

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF SEPTEMBER 2017, 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/09052017-1557> (subject to change)

The Town Council met in a regular meeting with the following members present:

Don McDaniel	Mayor Pro Tem
Kevin Bryant	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Bryan Webb	Councilmember Place 2
Claudio Forest	Councilmember Place 5

With the following members absent:

Tom Hayden	Mayor
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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
James Hoefert	Environmental Review Analysis
Tom Vyles	Environmental Health Manager
Kay Wilkinson	Budget and Grants Manager

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem McDaniel 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 Geoffrey Dennis gave the invocation and Mayor Pro Tem McDaniel led the pledges.

D. PRESENTATIONS

1. Community volunteers to conduct a drawing and announce the raffle winners of a Harley Davidson motorcycle and Ford Mustang in coordination with the "Rebuild Fruitvale Project".

A group of community volunteers conducted the drawing for the motorcycle and car, and announced the winners.

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.	Mike Liles, 4325 Thames Ct	Chaplain's First Responder's Appreciation Luncheon
2.	Shyron Shenko, 5001 Rippy Rd	Senior Center
3.	Jim Linker, 2504 Cross Haven Dr	Tennis Center
4.	Robby Paul, 205 Cherokee Path	Flower Mound Youth Tennis
5.	Janvier Scott Werner, 2828 Bob White Ln	Thanks
6.	Cooper Rhodes, 6501 Redbud Dr	Tennis Center
7.	Jody Smith, 3705 Sarah Springs Trl	Upcoming events
8.	Nancy Kleckner, 2608 Wisdom Creek Dr	Upcoming tennis event

F. ANNOUNCEMENTS

- Councilmember J. Webb reported on the tragic situation in south Texas as a result of Hurricane Harvey and encouraged everyone to help those impacted.
- Deputy Mayor Pro Tem announced the upcoming 9/11 remembrance ceremony.
- Councilmember B. Webb announced various awards recently won by the Parks Department.
- Councilmember McDaniel expressed appreciation to Chief Kancel and the crossing guards as it was the first time in a while that the Town had 100% staffing at the beginning of the school year with the crossing guards.

G. TOWN MANAGER'S REPORT

Mr. Stathatos gave a report or update as follows:

1. Update and status report related to capital improvement projects.
 - College Parkway and FM 2499 traffic signal
 - Hwy 377 and Canyon Falls traffic signal
 - Tennis facilities options and progress
2. Update and discussion on Economic Development projects.
 - Mi Dia opening and concerns regarding their overflow parking at the senior center
 - Local Pint is now hiring and they anticipate opening soon

3. Town's response efforts related to Hurricane Harvey

Police Chief Kancel and Fire Chief Greaser reported on first responder's involvement in the aftermath of Hurricane Harvey.

H. FUTURE AGENDA ITEMS

1. Mayor Pro Tem McDaniel indicated that as a follow up to the strategic planning session regarding the renewed vision for the Lakeside Business District, and in the interest of getting everyone on the same page with that vision, he would like to have a joint work session with P & Z. He stated that it would be his preference for the meeting to take place next month. In addition, he indicated that some industry leaders should also be invited to come in and talk about that. There was Council consensus to proceed.

I. COORDINATION OF CALENDARS

Mayor Pro Tem McDaniel announced that the next regular meeting is scheduled for Monday, September 18, 2017.

J. CONSENT ITEMS

Item 1 was pulled from consent and moved to regular items.

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 August 21, 2017.

RECOMMENDATION: Move to approve 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 August 21, 2017.

3. Consider approval of canceling the January 1, 2018, regular meeting of the Town Council.

RECOMMENDATION: Move to approve canceling the January 1, 2018, regular meeting of the Town Council.

4. Consider approval of rescheduling the January 15, 2018, regular meeting of the Town Council to Thursday, January 18, 2018.

RECOMMENDATION: Move to approve rescheduling the January 15, 2018, regular meeting of the Town Council to Thursday, January 18, 2018.

5. Consider approval of canceling the July 2, 2018, regular meeting of the Town Council.

RECOMMENDATION: Move to approve canceling the July 2, 2018, regular meeting of the Town Council.

6. Consider approval of rescheduling the September 3, 2018, regular meeting of the Town Council to Tuesday, September 4, 2018.

RECOMMENDATION: Move to approve rescheduling the September 3, 2018, regular meeting of the Town Council to Tuesday, September 4, 2018.

7. Consider approval of an amendment with Tyler Technologies correcting payment terms and quoted hardware for their e-Citation/Accident Reporting Data Capture System with the Town of Flower Mound Police Department, and authorization for the Mayor to execute same on behalf of the town.

RECOMMENDATION: Move to approve an amendment with Tyler Technologies correcting payment terms and quoted hardware for their e-Citation/Accident Reporting Data Capture System with the Town of Flower Mound Police Department, and authorization for the Mayor to execute same on behalf of the town.

8. Consider approval of the Professional Services Agreement with Professional Service industries, Inc., for the materials testing associated with the Woodbine Street Reconstruction project, in the amount of \$26,391.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Professional Service industries, Inc., for the materials testing associated with the Woodbine Street Reconstruction project, in the amount of \$26,391.00; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Bryant moved to approve by consent Items 2-8. 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: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

K. REGULAR ITEMS

1. Consider approval of the minutes from a work session of the Town Council held on August 17, 2017.

Councilmember B. Webb indicated he requested the item be pulled given he was absent at that meeting.

Deputy Mayor Pro Tem Bryant moved to approve the minutes from a work session of the Town Council held on August 17, 2017. Councilmember Jason Webb seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BRYANT, J. WEBB, FOREST

NAYS: NONE

ABSTAIN: B. WEBB, MCDANIEL

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

Ms. Wilkinson gave a presentation identifying or noting:

- 2nd public hearing
- Required language for budget and tax rate adoption
- 2017 debt service and tax rates
- How Flower Mound compares to benchmark cities – 2016 tax rate as well as the proposed 2017 tax rate
- History of tax rate

- Next steps

There was Council discussion as follows:

- If the question from the last meeting got resolved
- Impact associated with a policy of adopting the effective tax rate
- Flower Mound ratings
- Benchmark city comparison

Mayor Pro Tem McDaniel opened the Public Hearing at 7:08 p.m.

No one spoke in support, opposition, or had questions.

Mayor Pro Tem McDaniel closed the Public Hearing at 7:08 p.m.

Mayor Pro Tem McDaniel made the following announcement as required by law:

"The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 18, 2017, 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."

Mayor Pro Tem McDaniel opened items 10 and 11 at the same time.

10. Consider a request for a Site Plan (SP17-0002 – Hefner-Garden Ridge) to develop a warehouse, with an exception to Section 98-147, "Topographical Slope Protection," of the Code of Ordinances. The property is generally located south of Spinks Road and east of Garden Ridge Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its August 28, 2017, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photographs of the site and vicinity
- Landscape plan
- The site plan is coming before Council because there are slopes greater than 12%
- Trees that are requested to be removed
- Building elevations
- No comments were received

and he or Mr. Hoefert responded to questions from Council as follows:

- What is the plan for the slope
- What is the location of the trees requested to be removed and how many new trees will be planted

Applicant Presentation

Curt Hefner, 4111 Gilbert Ave, #317, Dallas, TX

The applicant did not have a presentation; however, he responded to questions from Council as follows:

- How will the grading be managed

Deputy Mayor Pro Tem Bryant moved to approve a Site Plan (SP17-0002 – Hefner-Garden Ridge) to develop a warehouse, with an exception to Section 98-147, “Topographical Slope Protection,” of the Code of Ordinances. The property is generally located south of Spinks Road and east of Garden Ridge Road. Councilmember Forest seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB****NAYS: NONE**

11. Public Hearing to consider an application for a tree removal permit for three (3) specimen trees on property proposed for development as Hefner Garden Ridge. The property is generally located south of Spinks Road and east of Garden Ridge Road. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its August 1, 2017 meeting).

Mayor Pro Tem McDaniel opened the Public Hearing at 7:21 p.m. and no one spoke in support, opposition, or had questions.

Mayor Pro Tem McDaniel closed the Public Hearing at 7:21 p.m.

Councilmember Bryan Webb moved to approve an application for a tree removal permit for three (3) specimen trees on property proposed for development as Hefner Garden Ridge. The property is generally located south of Spinks Road and east of Garden Ridge Road. Councilmember Forest seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST****NAYS: NONE**

12. Public Hearing to consider a request for a Master Plan Amendment (MPA17-0007 – CTCDD Amendment) to amend Section 1.0, Land Use Plan, Section 2.0, Area Plans, and Section 9.0, Wastewater Plan, of the Master Plan to change the current land use designation from Cross Timbers Conservation Development District to Estate Residential and Institutional uses, and to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road, east of Flower Mound Road, and north of Quail Run Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its August 28, 2017, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Background information related to the item getting on the agenda
- General and detailed location
- Land use and zoning
- Photographs of the site
- Wastewater service area/master plan
- Comments summary

and he, Mr. Stathatos, or Mr. Vyles responded to questions from Council as follows, and some were as a result of the public hearing:

- Acreage clarification for the location identified as #2 on the map
- Total acreage of the CTCD as well as for the area being discussed
- Clarification regarding any existing exceptions in the green area on the map
- What methods achieves the greatest removal of fecal material from waste (septic options or sewer plant)
- Sewer capacity and SMARTGrowth calculations
- Notification process and use of Denton Record Chronicle as the Town’s official paper
- Would taxes increase if the line is changed

Mayor Pro Tem McDaniel opened the Public Hearing at 7:38 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
	Janvier Scott Werner, 2829 Bob White Ln	Paul Stone, 4100 Broadway
	KC Walsh, 3525 High Rd With donated time from: 1. Nick Stamp, 3525 High Rd	Jim Engel, 5110 Bayberry St
	Shyron Shenko, 5001 Rippy Rd	Jean Levenick, 2716 Gentle Dr
	Marc Finley, 2600 Bourne Ln	
	Caroline Finley, 2600 Bourne Ln	

Mayor Pro Tem McDaniel closed the Public Hearing at 8:05 p.m.

There was Council discussion as follows:

- Current land uses and what is happening today for areas that are proposed to be outside of the district
- How the boundary change strengthens the remainder of the CTCD
- The benefit that can be gained with the change
- Concerns regarding changing definitions to accommodate something desired to make decisions more palatable
- How the Town gets the benefit of a definitive line with the change
- How the catholic church indicated they do not plan to ask for sewer when they come forward with building plans for the church
- How Council can only do what they believe is best for the community today and future Councils can make that same determination in the future
- Past history associated with the vision and designation of the CTCD
- How tying land use with waste is a mistake

- The issue driving the discussion has a lot to do with the school coming forward last month where they need to dispose of 17,000 gallons of a waste per day and what is the best way to handle that
- How companies like Toll Brothers can make developments work with sewer
- The benefit of the CTCDD is to allow for open space
- How Flower Mound Road connected to FM 1171 creates a natural demarcation and transition of uses
- How removing the exceptions with an understandable transition helps to strengthen the CTCDD, and reduces the probability of someone asking for sewer to be extended to the other side because it will be costs prohibitive
- Using up sewer capacity the Town has already paid for is the fiscally conservative thing to do

1st motion for item 12:

Mayor Pro Tem McDaniel moved to approve to consider a request for a Master Plan Amendment (MPA17-0007 – CTCDD Amendment) to amend Section 1.0, Land Use Plan, Section 2.0, Area Plans, and Section 9.0, Wastewater Plan, of the Master Plan to change the current land use designation from Cross Timbers Conservation Development District to Estate Residential and Institutional uses, and to expand the boundary of the Long Prairie Wastewater Service District Map to include the subject property, and to adopt an ordinance providing for said amendment. The property is generally located south of Cross Timbers Road, east of Flower Mound Road, and north of Quail Run Road. Deputy Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

*Motion failed
(as item requires a supermajority)*

AYES: FOREST, BRYANT, MCDANIEL

NAYS: J. WEBB, B. WEBB

2nd amended motion for item 12:

Councilmember Bryan Webb moved to amend Section 9.0 of the Wastewater Plan, of the Master Plan to allow sewer service to property located South of Cross Timbers Road, east of Flower Mound Road, and north of Quail Run Road, with the expense of such extension to be borne by the property developers. Deputy Mayor Pro Tem Bryant seconded the motion.

There was Council discussion as follows:

- Clarification as to specifically what is being asked in the motion, and he noted it separates land use and sewer

3rd amended motion for item 12:

VOTE ON MOTION:

*Motion failed
(as item requires a supermajority)*

AYES: B. WEBB, BRYANT

NAYS: MCDANIEL, J. WEBB, FOREST

Councilmember Bryan Webb moved to amend Section 9.0 of the Wastewater Plan, of the Master Plan to allow sewer service to property designated as number one and three in the Cross Timbers Conservation District, and for them to be a part of the waste water master plan.

There was Council discussion as follows:

- alternative motion suggestion to change the master plan of the CTCD boundary to exclude areas 1, 3, and 6 for the CTCD and the waste water master plan as it takes the institutional uses out of the CTCD.

ORDINANCE NO. 31-17

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, SECTION 2.0, AREA PLANS, AND SECTION 9.0, WASTEWATER 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 CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT TO INSTITUTIONAL USES ON APPROXIMATELY 37.13 ACRES OF LAND SITUATED WITHIN THE J. MALONE SURVEY, ABSTRACT NO. 857, W. MALONE SURVEY, ABSTRACT NO. 855, AND ROCKPOINTE CHURCH ADDITION, BLOCK A, LOT 1R; TO REMOVE THE PROPERTY FROM THE CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT AREA PLAN MAP; AND TO ADD THE PROPERTY TO THE LONG PRAIRIE WASTEWATER SERVICE DISTRICT MAP IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; 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.

VOTE ON MOTION:

Motion passed

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

NAYS: MCDANIEL

13. Consider approval of a resolution casting the Town of Flower Mound's vote for 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, 2017.

Staff Presentation

Ms. Scott summarized the purpose of this item and she responded to questions from Council as follows:

- what happened with the Town's past nomination of Brandon Barth for the board

Councilmember Bryan Webb moved to approve a resolution casting the Town of Flower Mound's vote for Sue Tejml as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District. Deputy Mayor Pro Tem Bryant seconded the motion.

RESOLUTION NO. 13-17

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.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

L. BOARDS/COMMISSIONS

Applicant 'Meet & Greet' dates are set for Thursday, Sept. 21st, and Tuesday, Sept.26th at 6pm; with a tentative interview date of Sept. 28th if needed.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:52 p.m. on September 5, 2017, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, and 551.072 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 10:13 p.m. on September 5, 2017, to take action on the items as follows:

- a. 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.

- 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.

No action taken.

- c. Annual Review of Town Manager and Town Secretary.

Councilmember Bryan Webb moved to make salary adjustments for the Town Secretary and Town Manager as discussed during executive session. Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

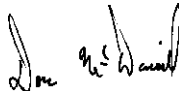
AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB

NAYS: NONE

O. ADJOURN REGULAR MEETING

Mayor Pro Tem McDaniel adjourned the meeting at 10:14 p.m. on Tuesday, September 5, 2017, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DON MCDANIEL, MAYOR PRO TEM

ATTEST:



THERESA SCOTT, TOWN SECRETARY



09.18.17_1_Minutes from 09-05-17

Adobe Sign Document History

09/21/2017

Created:	09/20/2017
By:	Anne Carnes (TownSecretary@flower-mound.com)
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- Document created by Anne Carnes (TownSecretary@flower-mound.com)
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Signature Date: 09/21/2017 - 1:34:46 PM CDT - Time Source: server- IP address: 24.227.240.67
- Signed document emailed to Theresa Scott (theresa.scott@flower-mound.com), Anne Carnes (TownSecretary@flower-mound.com) and Don McDaniel (place4@flower-mound.com)
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