

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF APRIL 2016, 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 (left at 9:33 p.m.)
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
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Eric Greaser	Fire Chief
Mark Wood	Director of Economic Development
Tracy Knierim	Executive Director of Community Relations
Shelly Putnam	Customer Relations Manager

**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 Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. 'Stork Award' Presentation for Fire Department.

Mayor Hayden presented certificates of appreciation to each firefighter who participated in the recent delivery of baby Bennet Etheridge. Chief Greaser offered comments about the contributions of emergency responder personnel.

**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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Felipe Delgado, 7400 Lost Creek	Previous agenda item – development of 2601 Rembert Dr
2.	Jason Webb, 2445 Creekhaven	Southgate and upcoming election

3.	Paul Stone, 709 Lake Bluff Dr	Expression of thanks for Town staff, Kirkpatrick Phase III CIP item, Southgate
4.	Kevin Adams, 5212 Colonial Dr	Flower Mound Youth Football Association (FMYFA)
5.	Dan Murphy, 2121 Kings Forest Ln	FMYFA
8.	Mark Parthie, 1400 Valley Ridge, Lewisville	Youth football league provider
9.	Charlie Simpson, 1124 Sugarberry Ln	FMYFA
10.	Austin Buck, 1006 League Rd	Youth Flower Mound football
11.	Daniel Chilton, 3801 Vicks Berry Trl	FMYFA
12.	Caden Graef, 4904 Haley Dr	FMYFA Fields
13.	Dave Paxton, 3705 Kenmere Ct	FMYFA
14.	Jeb Miller, 1521 Superior Pl	FMYFA
15.	Al Zwanenburg, 6405 Lakeside	FMYFA
16.	Jim Engel, 5110 Bayberry St	Southgate/residential component
17.	Janvier Scott, 2829 Bob White	Southgate DP15 - 0611

Mayor Pro Tem Dixon offered a statement of fact regarding the decision making process associated with the selection of a provider for the use of the fields.

Mayor Hayden offered a statement of fact regarding the Southgate development and the residential component.

Mr. Meredith responded to a question from Mayor Hayden as a result of statements made during public participation related to the Town’s tree ordinance, and more specifically, property owner rights.

**F. ANNOUNCEMENTS**

Mayor Pro Tem Dixon reported that the Flower Mound High School girls’ soccer team won state.

Councilmember Bryant offered the following announcements:

- upcoming Chamber business expo and candidate forum
- Charter Review Commission underway

Councilmember Webb reported early voting and election day dates, locations, and times.

**G. TOWN MANAGER’S REPORT**

**Update and discussion on:**

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

Mr. Stathatos gave an update on the following CIP projects:

- Fairway Drive road closure
- FM 1171, West of Highway 377, will be temporarily closed tomorrow

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on the following ED projects:

- Farmers Market and discussions with a potential vendor
- Worldpac coming to Flower Mound
- Gloria's opened last week

#### **H. FUTURE AGENDA ITEMS**

1. Deputy Mayor Pro Tem Gelbman requested the following future agenda items:
  - Tree ordinance update as a result of the joint meeting with Council and the ECC
  - Interest in having bullet proof vests for the Town's firefighters for use in responding to calls for service

#### **I. COORDINATION OF CALENDARS**

Mayor Hayden announced that the next Town Council meeting is a scheduled for April 21st, which is a Meet & Greet Board/Commission Interview Session (Candidates for the boards of P & Z, ECC, and Transportation only) to fill a vacancy in each of those boards.

#### **J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 4, 2016.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on April 4, 2016.

2. Consider approval of the Professional Services Agreement with Alliance Geotechnical Group, for the materials testing associated with the Long Prairie 12-Inch Water Line project in the amount of \$17,481.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Alliance Geotechnical Group, for the materials testing associated with the Long Prairie 12-Inch Water Line project in the amount of \$17,481.00; and authorization for the Mayor to execute same on behalf of the Town.

3. Consider approval of a Professional Services Agreement for the design phase services of the Upper Timber Creek Interceptor Phase III project, with Kimley-Horn and Associates, Inc., for \$134,500.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement for the design phase services of the Upper Timber Creek Interceptor Phase III project, with Kimley-Horn and Associates, Inc., for \$134,500.00; and authorization for the Mayor to execute same on behalf of the Town.

4. Consider approval of Bid No. 2016-47, for the Sheffield Court & Colonial Drive Reconstruction projects, to 3D Paving and Contracting, LLC., in the amount of \$814,590.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Bid No. 2016-47, for the Sheffield Court & Colonial Drive Reconstruction projects, to 3D Paving and Contracting, LLC., in the amount of \$814,590.00; and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of the award of Bid No. 2016-42 to XIT Paving and Construction, Inc., for the Timber Creek Road project, in the amount of \$595,946.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to award Bid No. 2016-42 to XIT Paving and Construction, Inc., for the Timber Creek Road project, in the amount of \$595,946.00; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of final acceptance of the Regency Park Booster Pump Station project, and authorization for final payment to Rey Mar Construction in the amount of \$46,221.17.

**RECOMMENDATION:** Move to approve final acceptance of the Regency Park Booster Pump Station project, and authorize final payment to Rey Mar Construction in the amount of \$46,221.17.

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 6. Deputy Mayor Pro Tem Gelbman 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**

7. Public Hearing to consider adopting on first reading an ordinance of the Town Council of the Town of Flower Mound, Texas, granting a franchise to operate and maintain the service of solid waste and recycling collection and hauling over, upon, along, and across the present and future streets, alleys, bridges, and public properties of the Town of Flower Mound, Texas; providing regulations for the operation of said services, and all matters incident and related thereto.

### **Staff Presentation**

Ms. Knierim gave a presentation identifying or noting:

- Current service level
  - Waste & recycling
  - Bulk/brush
  - Household hazardous waste/electronics
  - Excess bulk waste - aka "pay pile"
  - Landfill access
  - \$75,000 customer relations annual contribution
  - 20 complimentary 30 yard roll-offs per year
  - \$5,000 annual contribution to KFMB
- Request for proposal process
- Additional requests made with the RFP
- Evaluation committee rankings
- Required readings at regular council meetings and timing concerns
- Franchise term

Ms. Knierim or Ms. Putnam responded to questions from Council as follows:

- Recycling programs as it relates to businesses
- Base rate fluctuations
- Evaluation criteria, and more specifically as it relates to cost
- Was the evaluation based primarily on residential , or did commercial play a significant role
- If there was ample time for the providers to come back
- Who does LISD use for waste services
- How the scores were tallied to get to the total points of 57
- Commercial costs
- Base rate versus pass through rate

Mr. Meredith responded to questions from Council as follows:

- Procurement methods
- Timing associated with the reading of the franchise
- Termination clause

### **Applicant Presentation**

Three solid waste service providers gave a presentation highlighting why they should be awarded the solid waste contract for the Town:

1. President Greg Roemer, Community Waste Disposal
  - Company background information
  - Customer service
  - Benefits they could bring to the Town
  - Recycling opportunities
  - Privately owned and operated
  - Ranking

Mr. Roemer responded to questions from Council as follows:

- Concerns regarding negative publicity associated with a contract in the City of Frisco
2. Jonathan Kissel, Director of Operations, and Jeri Harwell, Municipal Services Manager, Allied Waste/Republic Services
    - Overview of company and resources
    - Local representation
    - Proposed services – residential
    - Landfill access
    - Trash pickup would conclude in early evening
    - Background checks are conducted for their employees
    - Disaster recovery
  3. Thomas (TJ) Gilmore, Public Sector Representative, Waste Management
    - Company background and experience
    - Accomplishments
    - Recycle education program
    - Customer service
    - Why they believe they are uniquely qualified to serve Flower Mound in the future
    - An outline of their proposal
    - Ranking impacts

Mr. Gilmore responded to the following questions:

- What happened that caused the recent situation where the Town's recyclables went into the landfill instead of the recycling facility
- What is driving the significant cost increase

Each provider responded to some or all of the following questions from Council:

- Where is the landfill and what is the cost
- Are there benefits associated with a lease versus land ownership associated with the landfill
- What is the cost for a secondary cart
- How many trucks will be dedicated for use in the Town of Flower Mound, and if that figure includes recycling and commercial trucks
- Is there ample resources in the event of mechanical issues or in the event of a significant storm
- Will there be a dedicated supervisor who will be responsible to the Town of Flower Mound
- What assurances can the Town have with respect to recyclables being handled properly and that they will not end up in the landfill
- Define what a green waste program means, and what is the cost for that service
- How would the hazardous waste program work
- If green waste is approved, will there be an additional truck going through for that
- Recycling services for commercial customers

- Will the collection dates be the same
- What time of day are the trucks completed with their routes
- If trash, recyclables, and bulk is all collected in the same day
- Transition plan
- Time needed to acquire trucks should they be awarded a contract
- If the background checks are for both the drivers and helpers

There was Council discussion related to:

Things they like:

- New equipment
- Trucks finish at a specific time
- Single day for all collections
- Unlimited weekly bundling of green waste
- Loose green waste (no bundling)
- Free landfill trip
- Expectations
- E Waste and Hazardous pick up seemed the same for all
- How received feedback from residents that they miss the one monthly visit to the landfill
- Important not to just pick the cheapest – need to have more of an understanding as to what the residents want

Interest in knowing more about:

- Commercial element being weighed in
- Transition plan (from the providers – with the exception of Waste Management)

Mayor Hayden opened the Public Hearing at 8:56 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.*

<b>Question(s)/Comments Only</b>
Paul Stone, 709 Lake Bluff Dr (concerns regarding the location of transfer station, and who gets the \$1 senior discount – the Town or does it flow down to the seniors)
Jason Webb, 2445 Creekhaven (concerns regarding hidden costs that have not been matrixed in, and do all companies conduct background checks on their drivers)
Jim Engle, 5710 Bayberry, (lead time needed as it relates to acquiring trucks)

Mayor Hayden closed the Public Hearing at 9:02 p.m.

Each provider offered closing remarks as to why they should be awarded the contract.

Mayor Pro Tem Dixon suggested providers follow up with the Town Manager for

communication with Council relative to clarification on their proposals based on the feedback received.

Councilmember Webb moved to postpone the first reading of the ordinance to May 2, 2016. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

*Town Council recessed at 9:24 p.m. and reconvened at 9:33 p.m.*

8. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Lisanti Foodservice of Texas, Inc., and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Wood gave a presentation identifying or noting:

- Opportunity outline
- General location of building they are considering to buy
- What the 380 Agreement provides for
- Cost benefit for the Town

**Applicant Presentation**

Joe Lisanti, Lisanti Foodservice of Texas

Mr. Lisanti gave background information on his company.

Mayor Pro Tem Dixon opened the Public Hearing at 9:38 p.m. No one spoke in support or opposition of the item. Mayor Pro Tem Dixon closed the Public Hearing at 9:38 p.m.

Councilmember Webb moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Lisanti Foodservice of Texas, Inc., and authorize 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**

9. Consider a request for a Development Plan (DP15-0011 – Southgate) to develop a residential subdivision. The property is generally located west and east of Gerault Road and north of Long Prairie Road. (*The Planning and Zoning Commission recommended approval by a vote of 5 to 0 with 1 abstention at its April 11, 2016, meeting.*)



**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- Detailed location
- Land use and zoning
- Concept plan
- Development plan
- Typical lot dimensions

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

- What the plan represents
- What was the previous residential component when it was presented in the past
- Why is the item coming before Council

There was Council discussion related to:

- Topography
- How the review this evening is concentrated on the development plan and how the property should be used
- Zoning and land use was previously approved
- Location concerns relative to the residential component; however, limited to what can be done
- How the item is primarily administrative

Councilmember Bryant moved to approve a Development Plan (DP15-0011 – Southgate) to develop a residential subdivision. Councilmember Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: WISE, WEBB, BRYANT, DIXON**

**NAYS: GELBMAN**

Mr. Meredith responded to a question relative to consequences should there have been two nay votes on this item.

10. Consider a request for a Site Plan (SP15-0030 – Wells Fargo) to develop a banking facility, with a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. The property is generally located north of Flower Mound Road and west of Long Prairie Road. (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 11, 2016, meeting.*)

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photos of the site
- Site plan and the reason why it's coming before council (parking)

- Elevations

**Applicant Presentation**

Craig Carden, Core States Group and Adam Deal, Wells Fargo

Mr. Carden and Mr. Deal gave a presentation identifying or noting:

- Proposed project and what the application is for
- Parking analysis, parking mitigation
- Landscape plan

Mr. Carden or Mr. Deal responded to questions from Council as follows:

- Will this be a relocation for Wells Fargo from Chaparral plaza
- Clarification regarding the LEED certification
- Interested in knowing the issues with the Town's development standards that hindered building a LEED certified building
- If you had not been required to have a pitched roof would you have been able to do the net zero building
- Why not using pervious concrete for all of the parking area

Deputy Mayor Pro Tem Gelbman moved to approve a Chapter 380 Agreement between the Town of Flower Mound and Lisanti Foodservice of Texas, Inc., and authorize 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**

**L. BOARDS/COMMISSIONS**

11. Consider approval of the creation and appointment of the Veterans Liaison position.

**Staff Presentation**

Ms. Scott provided background information about the position. Councilmember Bryant provided additional information, and further outlined the purpose and role of the position. He also suggested that Council consider Mr. Douglas Brown for the position.

Councilmember Bryant moved to approve the creation, and appointment of Douglas Brown, to the voluntary board position of Veterans Liaison for the Town of Flower Mound, and define the terms and duties of the position. Deputy Mayor Pro Tem Gelbman seconded the motion.

There was some discussion relative to criteria and qualifications for the position.

At the request of Council, Mr. Brown confirmed his interest in serving.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE**

**NAYS: NONE**

12. Consider approval of a nomination of a candidate for appointment to the Denco Area 9-1-1 District Board of Managers.

**Staff Presentation**

Ms. Scott provided background information about the purpose of the item.

Deputy Mayor Pro Tem Gelbman indicated he would be interested in being a nominee for this board.

There was consensus of Council to put out a call for applicants for a nominee for this board. There was some discussion regarding the legality of a member of Council serving on this board. The Town Attorney will look into that and offer a response at a future date.

No Council action taken.

**M./N. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting, therefore no action was taken.

**O. ADJOURN REGULAR MEETING**

Mayor Pro Tem Dixon adjourned the meeting at 10:06 p.m. on Monday, April 18, 2016, 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