

FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING

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	Deputy Town Manager/CFO
Tommy Dalton	Assistant to the Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Kay Wilkinson	Budget & Grants Manager
Andy Kancel	Police Chief
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 Mark Sherrill gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

Proclamation for National Senior Center Month.

Jaime Jaco-Cooper 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 <i>(as written on speaker form)</i>
1.	Michael Walker, 5121 Marshall Creek Dr	Youth & Family Counseling

2.	Eric Diaz, 105 Kathryn Dr, Lewisville, Tx	Youth & Family Counseling (funding)
3.	Susan Johnson, 5300 Singing Brook	Change to Master Plan along Rippy Rd

F. ANNOUNCEMENTS

Councilmember Jason Webb announced that school will start up next week and expressed well wishes to everyone for a great school year.

G. TOWN MANAGER’S REPORT

Update and discussion on:

1. Report related to capital improvement projects

Mr. Parr provided an update on road construction projects located near schools:

- Three ongoing projects that will affect school once it starts next Monday (Sagebrush - FM 2499 to Old Settlers, Timber Creek – N of Kirkpatrick, and Vista Ridge – FM 2499 to Lakeshore)

Mr. Parr responded to questions from Council as follows:

- Update on the protected crosswalk on Heatfield
- Update on patch project on Forest vista
- Clarification that Sagebrush is on target for an October completion

2. Economic Development projects

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

- Stryker expansion
- Upcoming trade shows

Mr. Curtis Shore, representing Parker Square, provided a leasing update on Parker Square, including an announcement of their future new tenant - Midwestern State University.

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

Mr. Stathatos provided an update on town hall and the library expansion, noting that there is a Professional Services Agreement for tonight’s agenda and that the Tax Increment Reinvestment Zone (TIRZ) Board approved a recommendation for funds to be allocated for Town Hall, and to include the Library on the project list

Mr. Stathatos responded to questions from Council related to how the TIRZ district works.

Mayor Hayden also provided comments relative to the use of TIRZ funds and future projects.

H. FUTURE AGENDA ITEMS

No discussion.

I. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Hayden confirmed that the next Town Council meeting is a scheduled for Tuesday, September 6, 2016.

J. CONSENT ITEMS

1. **TIRZ Project Plan** -Consider approval of a revised Tax Increment Reinvestment Zone #1 Project Plan. *(The TIRZ board recommended approval by a vote of 5 to 0 at its August 9, 2016, meeting.)*

RECOMMENDATION: Move to approve a revised Tax Increment Reinvestment Zone #1 Project Plan.

2. **Strategic Planning Session Summary/Minutes** - Consider adoption of the Town Council 2016 Strategic Planning Session Report, which will also be considered as approval of minutes from this session held on July 22, 2016.

RECOMMENDATION: Move to adopt the Town Council 2016 Strategic Planning Session Report, and minutes.

3. **SPAN Agreement** - Consider approval of a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$36,840.96, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$36,840.96, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.

4. **Minutes 8/4/16** - Consider approval of the minutes from a regular meeting of the Town Council held on August 4, 2016.

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

Mayor Pro Tem Bryant moved to approve by consent Items 1 – 4. Councilmember McDaniel 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, B. WEBB, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

K. REGULAR ITEMS

Mayor Hayden opened items 5 and 10 at the same time.

5. **Reimburse Expenditures** - Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

Staff Presentation

Ms. Wallace gave a presentation for items 5 and 10 identifying or noting:

- Background information as to why the Resolution is needed
- Background information on the Professional Services Agreement, and associated funding

Ms. Wallace responded to questions from Council as follows:

- Clarification relative to how the Town manages its debt in a given year
- Clarification that additional expenditures would come back to Council for approval
- If terms have been settled

Deputy Mayor Pro Tem Webb reported on the discussion points from the recent TIRZ Board meeting that included the recommended allocation of \$10 million for Town Hall, as well as some other changes to the overall budget, including the addition of the library.

Mayor Hayden outlined the funding path that would be used for a new Town Hall and the process from a go forward perspective. He pointed out that once funds begin to be expended it's very difficult to go back.

Deputy Mayor Pro Tem B. Webb moved to approve a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorize the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and provide an effective date. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

10. **PSA/Town Hall Design** - Consider approval of a Professional Services Agreement for the design of a Town Hall with Oxley Williams Tharp Architect PLLC., for \$862,500; authorization for the Mayor to execute the same on behalf of the Town; and authorization of the construction manager at risk contracting method for construction of the Flower Mound Town Hall.

Deputy Mayor Pro Tem B. Webb moved to approve the Professional Services Agreement for the design of a Town Hall with Oxley Williams Tharp Architect PLLC., for \$862,500; and authorization for the Mayor to execute the same on behalf of the Town. Additionally, in conjunction with the motion to approve this architectural services agreement, further move to approve the construction manager at risk contracting method, as the alternative delivery method, for the construction of the Flower Mound Town Hall. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE.

Mayor Hayden opened items 6 – 9 at the same time.

6. Tax Rate

Public Hearing

Public Hearing to consider a tax rate of \$0.4390 per \$100 assessed valuation.

Ms. Wilkinson gave a presentation for items 6 - 9 identifying or noting:

- 2016 Debt Service and Tax Rates
- Required budget and tax rate adoption language
- How Flower Mound Compares – 2015 tax rate, population, (benchmark cities)
- Changes since the proposed budget was filed
- General Fund
- Utility Fund
- Utility fund
- Water/Wastewater rates
- Storm water utility fund
- Special revenue funds overview
- Crime Control & Prevention District Budget
- Fire Control, Prevention, and Emergency Medical Services District Budget
- CIP Summary
- Next steps

Ms. Wilkinson or Ms. Wallace responded to questions from Council as follows:

- Compensation package, including retirement, for police and fire to maintain the Town's competitive advantage
- Clarification that the Town seeks to be in the 65th percentile for compensation for Town employees

Fire Chief Greaser and Police Chief Kancel responded to questions from Council related to if compensation for police and fire was satisfactory based on the market.

There was Council discussion as follows:

- Importance of compensation for all Town employees because it leads to greater services for residents and allows for recruitment and retention of good employees
- Reduction of debt service level ratios
- Consecutive year to attain the AAA rating from both Fitch and S & P
- Community support funding and how Council has the discretion not to use all of the allocations

Mayor Hayden opened the public hearing at 6:59 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 6:59 p.m.

Mayor Pro Tem Bryant made the following required announcement:

“The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 19, 2016, at 6:00 p.m., at a regular Town Council meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028”.

7. Budget – Crime Control

Public Hearing

Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2016, and ending on September 30, 2017.

Mayor Hayden opened the public hearing at 7:00 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 7:00 p.m.

No action is required by the Town Council on this item at this time.

8. Budget – Fire Control

Public Hearing

Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2016, and ending on September 30, 2017.

Mayor Hayden opened the public hearing at 7:01 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 7:01 p.m.

No action is required by the Town Council on this item at this time.

9. **Budget**

Public Hearing

Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2016, and ending on September 30, 2017.

Mayor Hayden opened the public hearing at 7:01 p.m.

Laura Dillon, 6013 Rock Cove

Ms. Dillon offered her thoughts related to community support funding, and indicated being in agreement with several of the comments made at the work session. She also indicated being acceptable to funds being allocated to those organizations based on certain conditions, and proposed various other options that could be utilized during the application review process.

Mayor Hayden closed the public hearing at 7:05 p.m.

No action is required by the Town Council on this item at this time.

11. **Franklin Hills (Z16-0004)**

Public Hearing

Public Hearing to consider a request for rezoning (Z16-0004 - Franklin Hills, Lots 13, 14 and a portion of Lot 12, Block C) from Single-Family District-10 (SF-10) uses to Single-Family Estate(SF-E) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Indian Trail and south of Rolling Hills. *(The Planning & Zoning Commission recommended approval by a vote of 5 to 0 at its August 8, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the subject site
- Existing condition exhibit
- Summary of P & Z discussion
- No comments have been received

Mr. Powell responded to questions from Council as follows:

- Have letters been sent to everyone within 300'
- Is there a reason why the zoning change and replat are not being submitted at the same time

Mayor Hayden opened the Public Hearing at 7:08 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 7:08 p.m.

Councilmember Gelbman moved to approve a request for rezoning (Z16-0004 - Franklin Hills, Lots 13, 14 and a portion of Lot 12, Block C) from Single-Family District-10 (SF-10) uses to Single-Family Estate(SF-E) uses, and adopt an ordinance providing for said amendment. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

ORDINANCE NO. 46-16

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, BY CHANGING THE ZONING ON APPROXIMATELY 1.513 ACRES BEING A PORTION OF LOT 12 AND ALL OF LOTS 13 AND 14, BLOCK C, OF THE FRANKLIN HILLS ADDITION FROM SINGLE-FAMILY DISTRICT-10 (SF-10) TO SINGLE-FAMILY ESTATE DISTRICT (SF-E) 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.

12. Parker Square/Farmers Market

Public Hearing

Public Hearing to consider a request for rezoning (ZPD16-0010 - Parker Square Farmer's Market) to amend Planned Development District-24 (PD-24) to allow for a farmer's market, and to consider adopting an ordinance providing for said amendment. The property is located at 1500 Cross Timbers Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 8, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning and how the current zoning doesn't allow a farmer's market as a use
- Map of the area within Parker's Square that the farmer's market would be located
- This is a two part process (zoning and later the license for the farmer's market)
- Communication made or received to date

Mr. Curtis Shore, representing Parker Square, responded to questions from Council as follows:

- Clarification as to why the location of the Farmer's Market will be in the back on the property
- Is the rezoning specific to a lot or for Parker Square as a whole

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

- Clarification that what is being reviewed now is the zoning to allow the use, and once the permit is approved it will be reviewed and finalized
- Is there a time frame on the permit
- Clarification that the determination of a permanent location for the farmer's market is ultimately up to the operator (and not the Town)
- The legality of the Town having the ability to revisit and remove the zoning at this location in the future (in the event the operator decides to relocate to the River Walk in the future)

Mayor Hayden opened the public hearing at 7:24 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 7:24 p.m.

Councilmember Gelbman moved to approve a request for rezoning (ZPD16-0010 - Parker Square Farmer's Market) to amend Planned Development District -24 (PD-24) to allow for a farmer's market, and adopt an ordinance providing for said amendment. Councilmember McDaniel seconded the motion.

There was Council discussion on the history relative to the location of Town Hall being the initial temporary site for the farmer's market and how it proved that there is a market in Flower Mound.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

ORDINANCE NO. 45-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING EXHIBIT "B," ENTITLED "DEVELOPMENT STANDARDS PARKER SQUARE," OF PLANNED DEVELOPMENT DISTRICT NO. 24 (PD-24) TO ADD "FARMER'S MARKET" AS A PERMITTED USE ON APPROXIMATELY 24.56 ACRES OF LAND BEING ALL OF THE PARKER SQUARE ADDITION; 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.

13. **Charter Amendments** - Discuss and consider proposed Charter Amendments and adopt an ordinance ordering a special election for November 8, 2016, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions and manner of holding such election; and providing for the posting and publication of notice.

Staff Presentation

Ms. Scott indicated there is not a formal presentation for this item; however, she and Town Attorney Bryn Meredith are available for any questions or clarification. She also pointed out the importance of early voting given the anticipated turnout and limited parking, particularly at the polling site of Fire Station #2 on Election Day.

Mr. Meredith or Ms. Scot responded to questions from Council as follows:

- If a factual informational brochure can be put together
- Whether or not that same factual information could be available at the polling location

There was Council Discussion as follows:

- Clarification that there will be eight (8) measures independently voted on
- Clarification that Council action this evening is simply allowing the items to go forward on the November ballot

Deputy Mayor Pro Tem B. Webb moved to approve an ordinance ordering a special election for November 8, 2016, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions and manner of holding such election; and providing for the posting and publication of notice. Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: GELBMAN

ORDINANCE NO. 44-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

K. 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.

Mayor Hayden announced that the Meet & Greet interview dates for board and commission applicants are scheduled for Tuesday, 8/30 and Thursday, 9/8, both starting at 6:00 p.m.

L./M. CLOSED/OPEN MEETING

The Town Council did not convene into a closed meeting, therefore no action was taken on any of the following items:

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

- b. Discuss and consider purchase, exchange, lease or value of real property for parks and/or other municipal purposes and all matters incident and related thereto.

- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 7:31 p.m. on the 15th day of August 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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