

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF NOVEMBER, 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
Mark Wise	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
Matthew Woods	Director of Environmental Services
Chuck Jennings	Director of Parks and Recreation
Sue Ridnour	Director of Library Services
Matt Hotelling	Traffic Engineer
Justin Buck	Police Officer
Andy Kancel	Police Chief

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:00 p.m.

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

Mayor Hayden gave the invocation and led the pledges.

D. OATH OF OFFICE

Ms. Scott administered the Oath of Office to newly appointed Councilmember, Mark Wise, to Place 1.

E. PRESENTATIONS

1. 2015 National Night Out neighborhood winner award presentation.

Officer Justin Buck presented Bridlewood HOA representatives with the National Night Out sign for placement in their neighborhood, and Chief Kancel offered his comments relative to the purpose of National Night Out.

2. 2015 Tree Recognition Program Award Winners and Arbor Day proclamation.
Mr. Alton Bowman accepted the proclamation and Mr. Woods announced the winners, and presented each of them with a plaque.
3. Presentation of \$10,000 donation by Friends of the Flower Mound Public Library.
Ann Martin with the Friends of the Library presented the Town with the donation. Ms. Ridnour gave a presentation that included a Library informational video.

F. 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.

	Speaker names and address	Subject (as identified on speaker form)
1.	Si Simonson, 3104 Native Oak	Veterans activities
2.	Jim Engel, 5110 Bayberry	Place 1 Appointment
3.	Sharon Gentry, 2750 Bob White Ln	Item 16 – SPA – MPA 15-008
4.	Laurie Long, 2708 Lake Flower Dr	Welcome to new councilmember
5.	Jean Levenick, 2716 Gentle Dr	Riverwalk Public Improvement District
6.	Carol Kohankie, 4312 Lauren Way	Fence near Library causing visibility concerns

G. ANNOUNCEMENTS

Mayor Hayden offered a statement of fact related to what the Town is doing to address roads and transportation in response to comments made during public participation, and Mayor Pro Tem Dixon provided background information.

Councilmember Wise offered his comments regarding his recent appointment to Councilmember, Place 1.

Councilmember Webb announced details for a turkey shoot-out fundraiser.

Councilmember Bryant announced that tomorrow is Election Day and encouraged voter participation.

Mayor Pro Tem Dixon reported on the process used in selecting the candidate for Place 1.

Deputy Mayor Pro Tem Gelbman offered his congratulations to Councilmember Wise.

H. TOWN MANAGER'S REPORT

1. Report related to capital improvement projects

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

- Twin Coves Park

2. Economic Development projects

Mr. Stathatos provided an update on the following ED Projects:

- The Flower Mound entrepreneur center (called Innovate)
- ICSC event later this week in Dallas
- Urban Vibe coming to Lakeside

3. Environmental Conservation Commission (ECC) update on tree ordinance review

Mr. Woods provided an update regarding the work of the ECC related to tree preservation, and as a result of previous Council direction, as follows:

- Background information
- What has been discussed to date
- What the Commission is working on now
- Next steps

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

- What can be done to incentivize a developer to save trees
- If Green Acres Park would be a good location for a tree farm, and would it require staffing to man it
- When is the Council going to have an opportunity to take action on some of the things that have been talked about since April
- When will ECC be finished
- There was consensus of Council to have a joint work session with ECC on February 18, 2016
- Interest in having a topography map to better illustrate the grade difference to Council in conjunction with requests for tree removals

Mr. Stathatos and Mr. Parr provided an update on the DFW Connector construction project to address the comments about transportation made during public participation.

I.

FUTURE AGENDA ITEMS

1. Mayor Hayden indicated he would like an item to consider a Master Plan amendment for Rippy Road.

Mr. Parr and Mr. Stathatos noted there will be a future work session to include options for Council discussion and consideration.

Councilmember Webb indicated the process should start with Transportation, then P & Z, and perhaps a joint session if need be. He reiterated his interest in getting feedback from the residents early on.

There was some discussion relative to a process to use in order to get feedback from the community, and particularly those impacted.

Mayor Pro Tem Dixon suggested utilizing ground stakes perhaps so people can get a visual as to what to expect.

2. Mayor Pro Tem Gelbman requested to revisit the Ordinance relative to modifying the ban of dogs in patio areas of restaurants.
3. Councilmember Bryant indicated, as was mentioned during public participation, he would like an update on the Riverwalk project.

A consensus of Council was reached for all three items, and in accordance with the Town Council agenda setting policy, to have future agenda items come forward for each.

J. COORDINATION OF CALENDARS

1. The next Town Council meeting is a scheduled for November 16th.
Mayor Hayden announced the next Council meeting is scheduled for November 16th and inquired if everyone would be in attendance.
2. Discuss and consider canceling the December 21, 2015, Town Council meeting.
Mr. Stathatos indicated that while originally it was proposed to cancel, it was later identified that the meeting is needed after all to meet key deadline dates for various upcoming projects.

K. CONSENT ITEMS

- 1-3. *Items 1,2, and 3 were pulled from consent*
4. **Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.**

RECOMMENDATION: Move to approve a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

RESOLUTION NO. 19-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

5. *Item 5 was pulled from consent*
6. **Consider approval of Oncor Settlement and Release Agreement; and authorize the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Oncor Settlement and Release Agreement; and authorize the Mayor to execute the same on behalf of the Town.

7. **Consider approval of Change Order No. 2 and final acceptance, amending the contract with Steele Freeman Inc., for a decrease to the contract in the amount of \$38,907.97, authorization of final payment to the contractor in the amount of \$278,834.68; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 2 and final acceptance, amending the contract with Steele Freeman Inc., for a decrease to the contract in the amount of \$38,907.97, authorization of final payment to the contractor in the amount of \$278,834.68; and authorize the Mayor to execute same on behalf of the Town.

8. *Item 8 was pulled from consent*

9. **Consider approval of a Professional Services Agreement for the design and bidding phase services of the Twin Coves Park Improvements project, with MHS Planning & Design, LLC, for \$65,250.00; and authorization for the Mayor to execute the same on behalf of the Town.**

RECOMMENDATION: Move to approve the Professional Services Agreement for the design and bidding phase services of the Twin Coves Park Improvements project, with MHS Planning & Design, LLC, for \$65,250.00; and authorize the Mayor to execute the same on behalf of the Town.

10. *Item 10 was pulled from consent*

11. **Consider approval of final acceptance of the Braden Bakersfield Park project; authorization for final payment to 2L Construction LLC., in the amount of \$43,124.90; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve the final acceptance of the Braden Bakersfield Improvements project; authorize final payment to 2L Construction LLC, in the amount of \$43,124.90; and authorize the Mayor to execute same on behalf of the Town.

12. **Consider approval of Change Order No. 4 for a contract increase of \$106,276.28, final acceptance of the Operations and Maintenance Facility project, authorization for final payment to CF Jordan Construction LLC., in the amount of \$428,152.33; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 4 for a contract increase of \$106,276.28, final acceptance of the Operations and Maintenance Facility project, authorization for final payment to CF Jordan Construction LLC, in the amount of \$428,152.33; and authorize the Mayor to execute same on behalf of the Town.

13. **Consider approval of Amendment No. 1 to the Fiscal Year 2015-2016 Capital Improvement Program.**

RECOMMENDATION: Move to approve Amendment No. 1 to the Fiscal Year 2015-2016 Capital Improvement Program.

14. Consider approval of the purchase of new traffic signal detection equipment for the Traffic Detection Rehabilitation project, from Twincrest Technologies, through the TxSmartBuy program, in the amount of \$124,970.00.

RECOMMENDATION: Move to approve the purchase of new Traffic Signal Detection Equipment for the Traffic Detection Rehabilitation project from Twincrest Technologies through the TxSmartBuy program, in the amount of \$124,970.00.

15. Consider approval of the purchase of new rapid flashing beacons and advanced flasher for installation at mid-block locations in the amount of \$59,396.62.

RECOMMENDATION: Move to approve the purchase of new RRFB and advanced flasher equipment from Electrotechnics Cooperations through the HGACBuy program, in the amount of \$59,396.62.

Councilmember Webb moved to approve by consent Items 4; 6 - 7; 9; 11 - 15. Councilmember Bryant 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:

Motion passed.

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

L. REGULAR ITEMS

Items 1, 2, 3, 5, 8, 10 were pulled from consent and moved to regular items as indicated below.

1. Consider approval of the minutes from a regular meeting of the Town Council held on October 5, 2015.
2. Consider approval of the minutes from a regular meeting of the Town Council held on October 19, 2015.
3. Consider approval of the minutes from a special meeting of the Town Council held on October 23, 2015.

Councilmember Wise indicated he requested the minutes be pulled given he has not had the opportunity to review the meeting video that coincides with the minutes.

Councilmember Webb moved to approve the minutes from October 5, October 19, and October 23, 2015 (Items 1 – 3). Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB

NAYS: NONE

ABSTAIN: WISE

5. **Consider approval of an ordinance for establishing dog park rules and regulations by amending Chapter 54 of the Code of Ordinances, entitled "Parks and Recreation".**

Mr. Jennings gave a presentation identifying or noting:

- Recommendation process
- Proposed rules and regulations

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

- Clarification regarding the leash/unleash language
- What was the basis for not allowing children under the age of nine, as well as the stipulation about specific ages being accompanied by a parent
- What would happen if a dog bit a child in this or any of our parks
- Interest in having the rules as open as possible that doesn't discourage parents from taking their kids to the park
- Concerns that the government reach goes too far with the restrictions versus letting the patrons of the park, including the parents of small children, exercise their own judgement, and the objective should be making it as open as possible
- Making sure the rules are limited to two dogs per owner
- Why isn't the park going to be open on Wednesday

There was Council consensus to modify the dog park rules, and more specifically related to rules outlined as items h, j, k, p, w, and x in the draft Ordinance.

Councilmember Webb moved to postpone this item to the November 16, 2015 Town Council meeting. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

8. **Consider approval of the Construction Manager at Risk award to Dean Electric. Inc., dba Dean Construction Inc., for the Twin Coves Park Improvements project, in the amount of \$2,880,871.97; and authorization for the Mayor to execute same on behalf of the Town.**

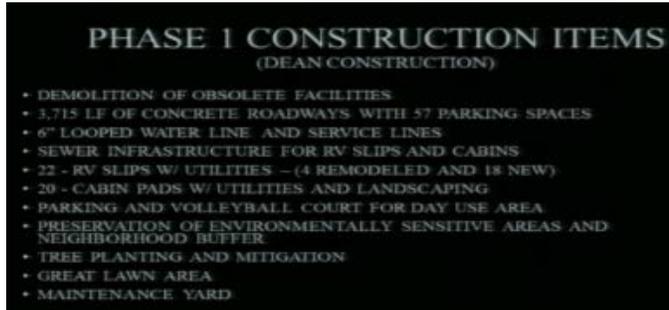
Staff Presentation

Mayor Pro Tem Dixon indicated he requested the item be pulled given the significant dollar amount for the project.

Mr. Jennings introduced Mark Spencer, MHS Planning and Design. Mr. Spencer gave a presentation identifying or noting:

- Feasibility study overview
- Contents of the Master Plan
- Timing associated with the construction items

- Preservation of trees and tree planting and mitigation efforts are anticipated for the trees that will be removed
- Outline of Phase I and IA construction items:



Mr. Simms or Ms. Wallace responded to questions from Council regarding:

- What is the total acreage of Twin Coves Park that is now under the Town's control
- What percentage of that 234 acres does this plan aim to improve
- Clarification regarding the funding source

Mayor Pro Tem Dixon moved to approve the Construction Manager at Risk award to Dean Electric, Inc., dba Dean Construction Inc., for the Twin Coves Park Improvements project, in the amount of \$2,880,871.97, and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE

NAYS: NONE

10. **Consider approval of a resolution adopting the Town of Flower Mound Americans with Disabilities Act (ADA) Transition Plan.**

Staff Presentation

Mr. Hotelling indicated he requested this item be pulled from consent so there could be a public discussion on the plan prior to the adoption. He introduced Brian Schamber with Kimley-Horn, noting he took the lead on the transition plan.

Mr. Schamber gave a presentation identifying or noting:

- ADA Title II Requirements
- ADA transition plan requirements

- Scope of Service
- Scope of Services – buildings, parks, signalized intersections
- Self-evaluation findings – buildings, parks, signalized intersections

Mr. Schamber or Kristi Avalos, with Accessology, responded to the following questions from Council:

- How often have the standards changed
- Concerns regarding the long term impact on the Town relative to future changes in the standards
- Questions regarding the non-compliance of the shower stall at the fire station
- What is the requirement in having a full presentation be presented to Council on the subject
- Phase I facility improvements cost summary (\$7,360,280)
- Next steps
- If this is Phase I, what is Phase II

Ms. Wallace or Mr. Stathatos responded to the following questions or comments from Council:

- Clarification regarding the funding sources and timing involved
- Strong consideration needs to be given regarding implementation and how the Town is going to pay for it over the course of the 15 year plan
- When prioritizing, consideration should be given to areas where the Town has had past concerns from residents
- Clarification that adopting the plan is not approving the funding

Mr. Meredith responded to questions from Council regarding:

- What is the impact should the Town opt to not proceed due to the high cost involved

Councilmember Webb moved to approve a resolution adopting the Town of Flower Mound Americans with Disabilities Act (ADA) Transition Plan. Councilmember Bryant seconded the motion.

RESOLUTION NO. 20-15

RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING THE TOWN OF FLOWER MOUND'S AMERICANS WITH DISABILITIES ACT (ADA) TITLE II COMPREHENSIVE EVALUATION AND TRANSITION PLAN OF THE TOWN'S PUBLIC FACILITIES, SERVICES, ACTIVITIES AND PROGRAMS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

Motion passed.

16. 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.) (The Town Council postponed this item to its September 21, 2015, meeting.) (The Town Council postponed this item to October 19, 2015, meeting.) (The Town Council postponed this item to November 2, 2015, meeting)*

Staff Presentation

Ms. Wallace reported that more time is needed to allow for responses from the various parties involved.

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

- Interest in postponing indefinitely so the item doesn't keep coming back for action when it's not ready
- Concerns regarding the escrow and potential breach of contract

Councilmember Webb moved to postpone this item indefinitely. Deputy Mayor Pro Tem Gelbman seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB

NAYS: NONE

ABSTAIN: WISE

M. BOARDS/COMMISSIONS (Executive Conference Room)

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

No action taken.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:34 p.m. on November 2, 2015, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney and reconvened into an open meeting at 9:15 p.m. on November 2, 2015, to take action on the items as follows:

- a. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission, and Town Council.

No action taken.

- b. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

No action taken.

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

Councilmember Webb moved to authorize staff to acquire the water line easement, in association with the Long Prairie 12-inch water line section 2 project, and to negotiate for the purchase of the easement up to the settlement amount described in the document, and authorize the Town Manager, or his designee, to pay all costs and execute all necessary documents associated with the purchase of the easement. Councilmember Wise seconded the motion.

VOTE ON THE MOTION:

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

- d. Consultation with Town Attorney regarding the investigation.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:15 p.m. on November 2, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY