

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH 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
Eric Greaser	Fire 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

Chaplain Mike Liles gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Certificate of Recognition to the Flower Mound High School Wind Symphony Band

Band directors Jana Harvey and Brent Biskup accepted the certificate of recognition.

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.

	Speaker names and address	Subject
1.	Douglas Graves, 2104 Kings Forest Ln	Santa Cops
2.	Christopher Cleveland, 2607 Spinks Rd	Parkside Development (concerns regarding driveway access)

F. ANNOUNCEMENTS

Mayor Hayden offered his thanks to Town employees for their dedication and commitment to the Town, and he provided some examples demonstrating how employees go above and beyond on a regular basis in their jobs.

Councilmember Wise extended well wishes to everyone for a Happy Thanksgiving.

G. TOWN MANAGER'S REPORT

1. Report related to capital improvement projects

Mr. Stathatos reported on the following CIP items:

- Interim Fire Station No. 6 (eventually the Western O & M building)
- Heritage Park Phase II

2. Economic Development projects

Mr. Stathatos reported on the following ED projects:

- ICSC Convention update
- Innovate Flower Mound (entrepreneur center) update and a designated website is now up and running: www.innovateflowermound.com
- Custom Ink success story
- An incentives report has been created that demonstrates every incentive the Town has approved and their associated performance measurements

3. Discussion regarding the Town's holiday decorations

Mr. Stathatos indicated he received a request for Hanukah decorations and provided background information relative to the Town's practice for holiday decorations. He asked Council if there was direction to do something different.

Deputy Mayor Pro Tem Gelbman commented being in favor of having the Hanukah decorations.

H. FUTURE AGENDA ITEMS

Mayor Hayden indicated representatives from the River Walk will be at the next meeting to provide an update on the project.

I. COORDINATION OF CALENDARS

Mayor Hayden announced that the next Town Council meeting is a scheduled for November 19th (Work Session), with the next regular meeting being December 7th.

J. CONSENT ITEMS

1. *Item 1 was pulled from consent.*
2. Consider approval of the minutes from a regular meeting of the Town Council held on November 2, 2015.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on November 2, 2015.

3. Consider approval of an ordinance canvassing returns and declaring results of a Special Election held November 3, 2015, for the purpose of considering a ballot proposition for the reauthorization of the local sales and use tax at the rate of one-fourth of one percent, and to continue providing revenue for maintenance and repair of municipal streets.

RECOMMENDATION: Move to approve an ordinance canvassing returns and declaring results of a Special Election held November 3, 2015, for the purpose of considering a ballot proposition for the reauthorization of the local sales and use tax at the rate of one-fourth of one percent, and to continue providing revenue for maintenance and repair of municipal streets.

ORDINANCE NO. 66-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF A SPECIAL ELECTION HELD NOVEMBER 3, 2015, FOR THE PURPOSE OF CONSIDERING A BALLOT PROPOSITION FOR THE REAUTHORIZATION OF THE MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE AND REPAIR IN THE TOWN OF FLOWER MOUND AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County, and authorization for the mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County, and authorization for the mayor to execute same on behalf of the Town.

5. Consider acceptance of grant funds and execution of a letter agreement with CoServ Charitable Foundation in which the Town agrees to use the grant money to purchase a utility vehicle for the Police Department; and authorization for the Mayor to execute said letter agreement on behalf of the Town.

RECOMMENDATION: Move to authorize the acceptance of grant funds, and execution of a letter agreement with CoServ Charitable Foundation, in which the Town agrees to use the grant money to purchase a utility vehicle; and authorize the Mayor to execute said letter agreement on behalf of the Town.

6. Consider approval of the award of Bid No: 2015-90, to Wall Enterprises for the construction of the park improvements to Westchester, Glenwick, and Northshore Parks, as a part of the Individual Park Improvements project, in the amount of \$72,159.50; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No: 2015-90, to Wall Enterprises for the construction of the park improvements to Westchester, Glenwick, and Northshore Parks, as a part of the Individual Park Improvements project, in the amount of \$72,159.50; and authorize the Mayor to execute same on behalf of the Town.

7. Consider approval of the award of Bid No: 2015-89, to 2L Construction, LLC, for the construction of the park improvements to Shadow Ridge, and Bluebonnet Parks as a part of the Individual Park Improvements project, in the amount of \$199,750.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No: 2015-89, to 2L Construction, LLC, for the construction of the park improvements to Shadow Ridge, and Bluebonnet Parks as a part of the Individual Park Improvements project, in the amount of \$199,750.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of an interlocal agreement with the City of Grapevine for the development of a 50 acre tract within the City of Grapevine and Town of Flower Mound limits; and authorize the Mayor to execute said interlocal agreement on behalf of the Town.

RECOMMENDATION: Move to approve an interlocal agreement with the City of Grapevine for the development of a 50 acre tract within the City of Grapevine and Town of Flower Mound limits; and authorize the Mayor to execute said interlocal agreement on behalf of the Town.

9. Consider approval of Oncor Settlement and Release Agreement; and authorize the Mayor to execute same on behalf of the Town.

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

Councilmember Webb moved to approve by consent Items 2 – 9. 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

K. REGULAR ITEMS

1. Consider approval of the minutes from a special meeting of the Town Council held on October 31, 2015.

Councilmember Wise indicated he requested this item be pulled so he can abstain from the vote given he was not on Council at that time.

Councilmember Webb moved to approve the minutes from a special meeting of the Town Council held on October 31, 2015. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB

NAYS: NONE

ABSTAIN: WISE

10. 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". *(On November 2, 2015 Town Council postponed this item to 11/16)*

Staff Presentation

Mr. Sims gave a presentation identifying or noting:

- Background information
- Proposed rules and regulations, including amendments discussed at the November 2nd Council meeting

Mr. Sims responded to questions from Council as follows:

- Clarification regarding the reference to 54-72(e) in the Ordinance and if it gives the ability to make the request
- When is the expected opening day for the dog park

Councilmember Webb moved to approve an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Article II, "Park Regulations" of Chapter 54, "Parks and Recreation" of the Code of Ordinances by amending Section 54-72(i) and by adding Division 3 "Dog Park Rules and Regulations"; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violations hereof in accordance with Section 1-13 of the Code of Ordinances; providing for publication in the official newspaper; and providing an effective date. Councilmember Wise seconded the motion.

ORDINANCE NO. 67-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE II, "PARK REGULATIONS" OF CHAPTER 54, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES BY AMENDING SECTION 54-72(i) AND BY ADDING DIVISION 3 "DOG PARK RULES AND REGULATIONS"; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed.

AYES: WISE, WEBB, BRYANT, DIXON

NAYS: NONE

ABSENT: GELBMAN

11. Consider approval of the Construction Agreement with Northstar Construction, LLC, for the Heritage Park Phase II project, in the amount of \$1,345,745.00 and selected bid options of \$123,340.00 for a not to exceed amount of \$1,469,085.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Sims gave a presentation identifying or noting:

- Background information

Mr. Sims responded to questions from Council regarding:

- What was the cost for the construction of the dog park
- When will Phase III be coming forward

Consultant Presentation

Clint Wofford, Schrickel, Rollins and Associates, Inc., 1161 Corporate Dr W, #200, Arlington, TX

Mr. Wofford gave a presentation identifying or noting:

- Phasing plan
- Park elements summary
- What is being added for Phase II
- Project schedule

Mr. Wofford responded to questions from Council as follows:

- What is being done regarding the construction of the pond to minimize future erosion
- What is the depth of the pond

There was Council discussion relating to:

- Funding source of 4b dollars being used to pay for these improvements
- Board recommendations that have been received to date

Mayor Pro Tem Dixon moved to approve the Construction Agreement with Northstar Construction, LLC, for the Heritage Park Phase II project, in the amount of \$1,345,745.00 and selected bid options of \$123,340.00 for a not to exceed amount of \$1,469,085.00; and authorization for the Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE

NAYS: NONE

12. Public Hearing to consider a request for a Replat (RP14-0028 – Wilson-Freeman Addition) to create a residential subdivision with an exception to Section 90-302, Concrete streets, as authorized by Section 90-301, Exceptions to street standards, of the Code of Ordinances. The property is generally located north of Cross Timbers Road and east of Glen Oaks Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photographs of the site
- Replat
- No comments have been received
- Reason for the item being a public hearing

Mr. Powell responded to questions from Council regarding:

- Future plans for the road

Mayor Hayden opened the Public Hearing at 6:47 p.m. No one spoke in support or opposition of the item. Mayor Hayden closed the Public Hearing at 6:47 p.m.

Mayor Pro Tem Dixon moved to approve a Replat (RP14-0028 – Wilson-Freeman Addition) to create a residential subdivision with an exception to Section 90-302, Concrete streets, as authorized by Section 90-301, Exceptions to street standards, of the Code of Ordinances. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

13. Consider a request for a Site Plan (SP15-0024 – Western O&M Facility and Temporary Fire Station #6) to construct a temporary fire station and future operations and maintenance facility for the Town of Flower Mound, with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. The property is generally located south of Sunrise Circle and east of Stonecrest Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photographs of the site
- Site plan
- Elevations

Mr. Powell responded to questions from Council regarding:

- Why is this facility being used as an interim fire station

Chief Greaser responded to questions from Council regarding:

- What is planned at this location in the way of apparatus and personnel
- Has the cost of equipment for this location been budgeted
- Confirmation of the location on the map
- Current response time needs
- Is there a reciprocal agreement between adjacent cities should there be a need for assistance

Deputy Mayor Pro Tem Gelbman moved to approve a request for a Site Plan (SP15-0024 - Western O&M Facility and Temporary Fire Station #6) to construct a temporary fire station and future operations and maintenance facility for the Town of Flower Mound, with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE

NAYS: NONE

14. Consider a request for a Development Plan (DP14-0012 – Hilliard Tract) to develop a residential subdivision, and acceptance of Park Land Dedication of 1.74 acres of land and payment of fees in the amount of \$108,900 in lieu of the remaining 1.452 acres of land, and Park Development Fees in the amount of \$131,860.00. The property is generally located west of Lake Forest Boulevard, east of Long Prairie Road, and north of Aberdeen Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2015, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Land use and zoning
- Photographs of the site and the surrounding area
- Development plan
- No comments have been received

Mr. Powell responded to questions from Council as follows:

- Clarification regarding the amount of park land

There as Council discussion regarding:

- Acceptance of park land and how sometimes there is a benefit of getting cash in lieu of land to allow for purchasing park land, such as what was recently done for the west side of Town to create ball fields, etc. in that area.

Councilmember Webb moved to approve a Development Plan (DP14-0012 – Hilliard Tract) to develop a residential subdivision, and acceptance of Park Land Dedication of 1.74 acres of land and payment of fees in the amount of \$108,900 in lieu of the remaining 1.452 acres of land, and Park Development Fees in the amount of \$131,860.00. The property is generally located west of Lake Forest Boulevard, east of Long Prairie Road, and north of Aberdeen Drive. Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

15. Consider approval of an amended Development Agreement for Highland Court and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Background information
- What the agreement does (build a roadway with private funds)
- Allows the developer to charge impact fees to the builder at the rate prior to the change back in October
- No cost to the Town
- Result is College gets built at once and will be fully funded by the private sector

Mr. Powell responded to questions from Council regarding:

- How does staff coordinate with two different property owners (developers) in working through the details associated the proportionate share of roadway for each of them

There was Council discussion regarding:

- Advantage of having the roadway be built at one time

Councilmember Webb moved to approve an amended Development Agreement for Highland Court and authorization for the Mayor to execute same on behalf of the Town. Councilmember Wise seconded the motion.

VOTE ON MOTION:

Motion passed.

AYES: GELBMAN DIXON, BRYANT, WEBB, WISE

NAYS: NONE

L. BOARDS/COMMISSIONS (Executive Conference Room)

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

1. Town Council to consider candidates in which to allocate votes for the election of the Board of Directors for the Denton Central and Tarrant Appraisal Districts.

Ms. Scott provided background information relative to the purpose of this item and sought Council direction for next steps.

There was Council direction to seek a candidate packet for the two Flower Mound residents, including extending them an invitation to attend the December 7th meeting to offer their thoughts on serving on that board.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:18 p.m. on November 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, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 7:54 p.m. on November 16, 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.

No action taken.

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

No action taken.

- c. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights of way, and/or other municipal purposes and all matters incident and related thereto, including Bob White Lane public access and utility easement.

No action taken.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 7:54 p.m. on Monday, November 16, 2015, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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