

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF OCTOBER 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
Tommy Dalton	Assistant Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Eric Greaser	Fire Chief
Dean Harden	Fire Marshal

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 Russ McNamer gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. 2015 Life Safety Achievement Award to Flower Mound Fire Department Prevention Division

Fire Marshal Dean Harden and Fire Chief Eric Greaser accepted the Life Safety Achievement Award.

2. Proclamation declaring October 9 - 16, 2016, as Fire Prevention week

The following fire department personnel accepted the proclamation:

Chief Eric Greaser
Fire Marshal Dean Harden
Fire Prevention Officer Jesse Wenger

Fire Prevention Officer Jason Bolejack
Fire Prevention Officer Laramie Vest
Fire Inspector Jared Harwell
Accelerant Detection K-9 Ziva

3. Special Recognition for German exchange students (Marcus High School)

Principal, Gary Shafferman and German Teacher, Anja Jarboe accepted the special recognition with both the German students and Flower Mound host families in attendance.

4. Announcement regarding Town acceptance of nominations for the Outstanding Citizenship Award

Barbara Bailey, Outstanding Citizen Committee Chair, provided nomination information about the program and encouraged Flower Mound citizens to submit applications.

E. PUBLIC PARTICIPATION

There were no speakers for public participation.

F. ANNOUNCEMENTS

Councilmember Jason Webb announced that National Night Out is taking place on Tuesday, October 4th and encouraged Flower Mound residents to participate.

Councilmember McDaniel had the following announcements:

1. announced it's the Jewish new year and extended well wishes
2. the Flower Mound High School Booster Club fund raiser golf tournament event on October 15th

Mayor Pro Tem Bryant had the following announcements:

1. the significance of National Night Out
2. recognized Fire Chief Eric Greaser for recently being named the recipient of the 2016 Fire News Outstanding Leadership Award

Deputy Mayor Pro Tem Webb reported on some of the discussion points from a recent Legislative Strategy session held with some neighboring communities.

Mayor Hayden reported that the Town has not received an update from the Texas Rangers regarding the investigation that has been pending for approximately one year.

G. TOWN MANAGER'S REPORT

Update and discussion on:

Mr. Stathatos provided an update on various awards the Town recently received.

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

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

- Forest Vista road construction

Mr. Parr responded with a statement of fact from Mayor Hayden regarding:

- The FM 2499 extension near the fly over

2. Update and discussion on Economic Development projects.

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

- The Town will be represented at the Texas Conference of Shopping Centers event
- The business of Animation update
- River Walk update

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

There was no discussion on this item.

4. Follow-up on platting issue within the Timber Creek Community Development Area 1 residential subdivision, which was raised during Public Participation at the September 19, 2016, Town Council regular meeting

Mr. Dalton gave a presentation identifying or noting:

- Survey of property including improvements they want to make
- Circumstances
- Town requirements
- Other questions raised by the property owner
- Open space map
- Final record plat
- History related to the open space
- Deed vs. plat language clarification
- DCAD plat
- Example of a recent record plat and replat
- Recommendation of replat the property or redesign the structure

Mr. Dalton or Mr. Powell responded to questions from Council as follows:

- Clarification as to how the Town came to own the land
- Did the Town do any replats for parks
- Is there a legislative process to create a waiver option
- Are there other property owners in the vicinity that did go through a replat
- Clarification regarding the ability to put in a concrete slab versus a structure

Mario Pavia offered comments relative to their situation and hardship experienced.

There was general consensus to not proceed with introducing legislation that would address this particular matter.

H. FUTURE AGENDA ITEMS

1. Mayor Pro Tem Bryant requested a future agenda item as it relates to utility companies and their right to acquire land, along with the possibility of showing support for The Colony, primarily because in the event the utility companies are successful precedence could be set relative to how they (or other utility companies) proceed in other communities.

There was Council consensus to bring forward a resolution in support of The Colony; however, in more generic terms as it relates to overreaching and based on the principal of the matter rather than The Colony's specific instance.

Mayor Hayden requested that for the joint Council and Transportation Commission meeting, interest in getting regional representatives to talk about long term strategies to address transportation concerns.

I. COORDINATION OF CALENDARS

Mayor Hayden announced that the next Town Council meeting is scheduled for October 17th. *(with MPA items)*

J. CONSENT ITEMS

1. Consider approval of the minutes from a work session of the Town Council held on September 15, 2016.

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on September 15, 2016.

2. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on September 19, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on September 19, 2016.

3. 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.

RECOMMENDATION: Move to approve 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.

RESOLUTION NO. 22-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, 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.

4. Consider approval of the purchase of one 2017 Velocity PUC Pumper truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$588,841.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the purchase of one 2017 Velocity PUC Pumper truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$588,841.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of an agreement with Denton County Emergency Services District No. 1 to provide fire suppression and emergency medical services to citizens located in designated areas of the Town of Northlake and other designated areas of Denton County, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an agreement with Denton County Emergency Services District No. 1 to provide fire suppression and emergency medical services to citizens located in designated areas of the Town of Northlake and other designated areas of Denton County, and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a revised Interlocal Agreement for Use of Facilities and Services with the Argyle Independent School District for the temporary use of certain rooms by the Flower Mound Fire Department, and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a revised Interlocal Agreement for Use of Facilities and Services with the Argyle Independent School District for the temporary use of certain rooms by the Flower Mound Fire Department, and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of the award of Request for Proposal Number 2016-50 to Platinum Cottages, LLC, for the purchase, delivery, and set-up of park models for Twin Coves Park in a not-to-exceed amount of \$920,000; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Request for Proposal Number 2016-50 to Platinum Cottages, LLC, for the purchase, delivery, and set-up of park models for Twin Coves Park in a not-to-exceed amount of \$920,000; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of an Interlocal Agreement with Lewisville Independent School District for Construction and Maintenance of Hike and Bike Trail on School Property associated with the Aberdeen Drive extension project.

RECOMMENDATION: Move to approve an Interlocal Agreement with Lewisville Independent School District for Construction and Maintenance of Hike and Bike Trail on School Property associated with the Aberdeen Drive extension project.

9. Consider approval of Amendment No. 1 to the Fiscal Year 2016-2017 Capital Improvement Program.

RECOMMENDATION: Move to approve an Interlocal Agreement with Lewisville Independent School District for Construction and Maintenance of Hike and Bike Trail on School Property associated with the Aberdeen Drive extension project.

10. Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide contract construction management and resident project representation services, associated with the Wastewater Treatment Plant Rehabilitation Phase IV project, in the amount of \$331,125.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Alan Plummer Associates, Inc., to provide contract construction management and resident project representation services, associated with the Wastewater Treatment Plant Rehabilitation Phase IV project, in the amount of \$331,125.00; and authorization for the Mayor to execute same on behalf of the Town.

11. 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 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.

12. Consider approval of the Design Amendment No. 1 to the Professional Services Agreement with Criado and Associates, Inc., to provide additional design services, for the Yucca Drive and Woodbine Street Reconstruction project for an increase of \$25,036.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Design Amendment No. 1 to the Professional Services Agreement with Criado and Associates, Inc., to provide additional design services, for the Yucca Drive and Woodbine Street Reconstruction project for an increase of \$25,036.00; and authorization for the Mayor to execute same on behalf of the Town.

13. Consider approval of the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the FM 1171 at FM 2499 West Bound Right Turn Lane project, in the amount of \$55,000.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the FM 1171 at FM 2499 West Bound Right Turn Lane project, in the amount of \$55,000.00; and authorization for the Mayor to execute same on behalf of the Town.

14. Consider approval of the award of Bid No: 2016-52, to Wall Enterprises, for the construction of the Glenwick Park Bridge as a part if the Individual Park Improvements project, in the amount of \$89,495.50; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of Bid No: 2016-52, to Wall Enterprises, for the construction of the Glenwick Park Bridge as a part if the Individual Park Improvements project, in the amount of \$89,495.50; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Bryan Webb moved to approve by consent Items 1 – 14. 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

NAYS: NONE

ABSTAIN: GELBMAN

K. REGULAR ITEMS

15. Public Hearing to consider a request for a Comprehensive Sign Package (CSP16-0005 – Prairie Commons) for the Prairie Commons development. The property is generally located north of Sagebrush Drive and west of Yucca Drive. *(Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 26, 2016, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Photographs of the site
- Landscape plan
- Exception process for signs
- Examples of past sign packages
- Proposed signs
- Proposed murals
- Proposed entry sign

Mr. Powell responded to questions from Council as follows:

- Where will the signage be for the condo owners
- How could the Town address maintenance issues as it relates to the quality of the murals
- Clarification as to what the comprehensive sign package includes and how it doesn't allow anything beyond what is before Council at this time
-

Applicant Presentation

Mark Glover, iMark Realty Advisors; and Bill Peck, project Architect

Mr. Glover or Mr. Peck gave a presentation identifying, noting, or including:

- Background information about the Town's history and vision
- 1849 geological map of Texas
- Map of eastern and western Cross Timbers (south Texas to Kansas)
- Blackland prairies and natural regions of Texas
- The Flower Mound prairie and preserved as a blackland prairie
- Past photographs of The Flower Mound
- Earliest settlers – Peters Colonist
- Map of Holford Prairie and Long Prairie
- Blackmark Farm 1961
- Photographs from the Flower Mound's past to demonstrate the history

- A video demonstrating what is planned for Prairie Commons
- Sustainable development features
- Architectural renderings
- Locations for existing signs
- Mural details for building 3, 6
- How the murals will be maintained over the long term to keep their vibrancy and to manage graffiti
- Cistern design

Mr. Glover or Mr. Peck responded to questions from Council as follows:

- Will the graphics on the mural be as presented
- Is there a template and framework for the long term as it relates to tenant signs
- What assurances can the Town have that the murals will look as good as they do present day to 20+ years out
- Regarding the layout of the property, has there been any sight line analysis as to the murals being seen from FM 2499

Council Discussion

There was Council discussion as follows:

- Appreciation for the developer in bringing forward a unique product
- How everything about the project merits a meritorious exemption

Mayor Hayden opened the Public Hearing at 7:56 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 7:56 p.m.

Mayor Pro Tem Bryant moved to approve a request for a Comprehensive Sign Package (CSP16-0005 – Prairie Commons) for the Prairie Commons development. Councilmember Gelbman seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

16. Consider approval of the purchase of one 2017 Pierce 95' Midmount Platform Aerial truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$1,273,734.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Chief Greaser gave a presentation identifying or noting:

- Current apparatus is a 105' straight ladder without platform rescue capabilities

- 2nd aerial truck at station 5
- Current operations fleet
- 95' mid mounted aerial rescue platform
- Photos of equipment used in other cities
- Positioning aerial platform for rescue
- Multi floor buildings currently in place, under construction, or planned for Flower Mound
- Effective uses associated with a platform device that is included on the truck

Chief Greaser responded to question from Council as follows:

- Where would the truck be located
- Would the truck be used in a residential setting
- What is the angle of declination
- What is planned for the older one
- What happens to a truck that reaches the end of its life cycle

Mayor Pro Tem Bryant moved to approve the purchase of one 2017 Pierce 95' Midmount Platform Aerial truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$1,273,734.00; and authorization for the Mayor to execute same. Councilmember Jason Webb seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

17. Discuss a request from Councilmember Itamar Gelbman to release documents created by Deputy Mayor Pro Tem Bryan Webb and Mayor Pro Tem Kevin Bryant that are believed to coincide with the September 6th Town Council meeting.

There was Council discussion as follows:

- Background information as it relates to the request
- The purpose and use of working notes that coincide with a Council meeting
- Interest by members of Council in gaining an understanding as to how obtaining the personal working papers of another elected official coincides with the duties of the office
- Whether or not Councilmember Gelbman took a photo of the documents for the purpose of evidencing the notes were computer generated. (Councilmember Gelbman later indicated he had no problem in providing any photos that he might have taken of the documents in the event he has any).
- Concerns that interest in obtaining the documents might be for the purpose of initiating a case of predetermination against other members of Council
- Historically Councilmembers have not asked for the notes of other members of Council

- Concerns regarding the greater ramifications of the request and the impact on the current and future Councils
- Whether or not any notes from the Sept. 6th meeting were retained

Councilmember Gelbman indicated he holds the belief that the records requested are subject to the public information act and believes he has a legal right to them; however, he offered no explanation relative to why and for what purpose they would serve.

Mr. Meredith responded to questions from Council as follows:

- If Council is allowed to have notes relative to thoughts prepared in advance of the meeting and if those notes are subject to the public information act; and in addition, if the rules are different if the request(s) is made by a member of Council.
- Clarification relative to the basis as it relates to the special right of access (noting that the product should enable that member to better perform their duties as a member of Council)

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.

Ms. Scott reported that there are two vacancies on the PALS Board based on the two members that declined the recent appointments.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:35 p.m. on October 3, 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 9:04 p.m. on October 3, 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.

Discuss and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the municipal court judge.

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, public safety site, Song & In Addition property acquisition associated with the McKamy Creek Road Turn Lane project, and/or other municipal purposes and all matters incident and related thereto.

Deputy Mayor Pro Tem Webb moved to authorize staff to purchase the right of way property, in association with the McKamy Creek Road Turn Lane at Flower Mound Road project, and to negotiate for the purchase of the right of way property up to the settlements amounts listed. Authorize the Town Manager, or his designee, to close on the right of way property should a settlement be reached, to pay all costs associated with said closing in addition to the purchase price of the right of way property, and to execute all necessary documents at closing on behalf of the Town. Councilmember Jason Webb seconded the motion.

VOTE ON MOTION:

Motion passed


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

NAYS: NONE

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:05 p.m. on Monday, October 3, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS


THOMAS E. HAYDEN, MAYOR pro tem
Kevin Bryant

ATTEST:


THERESA SCOTT, TOWN SECRETARY