

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4TH DAY OF AUGUST 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 ( <i>absent from 8:45 p.m. to 9:43 p.m.</i> )
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	Deputy Town Manager/CFO
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Tommy Dalton	Assistant Town Manager
James Hoefert	Environmental Review Analysis

**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 Mayor Hayden led the pledges.

**D. 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 (<i>as written on the form</i>)</b>
1.	Shyron Shenko, 5001 Rippy Rd	Charter
2.	Jim Engel, 5110 Bayberry St	Consent items 8 & 9
3.	Susan Kirschner, Morriss Rd	Racism and bullying concerns in an area school

**E. ANNOUNCEMENTS**

Councilmember J. Webb commented briefly about what he learned at the Texas Municipal League (TML) regional meeting, as well as TMLs newly elected officials conference.

Councilmember McDaniel also shared brief comments from what he learned at the TML region meeting and pointed out that cities and towns need to be aware of with respect to the upcoming legislative session.

Mayor Pro Tem Bryant shared brief comments from what he learned at the TML region meeting relative to what is expected in the upcoming legislation session.

Mayor Hayden also offered brief comments relative to the upcoming legislative session.

Deputy Mayor Pro Tem Webb suggested that around mid – late September the Town bring together neighboring communities consisting of elected officials (mayor and two elected officials, as well as city management), to discuss the upcoming legislative session, and to seek areas where common ground can be found for the purpose of presenting a unified strategy.

**F. TOWN MANAGER’S REPORT**

**Update and discussion on:**

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

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

- FM 1171 to I-35W anticipated to be open with substantial completion by Sept. 2016
- Twin Coves

2. Update and discussion on Economic Development projects.

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

- Announcement of new restaurants coming to Lakeside DFW, The Pines, and Parker Square
- Innovate Flower Mound entrepreneurial center update

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

Mr. Stathatos gave an update on town hall and the library as follows:

- TIRZ Board meeting scheduled for August 9
- Mr. Stathatos, Mr. Parr, Mr. Wood, Mr. Meredith, or Ms. Scott responded to the following questions from Council:
  - Request for an update on the Forest Vista reconstruction
  - Request for an update on moving the Farmer’s Market to Parker Square
  - What does it take to have a wet/dry election for the sale of alcohol in the Town

**G. FUTURE AGENDA ITEMS**

Deputy Mayor Pro Tem asked that staff look at the Town’s ordinances to see if they would recommend any changes prior to a wet/dry election or petition. There was Council consensus to do so in anticipation of a wet/dry election.

Mr. Meredith provided a statement of fact as it relates to the approach in regulating businesses that may sell alcoholic beverages.

Mayor Hayden suggested staff hold off in doing the work now given the 5,000+ signatures required, and to wait until an actual valid petition is brought forward.

Councilmember J. Webb requested a future agenda item to discuss a new bus for the seniors, and there was Council consensus to do so as part of the upcoming budget discussions.

**H. COORDINATION OF CALENDARS**

1. Mayor Hayden announced that the next Town Council work session is scheduled for Thursday, August 11<sup>th</sup> and the next regular meeting is scheduled for Monday, August 15<sup>th</sup>.

**I. CONSENT ITEMS**

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

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

2. Consider approval of canceling the January 2, 2017, regular meeting of the Town Council.

**RECOMMENDATION:** Move to approve cancelling the January 2, 2019, regular meeting of the Town Council.

3. Consider approval of rescheduling the January 16, 2017, regular meeting of the Town Council to Tuesday, January 17, 2017.

**RECOMMENDATION:** Move to approve rescheduling of the January 16, 2017, regular meeting of the Town Council to January 17, 2017.

4. Consider approval of a resolution casting the Town of Flower Mound's vote for Brandon Barth as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2016.

**RECOMMENDATION:** Move to approve a resolution casting the Town of Flower Mound's vote for Brandon Barth as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2016.

**RESOLUTION NO. 16-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPOINTING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

5. Consider approval of an Interlocal Cooperation Agreement with Denton County for the collection of assessments for River Walk Public Improvement District No. 1 for the period beginning October 1, 2016, and ending September 30, 2017, subject to renewal for an additional one-year term; 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 collection of assessments for River Walk Public Improvement District No. 1 for the period beginning October 1, 2016, and ending September 30, 2017, subject to renewal for an additional one-year term; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of an ordinance establishing the 2016 certified appraisal roll.

**RECOMMENDATION:** Move to approve an ordinance establishing the 2016 certified appraisal roll.

**ORDINANCE NO. 42-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2016 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

**RECOMMENDATION:** Move to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

- 8.-9. *Items 8 and 9 were moved from consent to regular items at the request of Councilmember McDaniel.*

10. Consider approval of a resolution authorizing the adoption of the Program Year 2016 Action Plan for Housing and Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RECOMMENDATION:** Move to approve a resolution authorizing the adoption of the Program Year 2016 Action Plan for Housing and Community Development, which is required under Flower Mound's Community Development Block Grant; and authorize the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

**RESOLUTION NO. 17-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2016 ACTION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE ACTION PLAN ON BEHALF OF THE TOWN AND SUBMIT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

11. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 15, 2016, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 19, 2016, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District move to schedule a public hearing for August 15, 2016, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget, and schedule a meeting for September 19, 2016, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

12. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 15, 2016, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 19, 2016, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

**RECOMMENDATION:** Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District move to schedule a public hearing for August 15, 2016, on the Flower Mound Crime Control and Prevention District budget, and schedule a meeting for September 19, 2016, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

13. Consider approval of an Interlocal Cooperation Agreement with Denton County for the assessment and collection of ad valorem taxes for the period beginning October 1, 2016 and ending September 30, 2017, subject to renewal for an additional one-year term, 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 assessment and collection of ad valorem taxes for the period beginning October 1, 2016, and ending September 30, 2017, subject to renewal for an additional one-year term; and authorize the Mayor to execute same on behalf of the Town.

14. Consider approval of a professional services agreement with Sawko & Burroughs, P.C. for the collection of outstanding Class C misdemeanor capias warrants and delinquent municipal fines, utility bills and miscellaneous receivables, and authorization of Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a professional services agreement with Sawko & Burroughs, P.C. for the collection of outstanding Class C misdemeanor capias warrants and delinquent municipal fines, utility bills and miscellaneous receivables, and authorization of Mayor to execute same on behalf of the Town.

15. Consider approval of Change Order No.1 with Basic IDIQ Inc., for the Western Operations and Maintenance Facility (Temporary Fire Station No.6), in the amount of \$35,526.32; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Change Order No.1 with Basic IDIQ Inc., for the Western Operations and Maintenance Facility (Temporary Fire Station No.6), in the amount of \$35,526.32; and authorize the Mayor to execute same on behalf of the Town.

16. Consider approval of the Professional Services Agreement with Kleinfelder Central, Inc., for the materials testing associated with the second section of the FM 2499 12-Inch Water Line Phase III project, in the amount of \$19,689.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Kleinfelder Central, Inc., for the construction materials testing associated with the second section of the FM 2499 12-Inch Water Line Phase III project, in the amount of \$19,689.00; and authorize the Mayor to execute same on behalf of the Town.

17. Consider approval of a Permit to Operate and Maintain Facilities within Trinity River Authority of Texas (TRA) Easement, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Permit to Operate and Maintain Facilities within Trinity River Authority of Texas (TRA) Easement, and authorize the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Bryant moved to approve by consent Items 1 – 7; 10 - 17. Councilmember Jason 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: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN**

**NAYS: NONE**

**J. REGULAR ITEMS**

Mayor Hayden opened items 8 and 9 at the same time.

8. Consider accepting the submission of the notice of an effective tax rate of \$0.415129 per \$100 assessed valuation and a rollback tax rate of \$0.439548 per \$100 assessed valuation for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

Councilmember McDaniel indicated he requested items 8 and 9 be pulled simply to bring it forward so the citizens would be informed of these upcoming items.

Ms. Wallace responded to questions from Council as follows:

- Is this consistent with the rate from the previous year

Councilmember McDaniel moved to accept the submission of the notice of an effective tax rate of \$0.415129 per \$100 assessed valuation and a rollback tax rate of \$0.439548 per \$100 assessed valuation for the fiscal year beginning October 1, 2016, and ending September 30, 2017. Deputy Mayor Pro Tem Bryan Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, B WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: NONE**

9. Consider proposing a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2016, and ending September 30, 2017; scheduling the August 15, 2016, public hearings on the budget and tax rate, September 6, 2016, public hearing on the tax rate, and scheduling the September 19, 2016, adoption of said budget and tax rate; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road.

Councilmember McDaniel moved to propose a maximum tax rate of \$0.4390 per \$100 valuation for the fiscal year beginning October 1, 2016, and ending September 30, 2017; scheduling the August 15, 2016, public hearings on the budget and tax rate, September 6, 2016, public hearing on the tax rate, and scheduling the September 19, 2016, adoption of said budget and tax rate; with each meeting to be held at 6:00 p.m., at Town Hall, located at 2121 Cross Timbers Road. Mayor Pro Tem Bryan Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN**

**NAYS: NONE**

18. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2016, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.

**Consultant Presentation**

John Martin, Hilltop Securities

Mr. Martin summarized the projects and process for issuing the bonds.

Deputy Mayor Pro Tem Webb moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2016, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: NONE**

**ORDINANCE NO. 43-16**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2016"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION; DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID CERTIFICATES TO AN AUTHORIZED TOWN OFFICIAL; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Hayden opened items 19, 20, and 21 at the same time.

19. Public Hearing to reconsider a request for a Master Plan Amendment (MPA15-0013 – Parkside at Woodlake, Phase 2) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to High Density Residential on approximately 1.0 acre of land, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Rembert Drive and west of Long Prairie Road. *(The Planning and Zoning Commission recommended denial by a vote of 3 to 2 at its March 14, 2016, meeting.) (This item was denied by the Town Council at its April 4, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- The items were re-noticed
- Detailed location
- Land use and zoning
- Photos of the existing site
- Concept plan

Mr. Meredith, Mr. Powell, or Mr. Hoefert responded to questions from Council or offered comments as follows:

- Background information as to why the items are coming back before Council for consideration
- Was one of the trees partially topped due to power lines
- Clarification regarding property owners rights as it relates to removing trees
- What are the consequences or penalties if the trees don't survive
- Is the nearby neighborhood of Woodlake Estates medium or high density



- Clarification regarding the land use definition of medium and high density
- Options as it relates to the trees after development

There was Council discussion as follows:

- Deputy Mayor Pro Tem Webb provided an explanation as to why he requested the item come back
- Concerns regarding the number of lots
- Various compromise options that would allow the trees to be saved, including mitigation
- Objectivity versus subjectivity in making decisions
- How saying no allows the property owner to do as they wish with the trees
- How the rights of the property owner as it relates to the trees was not fully understood at the time this item was originally heard
- How the choice is between an additional lot or saving trees
- Tree mitigation allows the Town to hold the developer accountable
- Compromise is a factor in working toward a fair and reasonable solution
- How the greater good is one extra house and preserving the trees

Reginald Rembert, Rembert Custom Builders

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

- Could the trees be saved under the current master plan? If not, why
- What are the average lots sizes
- Concerns about the claw back on the x lot
- Would the trees be preserved in a 5-lot plan (if that was acceptable)
- How many lots would it be if stayed at medium density
- What would a 5 lot option versus a 4 lot option look like
- They have no intentions of circumventing the system
- Efforts being made to save the trees

Property owners Felipe and Belinda Delgado, 2601 Rembert Dr, were present for any questions.

Mayor Hayden opened the Public Hearing for items 19, 20, and 21 at 7:40 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>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
	Christopher Cleveland, 2607 Spinks Rd.	
	Janvier Scott, 2829 Bob White Ln	

Mayor Hayden closed the Public Hearing for items 19, 20, and 21 at 7:45 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for a Master Plan Amendment (MPA15-0013 –Parkside at Woodlake, Phase 2) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium

Density Residential to High Density Residential on approximately 1.0 acre of land, and adopt an ordinance providing for said amendment. Mayor Pro Tem Bryant seconded the motion.

There was Council Discussion as follows:

- If approved, could the developer come back and say they are going to do 5,000 sf lots
- Future zoning change approval requirements (majority versus supermajority of votes)
- Clarification regarding the language of the 5 lot limitation

**VOTE ON MOTION:**

*Motion passed*

**AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB**

**NAYS: GELBMAN**

**ORDINANCE NO. 47-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON APPROXIMATELY ONE ACRE OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NUMBER 1341; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

20. Public Hearing to reconsider a request for rezoning (ZPD15-0020 – Parkside at Woodlake, Phase 2) to amend Planned Development District No. 132 (PD-132) with Single-Family District-5 (SF-5) uses to include additional land, modify the development standards, and request certain exceptions and modifications to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Rembert Drive and west of Long Prairie Road. *(The Planning and Zoning Commission recommended denial of the companion Master Plan Amendment (MPA15-0013) by a vote of 3 to 2 at its March 14, 2016, meeting; therefore, its recommendation for the subject zoning amendment was also denial.) (This item was denied by the Town Council at its April 4, 2016, meeting.)*

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for rezoning (ZPD15-0020 – Parkside at Woodlake, Phase 2) to amend Planned Development District No. 132 (PD-132) with Single-Family District-5 (SF-5) uses to include additional land, modify the development standards, and request certain exceptions and modifications to the Code of Ordinances, and subject to the 5 lot layout plan as presented on August 4, 2016, and adopt an ordinance providing for said amendment. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: B WEBB, BRYANT, MCDANIEL, J. WEBB**

**NAYS: GELBMAN**

ORDINANCE NO. 48 -16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, AND AMENDING ORDINANCE NO. 42-14, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 132 (PD-132), BY CHANGING THE ZONING ON APPROXIMATELY ONE ACRE OF LAND SITUATED IN THE JOHN WHITE SURVEY, ABSTRACT NUMBER 1341, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 132 (PD-132) WITH SINGLE-FAMILY DISTRICT-5 (SF-5) USES, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING 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.

21. Public Hearing to reconsider an application for a tree removal permit for two (2) specimen trees on property proposed for development at Parkside at Woodlake, Ph. 2. The property is generally located south of Rembert Drive and west of Long Prairie Road. *(The Environmental Conservation Commission recommended denial by a vote of 4-2-0 at its March 1, 2016, meeting). (This item was denied by the Town Council at its April 4, 2016, meeting.)*

Deputy Mayor Pro Tem Bryan Webb moved to approve the requested permit to remove two (2) specimen trees on property proposed for development as Parkside at Woodlake, Ph. 2. The property is generally located south of Rembert Drive and west of Long Prairie Road. Mayor Pro Tem Bryant seconded the motion.

There was Council discussion as follows:

- This is being done because the alternative is that the Town will lose at least 3, if not 4, of those specimen trees
- By going this route the Town will have mitigation as opposed to none with no replacement of the trees

**VOTE ON MOTION:**

*Motion passed*

**AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB**

**NAYS: GELBMAN**

22. Discuss and consider Charter amendments as recommended by the Charter Review Commission on July 21, 2016, or as otherwise directed, and to be presented as ballot items for Flower Mound voter consideration at the November 8, 2016, election.

**Staff Presentation**

Ms. Scott gave a presentation identifying or noting:

- Overview of the four proposed Charter amendment items staff is still needing direction on

*Administrative Note: Direction was provided on other proposed Charter items at the July 21, 2016 Council meeting.*

There was Council discussion on the four proposed Charter amendments, with an in depth discussion on the pros and cons of each, including responses and comments from Ms. Scott or Mr. Meredith on the following items:

1. Steps in processing charter violations
2. Three year terms lengths and the associated transition plan
3. Term limits
4. Percentage requirements for recall, referendum, initiative

There was general Council consensus with direction offered on the following proposed Charter amendment items:

- Clean up the Charter and repeal the PALS Board language
- For the steps in processing Charter violations, proceed as presented; however, remove the text about the accused member not having the option to vote, and for step two, make it clear that the complaint is brought forward at the next "regular" Council meeting
- Present Three-year term lengths, with a drawing to take place for Places 1, 3, and 5 to decide who gets the 2 two year terms, and who gets the 3<sup>rd</sup> year term
- Keep the term limits at two full terms of 6 years, with a term limit reset to two additional full terms of 6 years should a member of Council run for Mayor
- For petition percentage requirements for a recall, a change from needing signatures from 15% of the registered voters on the date of the last regular election to 50%+1 of total votes cast for that councilmember and all of his/her opponents in the last election he/she was a candidate; which would also apply to someone who was appointed during the transition period
- For petition percentage requirements for a referendum and initiative, a change from needing signatures from 15% of the registered voters on the date of the last regular election to 5% of the registered voters on the date of the last regular election, and shall be submitted by the governing body of the Town to a vote of the people at the next general municipal election

**K. BOARDS/COMMISSIONS (Executive Conference Room)**

Discuss and consider interview and application process, including whether or not to schedule interviews with existing members.

Ms. Scott summarized the process used in the past and sought input from Council relative to interest in continuing that process.

After some discussion on this subject, there was general Council consensus to continue with the meet and greet process and to invite existing members with term

expirations, or if they have interest in serving on another board, with the understanding Council reserves the right to have additional one-on-one interviews if needed at a later time.

**L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 9:32 p.m. on Thursday, August 4, 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 9:41 p.m. on Thursday, August 4, 2016, to take action on the items as follows:

- a. Smith Family Real Estate, Ltd. Property Acquisition.

Deputy Mayor Pro Tem Bryan Webb moved to approve a Contract of Sale for the purchase of approximately 1.00 acre of property from the Smith Family Real Estate, Ltd for a purchase price of \$240,000.00 plus closing costs and authorize the Mayor to execute the Contract of Sale on behalf of the Town. Authorize the Town Manager, or his designee, to pay all costs and execute all necessary documents associated with the purchase of the property. Councilmember Jason Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN**

**NAYS: NONE**

- 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, library, and/or other municipal purposes and all matters incident and related thereto.

No action taken.

O. ADJOURN REGULAR MEETING

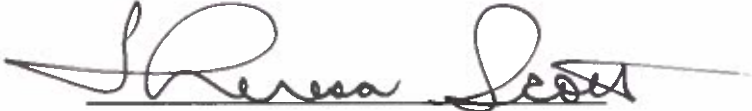
Mayor Pro Tem Bryant adjourned the meeting at 9:43 p.m. on Thursday, August 4, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



TERESA SCOTT, TOWN SECRETARY