

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7TH DAY OF NOVEMBER 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:

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

with the following member absent:

Tom Hayden	Mayor
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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 Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Jimmy Hoefert	Environmental Review Analysis
Molly Fox	Director of Communications

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Bryant 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 Pro Tem Bryant led the pledges.

D. PRESENTATIONS

1. Presentation by Mayor Pro Tem Bryant relative to the L.I.S.D. grade scoring system, and special recognition to Ed Horne for his work in getting numbers adjusted

Mayor Pro Tem Bryant gave a presentation relative to a change in the LISD grade scoring system, and the subsequent impact of those scores on the community as a whole. He also presented Ed Horne with a Certificate of Appreciation for his efforts in getting the scoring system on track.

Dr. Beth Brockman, Assistant Superintendent of Strategic Initiatives and Community Engagement for LISD, extended words of appreciation for the Town and Mr. Horne.

2. 'National Night Out' neighborhood winner award presentation

Officer Justin Buck recognized representatives from the Bridlewood Homeowners Association and presented them with a neighborhood sign for being the 2016 National Night Out neighborhood winner.

3. Recognition of the Communications Department's recent national and state awards

Molly Fox, Director of Communications, provided an update on various awards the Communications team recently received.

4. Certificate of Recognition from Senator Jane Nelson in honor of Fire Chief Eric Greaser receiving the 2016 Fire News Outstanding Leadership Award

Mayor Pro Tem Bryant presented Chief Greaser with a Certificate of Recognition from Senator Nelson in honor of this recognition.

E. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker names and address	Subject (as written on the form)
1.	Sarah Bailey, 3446 Sunnyview Lane	Water issues for Sunnyview Lane
2.	Denis Toth, 202 Skelton St	Gelbman article in CTG
3.	Mary Kay Walker, 3229 Oak Meadow Dr	Senior Housing
4.	Doug Brown, 1721 Ingleside Dr	Veterans
5.	Clare Schroeder Brown, 1721 Ingleside Dr	Senior Housing
6.	Kristi Hasset, 3500 Beringer Ct	LISD scores and opportunity for community to start talking about what is important to the Town

F. ANNOUNCEMENTS

Councilmember J. Webb announced that tomorrow is Election Day and encouraged everyone to vote. He also offered comments relative to the national election and the community impact.

Councilmember McDaniel announced that October was Dyslexia Awareness Month.

Councilmember McDaniel, Councilmember B. Webb, and Mayor Pro Tem Bryant expressed condolences for the recent loss of two individuals in the community, followed by offering encouraging words to Flower Mound citizens and how they can get involved to help the youth in our community pull through some of the struggles they may be experiencing.

Mayor Pro Tem Bryant had the following announcements:

- tomorrow is Election Day and encouraged everyone to know their polling location and to get out and vote

- extended words of thanks to the communication staff for the Town's new website and to the Parks staff for the successful Veterans Day ceremony
- UIL Band competition update
- extended words of thanks for election workers

G. TOWN MANAGER'S REPORT

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

Mr. Stathatos gave a report on the following capital improvement projects:

- Forest Vista road project
- McKamy Creek road project
- Twin Coves cabins will be delivered in December

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave a report on the following economic development projects:

- The Cross Fire Defense Academy had their ground breaking on October 20th.
- The Texas Economic Development Council recognized the Town for the efforts associated with the Stryker project

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

Mr. Stathatos gave an update on the work being done for the new town hall.

Mayor Pro Tem Bryant indicated he would like to see a memorial wall incorporated in the flag plaza at the new Town Hall.

4. Update and discussion on senior housing.

Mr. Stathatos gave an update on the recruitment efforts underway for a senior housing development.

Mr. Stathatos provided a statement of fact as it relates to the water issue brought up by Ms. Bailey during public participation. Deputy Mayor Pro Tem Bryan Webb requested Council be updated once a resolution gets identified.

Deputy Mayor Pro Tem Webb requested staff work with Denton County to pursue a 2nd early voting location for the next gubernatorial election.

H. FUTURE AGENDA ITEMS

1. There were no items brought forward for consideration.

I. COORDINATION OF CALENDARS

1. Mayor Pro Tem Bryant announced that the next Town Council meeting is a joint work session with the Transportation Commission scheduled for November 17th and the next regular meeting is November 21st.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on October 17, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on October 17, 2016.

2. Consider approval of the minutes from a Joint Town Council/Planning and Zoning work session held on October 20, 2016.

RECOMMENDATION: Move to approve the minutes from a Joint Town Council/Planning and Zoning work session held on October 20, 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. 24-16

A RESOLUTION BY 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 acceptance of grant funds from the U.S. Department of Justice Office of Justice Programs for the FY 2016 Bulletproof Vest Partnership.

RECOMMENDATION: Move to approve grant funds from the U.S. Department of Justice Office of Justice Programs for the FY 2016 Bulletproof Vest Partnership.

RESOLUTION NO. 23-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS FOR THE FISCAL YEAR 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM; APPROVING THE PURCHASE OF BULLETPROOF VESTS FOR THE TOWN USING AWARDED GRANT FUNDS; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE BULLETPROOF VEST PARTNERSHIP PROGRAM.

5. Consider approval of the purchase of three outdoor warning sirens to add to the Town's existing Outdoor Warning Siren System, in the amount of \$72,750.00 and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the purchase of three outdoor warning sirens to add to the Town's existing Outdoor Warning Siren System, in the amount of \$72,750.00 and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of the purchase of fifteen Zoll X Series EKG Heart Monitors and two Automatic External Defibrillators, in the amount of \$484,286.01.

RECOMMENDATION: Move to approve the purchase of fifteen Zoll X Series EKG Heart Monitors and two Automatic External Defibrillators, in the amount of \$484,286.01.

7. Consider approval of an Advance Funding Agreement (AFA) with Texas Department of Transportation (TXDOT) for work on FM1171.

RECOMMENDATION: Move to approve an Advance Funding Agreement (AFA) with Texas Department of Transportation (TXDOT) for work on FM1171.

8. Consider approval of Amendment No. 2 to the Fiscal Year 2016-2017 Capital Improvement Program.

RECOMMENDATION: Move to approve Amendment No. 2 to the Fiscal Year 2016-2017 Capital Improvement Program.

9. Consider approval of a Professional Services Agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the amount of \$75,000.00 annually, with a one year renewal option; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the amount of \$75,000.00 annually, with a one year renewal option; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of the Professional Services Agreement with Nathan D. Maier Consulting Engineers, Inc., to provide professional engineering services, for the Firewheel Drive project, at an amount not to exceed of \$59,560.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Nathan D. Maier Consulting Engineers, Inc., to provide professional engineering services, for the Firewheel Drive project, at an amount not to exceed of \$59,560.00; and authorization for the Mayor to execute same on behalf of the Town.

11. Consider approval of a Professional Services Agreement for the design phase services for the Lake Forest Boulevard Bridge and Water Line project, with CP&Y, Inc., for \$123,510.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement for the design phase services for the Lake Forest Boulevard Bridge and Water Line project, with CP&Y, Inc., for \$123,510.00; and authorization for the Mayor to execute same on behalf of the Town.

12. Consider approval of Change Order No. 1 for the Timber Creek Road Paving Improvements project, amending the contract with XIT Paving and Construction, Inc., for an increase to the contract amount of \$17,952.55; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve Change Order No. 1 for the Timber Creek Road Paving Improvements project, amending the contract with XIT Paving and Construction, Inc., for an increase to the contract amount of \$17,952.55; and authorization for the Mayor to execute same on behalf of the Town.

13. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by amending a reduced school speed zone for Argyle Independent School District in Canyon Falls.

RECOMMENDATION: Move to approve an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by amending a reduced school speed zone for Argyle Independent School District in Canyon Falls.

ORDINANCE NO. 58-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS AND PORTIONS OF CERTAIN STREETS WITHIN THE TOWN AT CERTAIN TIMES; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

14. Consider approval to purchase materials and installation for the resurfacing of the Community Activity Center's indoor pool and deck area, for the Community Activity Center Improvements project, from DCC, a Buy Board participant; in the amount of \$79,460.91.

RECOMMENDATION: Move to approve purchase materials and installation for the resurfacing of the Community Activity Center's indoor pool and deck area, for the Community Activity Center Improvements project, from DCC, a Buy Board participant; in the amount of \$79,460.91.

15. Consider approval of a Professional Services Agreement for the design phase services of the Lift Station Improvements and Decommissioning Phase I project, with Alan Plummer Associates, Inc., for \$246,000; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement for the design phase services of the Lift Station Improvements and Decommissioning Phase I project, with Alan Plummer Associates, Inc., for \$246,000; and authorization for the Mayor to execute same on behalf of the Town.

16. Consider acceptance of cash in lieu of land in the amount of \$12,600.00, in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$6,940.00, for Parkside at Woodlake Phase 2. *(Parks, Arts and Library Services Board recommended approval by a vote of 5 to 0 at its February 24, 2016, meeting.)*

RECOMMENDATION: Move to approve acceptance of cash in lieu of land in the amount of \$12,600.00, in place of the otherwise required Park Land dedication and Park Development Fees in the amount of \$6,940.00, for Parkside at Woodlake Phase 2. *(Parks, Arts and Library Services Board recommended approval by a vote of 5 to 0 at its February 24, 2016, meeting.)*

17. *Item 17 was pulled from Consent and moved to Regular items.*

Councilmember Jason Webb moved to approve by consent Items 1 - 16. 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

17. Consider approval of a Development Agreement for the River Walk at Central Park and authorization for the Mayor to execute same on behalf of the Town.

Mr. Dalton gave a presentation identifying or noting:

- Development agreement background information and associated factors such as the River Walk Ordinance, Town Ordinances, and CLOMR/LOMR as a result of the October 20, 2016 work session
- Current status of the River Walk (CLOMR, Drainage/flood plain improvements complete)
- River Walk Ordinance versus Town Ordinance
- Concept plan and associated impact

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

- Clarification that the indemnity from the developer protects the Town from any damages

Council Discussion

There was Council discussion regarding appreciation for staff efforts to date in getting to this point.

Councilmember McDaniel moved to approve a Development Agreement for the River Walk at Central Park and authorization for the Mayor to execute same on behalf of the Town, and allowing for the Town Attorney to incorporate any legal language necessary. Deputy Mayor Pro Tem Bryan Webb seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

18. Public Hearing to consider an application for a tree removal permit for two (2) specimen trees on property proposed for development as The Preserve at Flower Mound. The property is generally located on the northwest corner of Chaparral Lane and Long Prairie Road. *(The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its October 4, 2016 meeting).*

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Map of location for the tree removal request
- Project information related to the subdivision
- Plot plan (tree 1 and tree 2 being requested to be removed)
- Initial tree survey
- Other trees that will be preserved
- Photos of the two trees in question

Mayor Pro Tem Bryant opened the Public Hearing at 7:25 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item:

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Jack Stanley, Applicant (Toll Brothers) (no address provided)	None.	None.

Mayor Pro Tem Bryant closed the Public Hearing at 7:27 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve the requested permit for the removal of two (2) specimen trees on property proposed for development as The Preserve at Flower Mound. The property is generally located on the northwest corner of Chaparral Lane and Long Prairie Road. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

19. Consider approval of the award of Bid No. 2016-77 to Tiseo Paving Company, for the 2015 Street Reconstruction, McKamy Creek Road Reconstruction and McKamy Creek Right Turn Lane projects, in the amount of \$1,453,874.98; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Parr gave a presentation identifying or noting:

- Clarification relative to what the project includes and next steps if approved

Mr. Parr responded to questions from Council regarding:

- Project timing
- Will the grading on the road be changed due to the slope
- Traffic management as it relates to lane changes during peak periods

Deputy Mayor Pro Tem Bryan Webb moved to approve award Bid No. 2016-77 to Tiseo Paving Company, for the 2015 Street Reconstruction, McKamy Creek Road Reconstruction and McKamy Creek Right Turn Lane projects, in the amount of \$1,453,874.98; and authorize the Mayor to execute same on behalf of the Town. Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

L. BOARDS/COMMISSIONS (Executive Conference Room)

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Committee, Environmental Conservation Commission, **Parks, Arts and Library Services Board**, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:35 p.m. on Monday, November 7, 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 9:27 p.m. on November 7, 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, Planning and Zoning Commission.

No action taken.

- b. Conduct interviews for the position of Municipal Court Judge, including appointment deliberation.

No action taken.

- c. 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.

- d. 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.

1. Prospect Park, Ltd. Property Acquisition

Deputy Mayor Pro Tem Bryan Webb moved to authorize staff to purchase the property referred to as Prospect Park, Ltd. for a purchase price of \$1,060,000.00 plus closing costs; authorize the Town Manager, or his designee, to close on the property and to pay all costs associated with said closing in addition to the purchase price of the property, and to execute all necessary documents at closing on behalf of the Town. Councilmember McDaniel seconded the motion.

Deputy Mayor Pro Tem Webb clarified that the property is adjacent to the library and Flower Mound High School, and noted it will be a tremendous addition to the Town given its central location.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

O. ADJOURN REGULAR MEETING

Mayor Pro Tem Bryant adjourned the meeting at 9:30 p.m. on Monday, November 7, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY