS CONTAINED IN THE COMPREHENSIVE ZONING REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Motion passes.

- 16.** Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as JDFIU - J Retail Building. The property is generally located east of Jernigan Road and north of Justin Road. *(The Environmental Conservation Commission recommended approval for Tree #2 and denial of Tree #1 by a vote of 4-2 at its June 2, 2015, meeting).*

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- General location
- Project information
- Tree survey
- Aerial of property where existing trees are located
- Photo of the tree requested to be removed

Applicant Presentation

Bryan Welty, agent for JDFIU – J Retail, LLC

Mr. Welty responded to questions from Council related to:

- Is there any way this project could be redesigned (parking lot area) so that no specimen trees can be removed
- If the applicant would be acceptable to having the item postponed until a later time when they have a specific tenant

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

- Is there a variance allowance related to the parking
- Is there anything out there the applicant can gain some relief from
- What would the mitigation requirements be for this tree in the event this was in a SPA

Mayor Hayden opened the Public Hearing at 11:03 p.m.

No one spoke in support or against this item.

Mayor Hayden closed the Public Hearing at 11:03 p.m.

Councilmember Rountree moved to postpone item 16 (Jernigan Road tree removal) to July 20, 2015. Mayor Pro Tem Gelbman seconded the motion.*

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, ROUNTREE

NAYS: WEBB

Motion passes.

**Administrative note - since this meeting date the applicant has resolved the matter & is now able to include the tree in their plans, resulting in no request to come before Council on 7/20/15*

17. Consider direction on amending Chapter 94 of the Town's Code of Ordinances, specifically amending Section 94-81(8) that provides exceptions to the requirements of replacement trees and or cash equivalents for the removal of protected, specimen, majestic and/or historic trees pursuant to a tree removal permit granted by the Town Council.

Staff Presentation

Mr. Woods gave a presentation related to the exception clause identifying or noting:

- background information
- tree preservation regulations
- tree ordinance exception clause
- land use map (SPAs)
- ordinance amendments – process/timing

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

- Notification process
- Definition of a permit as applicable in this situation
- Legalities of vested rights and the applicability of the exceptions
- Is it possible to determine how much of the undeveloped areas of the SPA have a practical application

- Clarification relative to the objective of preserving as many trees as possible and stop the clear cutting

Council Discussion

There was Council discussion as follows

- Original intent with the removal of the exception clause
- The objective in removing the exception clause
- How this is one step in a bigger plan that later would include additional tree planting
- How to get viable larger post oaks, such as in the Town's tree farm
- Interest in incentivizing developers to save trees
- An explanation as to why the exemption was put in place in 2000
- Historical review from when it was amended in 2008
- Some concerns related to the long term impact on the business community
- Interest in allowing the boards to come back with a recommendation with no Council influence
- Timing needed to cycle the discussion of removing the exemptions through the boards prior to the next Council meeting

Mayor Hayden summarized that there is general consensus of Council for the boards to move forward with reviewing the exception clause for tree mitigation within the SPAs, Lakeside Business District, and the Denton Creek area, with the schedule of July 7th for the Environmental Conservation Commission (ECC), July 13th for the Planning and Zoning (P & Z) Commission, and for Council on July 20th.

18. Consider direction on imposing a moratorium on the acceptance of Tree Removal Permit applications, authorizations and approvals, and calling for a special meeting(s) for this purpose.

Staff Presentation

Mr. Dalton gave a presentation identifying or noting:

- Purpose of the item
- Authority
- Initial scope
- Land use map - SPAs
- Procedural requirements/timing

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

- What is the duration of a moratorium
- How does the moratorium factor in when it comes to vested rights

Council Discussion

There was Council discussion regarding:

- The intent of the moratorium was only to be until Council heard the P & Z recommendation

- Timing as it relates to 21 days and what would the moratorium impact actually be

Councilmember Rountree indicated that based on the time line involved it might be best to reject the moratorium altogether, given the amount of effort involved for a period of 21 days, with the understanding the recommendations regarding the exemption is coming forward to Council on July 20th.

There was consensus of Council not to proceed with a moratorium at this time.

19. Discuss and consider a Resolution of the Town Council of the Town of Flower Mound Texas, creating a Social Media Committee, providing that the Town Council shall appoint members to the Social Media Committee; making findings relative thereto; and providing for an effective date.

Councilmember Bryant summarized the objective of the item, and outlined the charge for the committee.

Council Discussion

There was Council discussion as follows:

- With respect to timing have the committee provide an interim report in 90 days
- Review the current policy and recommend possible guidelines for officials

Councilmember Bryant moved to approve a Resolution of the Town Council of the Town of Flower Mound Texas, creating a Social Media Committee, approving a charge for the Committee, providing that the Town Council shall appoint members to the Committee, making findings relative thereto; and providing for an effective date, with the following individuals serving as members:

1. Jeff Tasker (Non-voting Chair)
2. Renee Doyle
3. Jason Hitt
4. Don McDaniel
5. Brad Ruthrauff
6. Eric Jellison (submitted later)

Councilmember Webb seconded the motion.

RESOLUTION NO. 12-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CREATING A SOCIAL MEDIA POLICY ADVISORY COMMITTEE; APPROVING A CHARGE FOR THE SOCIAL MEDIA POLICY ADVISORY COMMITTEE; PROVIDING THAT THE TOWN COUNCIL SHALL APPOINT MEMBERS TO THE SOCIAL MEDIA POLICY ADVISORY COMMITTEE; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Motion passes.

20. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Performance Industries, Inc., and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Wood gave a presentation identifying or noting:

- Company description (Performance Industries)
- Site location
- Purpose of agreement
- What the agreement provides for
- Financial cost benefit to the Town
- Other benefits the business will bring to the Town

Mr. Wood responded to questions from Council as follows:

- Does Performance Industries find the agreement acceptable and Council is simply approving the agreement

Mayor Hayden opened the Public Hearing at 12:04 a.m. on Tuesday, June 16, 2015.

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	Nels Pearson, 2808 Chelsey Ln.
		Sharon Gentry, 2750 Bob White Ln

Mayor Hayden closed the Public Hearing at 12:07 a.m. on Tuesday, June 16, 2015.

Deputy Mayor Pro Tem Gelbman moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Performance Industries, Inc., and authorize the Mayor to execute same on behalf of the Town. Councilmember Rountree seconded the motion.

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, WEBB, ROUNTREE

NAYS: NONE

Motion passes.

K. BOARDS/COMMISSIONS

Discuss and consider timing associated with the board and commission interview process; resignations, appointments, or evaluations for the following boards or commissions: **Animal Services Board(1)**(must be government official), **Cultural Arts Commission(1)**, Environmental Conservation Commission, Parks, Arts and Library Services Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and the **Transportation Commission(1)**.

Council Discussion

There was Council discussion as follows:

- Concerns expressed relative to attendance records, particularly with respect to the Board of Adjustment
- Possibility of sending a letter of intent to all board members with less than a 75% attendance record to find out if they plan to continue their service
- Existing vacancies and the associated process for filling those seats
- whether interviews would be conducted again during the normal process if there was interest in proceeding with interviews now instead of in August or September
- What is the determination for acceptable attendance
- Interest in using place number on the agenda that is published instead of by name

For the Board of Adjustment (BOA):

Mr. Meredith outlined the procedural steps as defined by state law with respect to removal of any Board of Adjustment members, and specifically if lack of attendance qualifies as cause.

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

- Is there a clause where they cannot miss three consecutive meetings
- Do they have a regularly scheduled meeting
- Describe what the public hearing would look like
- A request to send a reminder to every board member that hasn't taken the required Open Government training

Mayor Hayden summarized that the consensus of Council is to initiate letters to Board of Adjustments members with 75% or less for an attendance record, or haven't completed the state mandated Open Government training, and to take the steps necessary that would allow Council to remove them from office on July 20th

in the event Council decides to proceed in that manner. In addition, prior to the hearing ask the low attendance members to come in and visit with Council to discuss any unusual circumstances that might have prevented them from being able to attend the meetings.

For the Transportation Commission:

There was consensus of Council to interview the two alternate Transportation Commission members on July 20th for the purpose of considering them for the one regular member vacant position.

For the Animal Services Board:

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

- Does the term for the government official position stay filled until September
- The statutory requirement of a public official for the vacancy
- Whether a spouse of a Councilmember can service on a board

Councilmember Bryant offered to serve on the Animal Services Board, Place 5, to fill the vacant government official position, and there was consensus of Council for him to serve in that role.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 12:30 a.m. on June 16, 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 matters, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 12:45 a.m. on June 16, 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 & Zoning Commission(1)**.

Administrative Note: Given Mr. Pearson requested (during the public participation part of the meeting this same night) to have any and all discussions relative to his appointment on the Planning and Zoning Commission be done in open session, and in accordance with state law, the Town Council reconvened in open session for this purpose.

At the request of Town Council Mr. Pearson responded to the following questions from Council:

- Would the amount of citizens represented, for or against an issue, influence your vote (e.g. ratio of 1,000 versus 30)
- How would you feel in a situation where you and your neighbors filed a petition against a project and that petition seems to be ignored

- What was the P & Z vote for the matter being referenced

Mr. Pearson's comments:

- Didn't like the implication that he wasn't concerned about the residents
- You cannot let residents influence you totally where you cannot consider the opportunity and the benefit it brings to the entire Town
- The purpose of an advisory board
- How he believes the decision to remove him is because he doesn't agree with a member of Council

Council Discussion

There was Council discussion as follows:

- Clarification regarding what the petition was actually for
- How approving the Highland Court project was a mistake and the newly elected officials are now accountable for what happened and there needs to be a change to the advisory members
- Background information as to when Mr. Pearson was appointed and statements that were made at that time
- Importance of a democracy process when considering items
- Appreciation for his service and the discussions being made are not personal
- Mr. Pearson's voting record in comparison to other board members
- You are better served if you let the process take its course
- Past practices with board and commission member appointments

Deputy Mayor Pro Tem Gelbman moved to remove Mr. Nels Pearson from the Planning and Zoning Commission. Councilmember Rountree seconded the motion.

VOTE ON THE MOTION

AYES: ROUNTREE, BRYANT, GELBMAN

NAYS: WEBB, DIXON

Motion passes.

Deputy Mayor Pro Tem Gelbman moved to appoint Brian Smiley to the Planning and Zoning Commission, Place 6. Councilmember Rountree seconded the motion.

Council Discussion

There was Council discussion as follows:

- Acknowledgment about the amount of people that have been waiting one to two years to serve on the P & Z Commission
- Explanation regarding the vote of nay

VOTE ON THE MOTION

AYES: GELBMAN, DIXON, BRYANT, ROUNTREE

NAYS: WEBB

Motion passes.

Deputy Mayor Pro Tem Gelbman moved to appoint Jason Hitt to the Planning and Zoning Commission, Place 9, Alternate. Councilmember Rountree seconded the motion.

VOTE ON THE MOTION

AYES: ROUNTREE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Motion passes.

The Town Council convened into a closed meeting at 1:22 a.m. on June 16, 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 matters, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 1:34 a.m. on June 16, 2015, to take action on the items as follows:

- 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 the contract of sale for the Bob White Lane easement; 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.

- d. Consultation with Attorney as follows:**

- 1. GTE Southwest, Inc. d/b/a Verizon Southwest v. Town of Flower Mound**
- 2. GTE Southwest, Inc. d/b/a Verizon Southwest v. Jet Underground Utilities, Inc. and Town of Flower Mound**
- 3. Oriental Building Services, Inc. v. Town of Flower Mound**

No action taken.

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

No action taken.

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

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 1:34 a.m. on Tuesday, June 16, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

THIS PAGE WAS INTENTIONALLY LEFT BLANK