

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 2ND DAY OF MAY 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
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
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
Andy Kancel	Police Chief
Tracy Knierim	Executive Director of Community Relations

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 Roger Little gave the invocation and Girl Scout Troop 4773 led the pledges.

D. PRESENTATIONS

1. Certificate of Recognition to the Flower Mound Fire Department

Cinda and Doug Fulmer offered expressions of thanks to first responders in a recent medical emergency and Girl Scout Troop 4773 assisted Mayor Hayden in presenting certificates of recognition to each firefighter.

2. Certificate of Achievement FM High School Girls' Soccer Team – State Champions

Flower Mound High School Coach Misail Tsapos accepted a certificate of achievement for the team.

3. Recognition of CoServ for funding the new Utility Terrain Vehicle (UTV)

Chief Kancel acknowledged CoServ for their contribution of a Bobcat utility vehicle and he pointed out what it will be used for.

4. Motorcycle Safety and Awareness Month (May) Proclamation

Elmer McKeegan accepted the Proclamation.

5. Proclamation for Children’s Mental Health Awareness Day in Denton County

Tiana Gooden, Whitney McGee, Roxanne Del Rio, and Marla Conger accepted the Proclamation.

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 (as written on the form)
1.	Christopher Cleveland, 2607 Spinks Rd	Parkside
2.	Felipe Delgado, 2601 Rembert Dr	Thank you
3.	Jody Smith, 3705 Sarah Springs Trl	Thank you

F. ANNOUNCEMENTS

Mayor Pro Tem Dixon reported on his recent Washington D.C. trip coordinated with the area Chambers of Commerce.

Councilmember Webb announced polling information for the upcoming May 7th election.

G. TOWN MANAGER’S REPORT

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

Mr. Stathatos or Mr. Parr gave a report on the following CIP projects:

- Fire Station No. 6
- Sagebrush road construction update and an anticipated projected full completion date of September 1st
- New growth numbers just under 2%

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave a report on the following ED projects or events:

- Marriott Courtyard
- Lakeside DFW – additional retail tenants
- Leadercast event

3. Discussion on Fire Department involvement with maintenance of The Mound.

Chief Greaser responded to an inquiry from Council relative to the Fire Department being involved with the maintenance of The Mound, particularly because of the benefit that a burn brings to the land. He also addressed the challenges that it would present, noting it could be done; however, they would need to be very methodical in how this gets done. He also indicated they would need to bring in additional resources.

Mr. Al Picardi, Chair of The Mound Foundation, offered his comments regarding their desire, as well as the benefit in having a controlled burn. He also indicated they understand weather conditions would need to be favorable before proceeding.

H. FUTURE AGENDA ITEMS

1. Discussion on Parkside at Woodlake Phase 2 development, the property is generally located south of Rembert Drive and west of Long Prairie Road.

There was Council discussion regarding reconsideration of this item at a future date given the unique circumstances associated with the potential removal of the trees.

Mr. Meredith responded to questions from Council regarding:

- Planned development zoning
- Council's ability to bring the item forward and consider a potentially less intense use

Councilmember Webb indicated he would be willing to put it in writing that he is willing to hear the zoning part of the case.

Deputy Mayor Pro Tem Gelbman asked for an update on his request for bullet proof vests for Fire Department personnel. Chief Greaser offered his comments as to if there is a need.

I. COORDINATION OF CALENDARS

Mayor Hayden announced that the next Town Council meeting is scheduled for May 16, 2016.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 18, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on April 18, 2016.

2. Consider approval of the minutes from a special meeting of the Town Council held on April 21, 2016.

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on April 21, 2016.

3. Consider approval for the final acceptance of the Western Pump Station Phase I project and authorization of final payment to the contractor, Crescent Constructors, Inc., in the amount of \$510,994.66.

RECOMMENDATION: Move to approve the final acceptance of the Western Pump Station Phase I project and authorization of final payment to the contractor, Crescent Constructors, Inc., in the amount of \$510,994.66.

4. Consider approval of Amendment No. 4 to the Fiscal Year 2015-2016 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 4 to the Fiscal Year 2015-2016 Capital Improvement Program.

5. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, to provide construction materials engineering and testing, for the Forest Vista Reconstruction Phase I project, in the amount of \$29,817.50; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Alliance Geotechnical Group, to provide construction materials engineering and testing, for the Forest Vista Reconstruction Phase I project, in the amount of \$29,817.50; and authorize the Mayor to execute the same on behalf of the Town.

6. *Item 6 was pulled from consent (see regular items).*

7. Consider approval of final acceptance of the Heritage Park of Flower Mound Phase II project, Dog Park section, and authorization for final payment to 2L Construction, LLC., in the amount of \$3,000.00.

RECOMMENDATION: Move to approve final acceptance of the Heritage Park of Flower Mound Phase II project, Dog Park section, and authorize final payment to 2L Construction, LLC., in the amount of \$3,000.00.

8. Consider approval of a Professional Services Agreement for the design phase services of the Shady Point Acres Water Line Replacement project, with Wade Trim, Inc., for \$128,629.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement for the design phase services for the Shady Point Acres Water Line Replacement project, with Wade Trim, Inc., for \$128,629.00; and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of Change Order No. 1, for an increase in the amount of \$676.45, the final acceptance of the Raintree 12-inch Water Line project, and authorization of final payment to the contractor, Wilson Contractor Services, LLC., in the amount of \$36,615.69; and authorization for the Mayor to execute on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 1, for an increase in the amount of \$676.45, the final acceptance of the Raintree 12-inch Water Line project, and authorize final payment to the contractor, Wilson Contractor Services, LLC., in the amount of \$36,615.69; and authorize the Mayor to execute on behalf of the Town.

10. Consider approval of final acceptance of the Individual Park Improvements project for Westchester, Glenwick, and Northshore Parks, and authorization for final payment to Wall Enterprises, in the amount of \$6,964.68.

RECOMMENDATION: Move to approve the final acceptance of the Individual Park Improvements project, Westchester, Glenwick, and Northshore Parks, and authorize final payment to Wall Enterprises in the amount of \$6,964.68.

11. Consider approval of the purchase and installation of play equipment for the Timber Creek Park Playground project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$179,096.00.

RECOMMENDATION: Move to approve purchase and installation of play equipment for the 2015-16 Playground Replacements (Timber Creek) project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$179,096.00.

12. *Item 12 was pulled from consent (see regular items).*
13. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Appendix A "Fee Schedule", relative to adding a permit fee for farmers' market applications.

RECOMMENDATION: Move to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Appendix A "Fee Schedule", relative to adding a permit fee for farmers' market applications.

ORDINANCE NO. 23-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE" SECTION 18-123(A) "FOOD ESTABLISHMENT PERMIT FEES" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND TO ADD ANNUAL PERMIT FEES FOR FARMERS' MARKETS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 5; 7 – 11; and 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:

Motion passed

AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE

NAYS: NONE

K. REGULAR ITEMS

6. Consider approval of the award of Bid No. 2016-49 to TISEO Paving Company, Inc., for the Forest Vista Reconstruction Phase I project, in the amount of \$3,012,867.70; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Parr outlined the purpose of the item.

Councilmember Bryant moved to award Bid No. 2016-49 to TISEO Paving Company, Inc., for the Forest Vista Reconstruction Phase I project, in the amount of \$3,012,867.70; and authorize the Mayor to execute same on behalf of the Town. Councilmember Webb seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

12. Consider approval of Farm Lease between the Town of Flower Mound and the Wayne Haynes Estate, for the Lease of Town Property located at 10300 Dunham Road; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Parr provided background information regarding the lease and responded to questions from Council in response to correspondence received from a resident.

Deputy Mayor Pro Tem Gelbman moved to approve a Farm Lease between the Town of Flower Mound and Wayne Haynes Estate, for the Lease of Town Property located at 10300 Dunham Road; and authorize 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

14. 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:

- Request for proposals (RFP) process
- Additional requests made with the RFP
- Supplemental information
- Required readings
- Changes since the last meeting on April 18th
- Franchise term

Ms. Knierim responded to questions from Council regarding:

- What happens after 5 years – any type of ceiling

Applicant Presentation

Two of the three solid waste providers reiterated or highlighted services they would provide should they be awarded the solid waste franchise for the Town:

1. President Greg Roemer, Community Waste Disposal
2. Jonathan Kissel, Director of Operations, and Jeri Harwell, Municipal Services Manager, Allied Waste/Republic Service

Each representative responded to questions from Council as follows:

- What would happen in five years regarding the price
- Fees clarification (add ons)
- Brush pick up services
- Commercial services
- Is labor the highest part of the cost
- Per ton charges
- Frequency of renewals

There was Council discussion as follows:

- Quality measures
- Price
- How this evening is to grant the franchise and other details can be clarified at a future meeting
- Concerns regarding limited access to the landfill given the lease versus ownership of the site
- Next steps and the reason why a name is needed with Council action this evening

Mayor Hayden opened the Public Hearing at 8:21 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None.	None.	Laura Dillon, 1316 Rock Cove

Mayor Hayden closed the Public Hearing at 8:22 p.m.

Councilmember Bryant moved to adopt on first reading the attached ordinance granting to Republic/Allied Waste, the right and privilege 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 in order to preserve and protect the public health of the citizens of the Town and rejecting all other proposals received, in accordance with section 11.2 of the Request for Proposals and State law. Mayor Pro Tem Dixon seconded the motion.

ORDINANCE NO. xx-16

(Ordinance number to be assigned upon adoption at the second reading)

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, GRANTING A FRANCHISE FOR SOLID WASTE SERVICES TO ; AMENDING CHAPTER 70, ARTICLE IV "SOLID WASTE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; REPEALING DIVISIONS 1 AND 2 OF ARTICLE V "SOLID WASTE" IN APPENDIX B; 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 OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

NAYS: NONE

15. Public Hearing to consider a request for a Specific Use Permit No. 444 (SUP16-0002 – West Accessory Dwelling) to permit an accessory dwelling, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Post Oak Road and south of Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 25, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Pictures of the area
- Site plan
- Elevations
- Accessory dwelling standards
- Feedback from the neighbors
- SUP process requirement

Mayor Pro Tem Dixon opened the Public Hearing at 8:52 p.m. No one spoke in support or opposition. Mayor Pro Tem Dixon closed the Public hearing at 8:52 p.m.

Deputy Mayor Pro Tem Gelbman moved to approve a Specific Use Permit No. 444 (SUP16-0002 – West Accessory Dwelling) to permit an accessory dwelling, and adopt an ordinance providing for said amendment. Councilmember Webb seconded the motion.

ORDINANCE NO. 24-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY APPROVING SPECIFIC USE PERMIT NO. 444 (SUP-444) FOR AN ACCESSORY DWELLING ON CERTAIN PROPERTY DESCRIBED AS LOT 3A1 OF POST OAK WEST, AND ZONED SINGLE-FAMILY ESTATE DISTRICT (SF-E); 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 OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE

NAYS: NONE

- 16. Public Hearing to consider a request for a waiver to Section 82-275 of the Town’s Code of Ordinances to allow outdoor lighting for a private recreational facility (MISC16-0002 – 900 Oak Drive). The property is located at 900 Oak Drive. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 25, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General & detailed location
- Land use and zoning
- Site plan
- Photos of the house and sports court
- Outdoor lighting provision

Mayor Hayden opened the Public Hearing at 8:54 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don’t necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

Support: Comments/Questions
Jody Smith, 3705 Sarah Springs Trl

Mayor Hayden closed the Public Hearing at 8:55 p.m.

Councilmember Webb moved to approve a request for a waiver to Section 82-275 of the Town's Code of Ordinances to allow outdoor lighting for a private recreational facility (MISC16-0002 – 900 Oak Drive). Councilmember Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN

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.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:58 p.m. on May 2, 2016, 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 9:25 p.m. on May 2, 2016, 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.

No action taken.

d. Consultation with Attorney as follows:

1. Official request for information

No action taken.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:25 p.m. on Monday, May 2, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY