

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF DECEMBER, 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.

Meeting Video Link: <http://flowermoundtx.swagit.com/play/12052016-926> (subject to change)

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 |

With the following members absent:

|                |                       |
|----------------|-----------------------|
| Itamar Gelbman | Councilmember Place 5 |
|----------------|-----------------------|

constituting a quorum with the following members of the Town Staff participating:

|                 |                                            |
|-----------------|--------------------------------------------|
| Theresa Scott   | Town Secretary                             |
| Ashley Dierker  | 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         |
| Doug Stevens    | Assistant Director of Public Works         |

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:00 p.m.

Don McDaniel, 3801 Hide-A-Way Ln, Flower Mound

Mr. McDaniel recited the following statement while surrounded by those who either knew him or had advance knowledge of his comments and share his beliefs:

We, this collection of Flower Mound leadership, stand before you in solidarity to express our dedication to the following principles:

- That every person in our community is an important part of its uniqueness and success.
- That every citizen deserves all the protections and liberties afforded by our constitution.
- That everyone has a right to equal protection under the law and equal opportunity in employment, education, and housing.

- That all people deserve equitable treatment regardless of race, religion, age, gender, national origin, or sexual orientation.
- That hate, whether in speech, action, or behavior, has no place in our community and that we reject such with no reservation or hesitation.

These principles have always been at the root of what Flower Mound is and will continue to be so. Each of the organizations that we represent, be it a social group, a place of worship, philanthropy, or civic agency, has these ideals at its core. They are reflected in our mission statements, our texts, and our oaths. We affirm that we will use our roles as leaders in this community and the organizations we represent to promote and act on these principles at all times for our residents and anyone in our community.

We ask that you join us in living these principles in your daily life, in your place of worship, in your schools, and in your place of employment. Diversity and inclusion, of people, thoughts, and ideals, are a fundamental strength of our community and should be fostered and protected by each of us every day.

Moreover, we pledge to counter any manifestation of hate in our community with a greater showing of love, kindness, and friendship.  
-end-

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Richard Plunk gave the invocation and Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. 2016 Outstanding Citizenship Award Presentation (individual and group categories)

Barbara Baily, Outstanding Citizenship Award Chair, gave a presentation providing background information about the program and she introduced the committee members and announced the winners:

1. Kathy O'Keefe (individual category)
2. Vicki Toothman, representing the Young Men's Service League (group category).

The winners in each category were presented special recognition awards and gifts by the Town.

2. Certificate of Achievement to UIL 6A State Champions Flower Mound High School Marching Band

The following representatives from Flower Mound High School accepted the Certificate of Achievement:

Directors: Brent Biskup, Jana Harvey, Zach Sherburn, Darrin Hicks, and William Martin; and Student Drum Majors: Marshall Cahill, Alex Palma, Jacob Stiller, and Nicole Zhang

3. Update from L.I.S.D. Liaison Joanna Crowell-Dreiling on district news.

Ms. Crowell-Dreiling gave a report as a result of a recent meeting with LISD Superintendent of Schools Dr. Kevin Rogers on the topics of:

- Bond election in the spring and a proposed item related to facilities
- How Dr. Rogers was open to the idea of allowing the Town to use some of their unused land for practice fields until such time that it would be needed by the school

**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.*

|    | <b>Speaker names and address</b>        | <b>Subject<br/>(as written on speaker form)</b> |
|----|-----------------------------------------|-------------------------------------------------|
| 1. | Narayan Srinivasan, 3813 Appleton Ln    | Public participation                            |
| 2. | Carol Kohankie, 4312 Lauren Way         | Citizen of the Year                             |
| 3. | Shameet Luqman, 3429 Jameston           | Public participation                            |
| 4. | Geoffrey W. Dennis, 2104 Margie Ct      | Statement of Unity and non-discrimination       |
| 5. | Lorraine Sheldon, 4218 Spring Meadow Ln | Public statement                                |

**F. ANNOUNCEMENTS**

Councilmember Jason Webb offered appreciation for the comments made relative to loving others and stressed the significance of it.

Councilmember McDaniel thanked everyone who stood with him during his statement.

Mayor Pro Tem Bryant offered his thanks for the collective efforts of everyone pulling together with the goal of doing great things in the community.

Councilmember Webb commented about the social media reaction after the election and the use of safety pins, a meme aimed to subtly signal solidarity. He pointed out that tonight there was a box full of safety pins.

Mayor Hayden recited a Bible verse about loving your neighbor as yourself.

**G. TOWN MANAGER'S REPORT**

**Update and discussion on:**

1. Report related to capital improvement projects

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

- Forest Vista

- Sagebrush

And Mr. Stathatos or Mr. Parr responded to questions from Council as follows:

- A request for an update on the lane closures on FM 2499/3040, including a completion time frame

2. Economic Development projects

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

- Local Pint beer garden and restaurant
- Innovate Flower Mound event
- Asian Fusion Grill coming to Lakeside

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

Mr. Stathatos provided an update on the following town hall and library expansion projects:

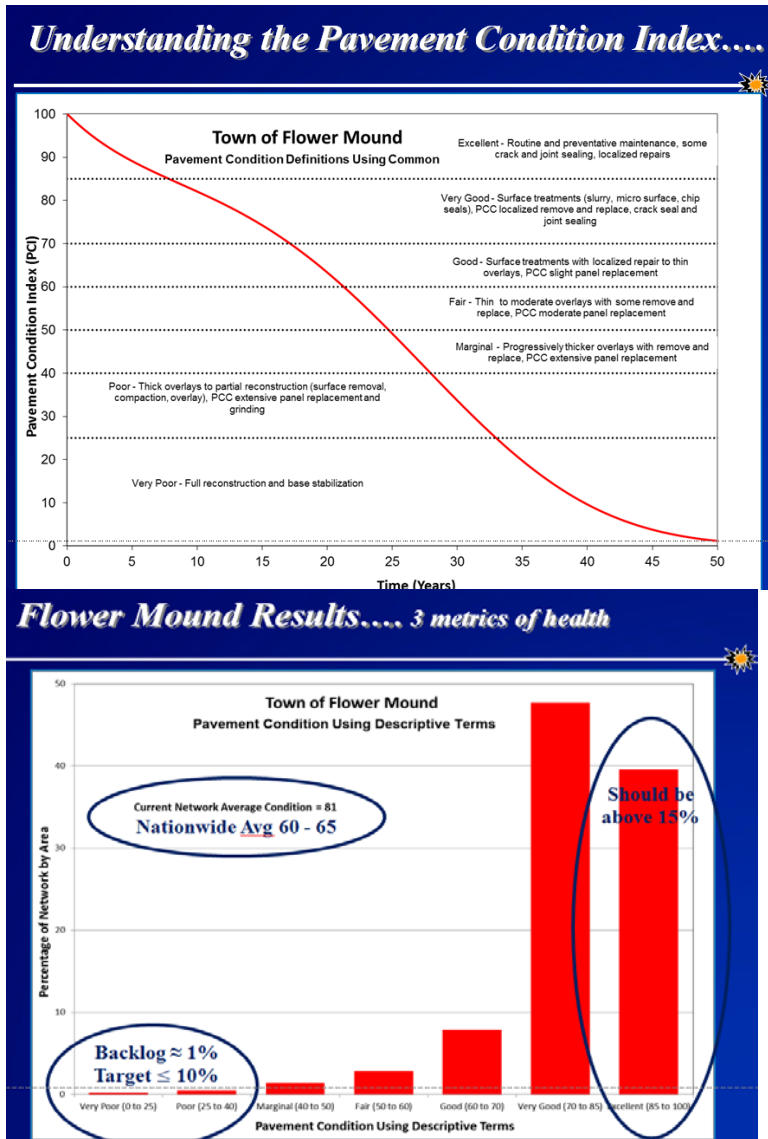
- The Library topic will be coming to the TIRZ Board first quarter of 2017
- Town Hall is moving forward on the design and there will be site work in March with the actual construction of Town Hall being closer to May/June

4. Update and discussion on the town-wide pavement analysis.

Mr. Stevens provided background information regarding the Town-wide pavement analysis project with Infrastructure Management Services (IMS)

Zac Thomason, with IMS gave a presentation identifying or noting:

- Scale of Investment
- Tools to rate the streets – objective surveys and condition focused on
- Understanding the Pavement Condition Index (PCI)
- Flower Mound results (81) (and nationwide average is 60-65)
- Backlog of 1% and the target is 10%
- Post rehab PCA and annual funding
- Town of Flower Mound recommendations



Mr. Thomason noted that overall the Town of Flower Mound is in excellent shape and needs to define a level of service target (PCI, backlog, etc.). He further added that:

- The % of excellent roads is very high which reflects a relatively young network that has experienced growth over the last decade.
- The majority of the network falls under the Excellent and Very Good categories, and the Town’s amount of failed streets is well below the control backlog target of 10%. 15% represents a maximum recommended backlog with 20% representing the maximum sustainable. Above 20% and things start to spiral out of control very quickly. The Town is in great shape.

Mr. Thomason or Mr. Stevens responded to questions or statements from Council as follows:

- Where the focus of the dollars is allocated to in the budget model
- Does the model adjust for the future road network (growth or inflation)

- Use of sales tax revenue allocations helps the Town to service the roads

Mayor Hayden asked for an update on the Town's workman's comp provider, given some concerns brought forward by fire department personnel relative to timing in getting authorization through TML for job related medical needs.

**H. FUTURE AGENDA ITEMS**

1. Discuss and consider having a future agenda item to change the 'Parks, Arts, and Library Services' to the 'Parks Board'.

Ms. Scott asked for Council direction relative to bringing forward an agenda item to initiate the name change from PALS to Parks Board. The majority of Council was acceptable to having an agenda item come forward for this purpose.

**I. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

1. The next Town Council meeting is a work session scheduled for December 15, 2016.

Mayor Hayden announced that the next Council meeting is a work session on December 15<sup>th</sup>.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a Joint Town Council/Transportation Commission work session held on November 17, 2016.

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

2. Consider approval of the minutes from a regular meeting of the Town Council held on November 21, 2016.

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

3. Consider approval of a Professional Services Agreement for monthly gas well pad site air monitoring by Modern Geosciences, LLC, in the amount of \$139,800; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve a Professional Services Agreement for monthly gas well pad site air monitoring by Modern Geosciences, LLC, in the amount of \$139,800.00; and authorization for the Mayor to execute same on behalf of the Town.

4. Consider approval of Change Order No. 1 and final acceptance of the FM 1171 at Kirkpatrick – Reconstruction and FM 1171 at Timber Creek – Reconstruction signal projects amending the contract with Roadway Solutions, Inc., for an

increase of \$26,107.30; authorization for final payment to Roadway Solutions, Inc., in the amount of \$56,141.44; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve Change Order No. 1 and final acceptance of the FM 1171 the FM 1171 at Kirkpatrick – Reconstruction and FM 1171 at Timber Creek – Reconstruction signal projects amending the contract with Roadway Solutions, Inc., for an increase of \$26,107.30; authorize final payment to Roadway Solutions, Inc., in the amount of \$56,141.44; and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of the award of the Sidewalk Links and ADA Improvements projects, Annual Contract Bid No. 2017-6 to VA Construction Inc., and Apex Concrete Construction Inc., to establish an annual unit bid price contract for the installation of sidewalk and ADA improvements for a first-year estimated amount of \$416,000.00; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

**RECOMMENDATION:** Move to approve the award of the Sidewalk Links and ADA Improvements projects, Annual Contract Bid No. 2017-6, to VA Construction Inc., and Apex Concrete Construction Inc., to establish an annual unit bid price contract for the installation of sidewalk and ADA improvements, at a first-year estimated amount of \$416,000.00; and authorize the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

6. Consider approval of a resolution authorizing the adoption of the Program Year 2015 Consolidated Annual Performance & Evaluation Report for the 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 2015 Consolidated Annual Performance & Evaluation Report, 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. 25-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND’S PROGRAM YEAR 2015 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of final acceptance and Change Order No. 1, for the Bakersfield Park Pedestrian Bridge project, and authorization for final payment to Humphry and Morton Construction Company, Inc., in the amount of \$24,140.97; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve final acceptance and Change Order No. 1, for the Bakersfield Park Bridge project, and authorize final payment to Humphry and Morton Construction Company, Inc., in the amount of \$24,140.97; and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of the purchase of pavement marking services, in the estimated annual amount of \$150,000.00, from Stripe-A-Zone, through a City of Grand Prairie contract.

**RECOMMENDATION:** Move to approve the purchase of Pavement Markings Services, in the estimated annual amount of \$150,000.00, from Stripe-A-Zone, through a City of Grand Prairie Contract.

9. Consider approval of the purchase of mobile computers and related software for the implementation of an Incident Based Reporting System for Animal Services.

**RECOMMENDATION:** Recommend approval of the purchase of mobile computers and related software for the implementation of an Incident Based Reporting System for Animal Services.

10. Consider and approve a new contract with the City of Dallas for wholesale treated water, describing the terms and conditions relating to the purchase and delivery of potable water to the existing Pintail Pump Station.

**RECOMMENDATION:** Move to approve a new contract with the City of Dallas for wholesale treated water, describing the terms and conditions relating to the purchase and delivery of potable water to the existing Pintail Pump Station.

11. Consider approval of a Professional Services Agreement for the 2016 Water and Wastewater Model Update projects, with Kimley-Horn and Associates, Inc., for \$21,500.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement for the 2016 Water and Wastewater Model Update projects, with Kimley-Horn and Associates, Inc., for \$21,500.00; and authorize the Mayor to execute same on behalf of the Town.



12. Consider approval of an ordinance for MISC16-0003 street name change for Lake Ridge Drive to Lake Ridge Road. *(The Transportation Commission recommended changing of this street name change by a vote of 6 to 0 at its October 11, 2016, meeting.)*

**RECOMMENDATION:** Move to approve an ordinance for MISC16-0003 a street name change for Lake Ridge Drive to Lake Ridge Road.

**ORDINANCE NO. 65-16**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF LAKE RIDGE DRIVE (2600-2700 BLOCK) AND (7400-7500 BLOCK) TO LAKE RIDGE ROAD (2600-2700) AND (7400-7500 BLOCK); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Bryant moved to approve by consent Items 1-12. 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**

**NAYS: NONE**

**ABSENT: GELBMAN**

**K. REGULAR ITEMS**

13. Consider approval of the award of Bid No. 2017-7 to Utility Service Company, Inc., for the Bruton Orand Elevated Storage Tank Rehabilitation project, in the amount of \$1,185,450.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Parr gave a presentation identifying or noting:

- Background information regarding the history of the tank and additional amenities that will be included in the project, such as the school state championship recognition.

Mayor Pro Tem Bryant moved to approve the award of Bid No. 2017-7 to Utility Service Company, Inc., for the Bruton Orand Elevated Storage Tank Rehabilitation project, in the amount of \$1,185,450.00; and authorize the Mayor to execute same on behalf of the Town. Councilmember Jason Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSENT: GELBMAN**

**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.

Deputy Mayor Pro Tem Bryan Webb moved to appoint Albert Picardi to serve as Chair of the Tax Increment Reinvestment Zone No. 1 (TIRZ) Board with a term expiration date of December 31, 2017. Councilmember McDaniel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSENT: GELBMAN**

**M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:33 p.m. on December 5, 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 7:57 p.m. on December 5, 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.

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

No action taken.

- d. Consultation with Attorney as follows:

1. Discuss and consider the proposed settlement agreement in Cause Number 2012-40480-362, Larissa Lanette Williams a/n/f A.W., a Minor Child v. Town of Flower Mound, and authorizing the Town Manager to execute the proposed settlement agreement.

Deputy Mayor Pro Tem Bryan Webb moved to approve the proposed settlement agreement in Cause Number 2012-40480-362, and authorize the Town Manager to execute the proposed agreement. Mayor Pro Tem Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ABSENT: GELBMAN**

**O. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 7:58 p.m. on Monday, December 5, 2016, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**THERESA SCOTT, TOWN SECRETARY**

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