

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6TH DAY OF JUNE 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
Kevin Bryant	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Don McDaniel	Councilmember Place 4
Itamar Gelbman	Councilmember Place 5

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
Matt Woods	Director of Environmental Services

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

D. PRESENTATIONS

1. Special Recognition of Hollywood Feed, LLC for their generous sponsorship of a message board and dog agility equipment at The Hound Mound at Heritage Park.
Kelsi Humphreys, Flower Mound Store Manager, and Shawn Mcghee, Owner accepted the special recognition from the Town for their donation.
2. Certificate of Achievement to Ananya Bashyam for her Girl Scout Gold Award.
Ananya Bashyam accepted the certificate of achievement from the Mayor in recognition of her Girl Scout Gold Award achievement.
3. Interim report by Charter Review Commission Chair Jody Smith, including Council feedback and discussion relative to the charge or findings to date.

Charter Review Commission Chair, Jody Smith, gave a presentation identifying or noting:

- CRC members
- Purpose of interim report update
- CRC meeting schedule
- Timeline
- Public outreach overview
- A review of the charge

She inquired of Council if there are any new items they would like the Charter Review Commission to look into.

There were no new items brought forward by Council for consideration.

Ms. Smith responded to questions from Council as follows:

- If clarification or direction is needed on any of the items for the charge provided
- Has the CRC come up with additional items outside of the charge
- Clarification regarding the approach being used to address the 9 items in the charge, and if anything is defined at this point
- What is the plan for the public hearings

Mayor Hayden pointed out that if there is a Charter election this fall, it would be two years before the Town can have another Charter election. He also pointed out that when the Charter Review Commission comes forward with their recommendations, Council will have the option 1)vote for any items they want to come forward on the ballot, 2)deny them, or 3) say at this time none of them rise to the point of having a Charter election.

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 <i>(as written on the form)</i>
1.	Jeff Tasker, 3709 Sand Hurst	Roar 4 Change
2.	Jody Smith, 3705 Sarah Springs Trail	Children's Advocacy Center of Denton County

F. ANNOUNCEMENTS

Councilmember Gelbman announced that today is the 72nd anniversary of D Day and thanked all of the WWII Veterans who served our country. He also encouraged residents to view the photos on the memorial wall in Town Hall that pay tribute to the Town's fallen heroes.

Mayor Pro Tem Bryant expressed his appreciation for the Town's inaugural Memorial Day event (A Day to Remember).

Mayor Hayden announced a wheelchair basketball game that will take place on June 17th (6 – 9pm) at the Cross Timbers YMCA between Flower Mound's First Responders and Wounded Warriors hosted by Heritage Health Solutions.

G. TOWN MANAGER'S REPORT

Update and discussion on:

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

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

- The impact rain has had on Town CIP projects
- Forest Vista reconstruction
- Heritage Park Phase III
- Twin Coves Park

2. Update and discussion on Economic Development projects.

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

- Giant Bicycles opening in Lakeside DFW
- The Courtyard Marriott foundation poured
- International Conference of Shopping Centers (ICSC) convention report

3. Update and discussion on town hall and library expansion.

Mr. Stathatos provided an update on the Town Hall and Library as follows:

- The plan is to update everyone, including the new councilmembers, relative to where we have been and the progress that has been made. He noted that the Mayor has been reaching out to the County elected officials and the TIRZ Board chair to refocus and move forward. The plan, based on the needs analysis that was done about two years ago, is to move forward with a new town hall, and the question is whether or not we retrofit the existing Town Hall and just add on to it or build new. He noted that when you look at the efficiencies it makes more sense from a financial standpoint to build new, but that is ultimately up to the Town Council.

Mayor Hayden pointed out he wanted it to be a permanent fixture on the agenda until there is either an up and down vote on this because it's been talked about for several years. He noted the funding sources for a Town Hall would be about \$13 - \$14 million, and for the Library portion of it (\$8 - \$10 million). He mentioned that a large portion of that money is for the current library, as it's been 17 or 18 years since the Library has been updated. He further added that when you look at the cost for the Library, a large portion of that is to give it a face lift. He stated my plan is, since the money will come from the TIRZ, I want to have a meeting with the community partners of Commissioners Andy Eads and Bobbie Mitchell. The next step will be to take it to the TIRZ Board, and assuming it passes, it will come to the Council.

4. Update and discussion on Farmer's Market.

Mr. Woods gave an update on the Farmer's Market, noting the first one is scheduled for this Saturday, June 11th (9am – 2pm), and will be held every Saturday thereafter (weather permitting). He pointed out the public can go to the website of fourseasonsmarkets.com for a vendor list. He also pointed out it is not being operated by Town staff and it's a third party market manager that will be operating this market. The Town is conducting the permitting and helping to promote it.

Mr. Woods responded to questions from Council as follows:

- Will the structure remain up or be taken down at the end of each event

Other request for the Town Manager:

Councilmember Gelbman inquired about the Town's policy relating to allowing employees to carry guns while on the job or in Town vehicles.

Mayor Hayden requested staff look into what can be done to restore cell service in some areas of Town, particularly in the Lakeside District and Wichita Trail.

H. FUTURE AGENDA ITEMS

1. Mayor Hayden summarized the purpose of this item for the benefit of the newest Councilmembers.

I. COORDINATION OF CALENDARS

Mayor Hayden announced that the next regular Town Council meeting is scheduled for June 20th, and that the June 16th work session has been canceled.

There was also discussion about the July 22nd date for the Strategic Planning Session. After some discussion Mayor Hayden confirmed that the July 22 and 23 dates work for the Council.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 16, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on May 16, 2016.

2. Consider approval of an ordinance for the partial abandonment of an existing utility easement located along the west property line of 6104 Grand Meadow Lane.

RECOMMENDATION: Move to approve an ordinance vacating and abandoning the eastern 5.0 feet of the existing 15-foot utility easement located along the west property line of the of Lot 12, Block D, of the Grand Park Estates Addition, which lot is more commonly known as 6104 Grand Meadow Lane.

ORDINANCE NO. 28-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EASTERN 5.0 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE WEST PROPERTY LINE OF LOT 12, BLOCK D, OF GRAND PARK ESTATES ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 6104 GRAND MEADOW LANE; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider approval of a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning and construction documents associated with the Heritage Park of Flower Mound Phase III project, in the amount of \$139,750.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Schrickel, Rollins and Associates, Inc., to provide master planning and construction documents associated with the Heritage Park of Flower Mound Phase III project, in the amount of \$139,750.00; and authorization for the Mayor to execute same on behalf of the Town.

4. Consider a Waterline and Temporary Construction Easement with Lewisville Independent School District, to provide the Town a 15-Foot Water Line Easement and 15-Foot Temporary Construction Easement associated with the FM 2499 12-Inch Water Line Phase III project: and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Waterline and Temporary Construction Easement with Lewisville Independent School District, to provide the Town a 15-Foot Water Line Easement and 15-Foot Temporary Construction Easement associated with the FM 2499 12-Inch Water Line Phase III project: and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of the purchase of traffic signal heads and parts, in the estimated annual amount of \$50,000.00, from McCain Inc, through a City of Grand Prairie contract.

RECOMMENDATION: Move to approve the purchase of traffic signal heads and parts, in the estimated annual amount of \$50,000.00, from McCain Inc, through a City of Grand Prairie contract.

Deputy Mayor Pro Tem Webb moved to approve by consent Items 1-5. Mayor Pro Tem 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: J WEBB, MCDANIEL, BRYANT, B WEBB, GELBMAN

NAYS: NONE

K. REGULAR ITEMS

6. Public Hearing to consider a request for rezoning (ZPD16-0004 –The Pines of Flower Mound) to amend Planned Development District No. 82 (PD-82) with Retail District-2 (R-2) uses, by amending the Development Standard(s) to amend the Comprehensive Sign Package, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Flower Mound Road and west of Gerault Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its May 23, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the site
- Monument signs (nothing changing)
- Concept plan
- Proposed changes
 - Dimensional standards
 - Channel letters
 - Signage to be allowed on the south side elevation of building 5 facing Gerault
- Characterized as a clean-up – function of changing the comprehensive sign package and not changing the signage
- No comments have been received

Applicant Presentation

Mr. Bill Hanks, Rosebriar Properties, 10017 Technology Blvd W, Dallas

Mr. Hanks provided background information about Rosebriar and clarification as to the changes.

Mr. Hanks responded to questions from Council as follows:

- Was Twelve Stones offered an opportunity to change their sign based on a past request, and if so, does what they have in mind need to be included with what is coming forward?

Mayor Hayden opened the Public Hearing at 6:56 p.m. and no one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 6:56 p.m.

Councilmember Gelbman moved to approve a request for rezoning (ZPD16-0004 –The Pines of Flower Mound) to amend Planned Development District No. 82 (PD-82) with Retail District-2 (R-2) uses, by amending the Development Standard(s) to amend the Comprehensive Sign Package, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Flower Mound Road and west of Gerault Road. Councilmember McDaniel seconded the motion.

ORDINANCE NO. 27-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 89-04, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 82 (PD-82), AND ORDINANCE NOS. 31-10, 08-14 AND 28-15, WHICH AMENDED THE COMPREHENSIVE SIGN PACKAGE FOR PD-82; BY REPLACING EXHIBIT "I," ENTITLED "COMPREHENSIVE SIGN PACKAGE," IN ITS ENTIRETY WITH A NEW EXHIBIT "I," ENTITLED "AMENDED AND RESTATED COMPREHENSIVE SIGN PACKAGE," FOR THE PINES OF FLOWER MOUND ADDITION, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; 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, B WEBB, BRYANT, MCDANIEL, J WEBB

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 Commission, 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 opted not to go into closed session for the purpose of discussing items (a.) and (d.) below.

- 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, **Planning and Zoning Commission**, and Town Council.

- d. Consultation with Attorney as follows:
 - 1. Official request for information

Mayor Hayden stated that the purpose of this item is to discuss a request by Councilmember Gelbman to receive information that was sent to the Attorney General's Office for Public Information Request (PIRs), and more specifically, "Everything that was sent on behalf of the town to the AG or any other government entity for censorship in the last 4 years, please remove all Social Security numbers, HIPPA related concern and/or names of minors".

Mayor Hayden pointed out that he was concerned about the use of the word censorship. He asked the Town Attorney to clarify if information is being sent to the Town Attorney's office to censor it from the residents.

Mr. Meredith clarified that they forward information to the Attorney General's Office for two different reasons. There are two categories of information that the law either mandates or permits the Town to withhold. Information that is subject to mandatory withholding typically carries with it a criminal offense if it's released publically. The other category of information is typically a strategic decision by the Town, based on liability concerns or otherwise, whether or not to seek permission to withhold that information. For instance, legal advice regarding pending litigation or strategy information, etc., is typically subject to discretionary withholding, and if the Town believes that the public release of legal strategy advice could be harmful to the Town in litigation. We typically will seek permission from the Attorney General's Office to withhold that information. Now information that is confidential by law, such as HIPPA information, driver's license plates, social security numbers, etc. – for that category of information we are required to send to the Attorney General's Office just for verification that it is indeed confidential by law, but the public release of that information would constitute a criminal offense.

Mayor Hayden asked Mr. Meredith if they would send anything to the Attorney General's Office with the intention of deliberately withholding information from the public.

Mr. Meredith replied he wouldn't characterize it that way. Essentially the motivation is 1) not to violate the law and 2) to safeguard the public trust

Mayor Hayden asked Councilmember Gelbman if that answers his questions.

Councilmember Gelbman replied that he didn't have any questions.

Mayor Hayden stated that since the Town doesn't send anything to the AG for censorship then there would be no records responsive to his request.

Mr. Stathatos clarified that the Town doesn't censor.

Councilmember Gelbman indicated he will amend his request via email.

Mayor Hayden offered direction to staff that in the event Councilmember Gelbman sends an amended request, he would like it on the agenda at future meeting.

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

The Town Council did not convene into closed session for this item, therefore did not take any action.

- 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.

The Town Council did not convene into closed session for this item, therefore did not take any action.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 7:02 p.m. on Monday, June 6, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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