

THE 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 HELD ON THE 18TH 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/09182017-1453> (subject to change)

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

Tom Hayden	Mayor (arrived at 6:09 p.m.)
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

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
Kay Wilkinson	Budget & Grants Manager
Andrea Roy	Economic Development Director

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem McDaniel called the regular meeting to order at 6:03 p.m.

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

Chaplain Russ McNamer gave the invocation and Mayor Pro Tem McDaniel led the pledges.

D. PRESENTATIONS

1. Proclamation for Blood Cancer Awareness Month

Jodi Marsh and Alexis Meyer of The Leukemia & Lymphoma Society North Texas Chapter accepted the proclamation.

2. Recognition of the 2017 Food Service Award of Excellence winners and National Food Safety Month

Mr. Vyles announced the winners of the Food Service Awards, noting that each of the winners scored a 98 (out of 100) or better on all of their inspections for the last year, and had no complaints and no enforcement closures. He further added that in order to determine the best of the best, all three food inspectors traveled to each of the qualifying places for a rigorous inspection. The winners are:

- Fast Food: Panda Express, 5861 Long Prairie Rd.
- Sandwich Deli: Firehouse Subs, 6100 Long Prairie Rd.
- Full Service: Edohana Sushi, 1900 Long Prairie Rd.
- Hospital/ Assisted Living: Texas Health Presbyterian, 4400 Long Prairie Rd.
- Grocery Store: Target, 5959 Long Prairie Rd. (This is Targets third consecutive win!)

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.	Rob Rawson, 1409 Basil Dr	Traffic Safety
2.	Peter Zafiridis, 2601 Pasadena Pl, with donated time from Jim Linker, 2504 Cross Haven Dr	FM Tennis
3.	Mike Hassett, 3500 Beringer Ct	DCAD Nomination
4.	Connie Smith, 2700 Pecan Leaf Ln	DCAD Nomination

Mayor Hayden provided a statement of fact to Mr. Zafiridis relative to efforts that are underway with LISD to provide additional tennis courts for Flower Mound residents. He also encouraged Mr. Zafiridis to let Council know if he has knowledge of any private enterprises that have interest in building a tennis center in our area.

F. ANNOUNCEMENTS

Councilmember Forest announced the Keep Flower Mound Beautiful Trash Bash and Environmental Fair is taking place this Saturday, Sept. 23rd

Councilmember Jason Webb announced the Town's Communications Department won a national award for the tip line video.

Deputy Mayor Pro Tem Bryant announced the Town's Fire and Police open house dates are Oct 28 (police) and Oct 7th (fire).

Mayor Pro Tem Hayden announced that the Town is currently accepting applications for the Outstanding Citizen Award.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update and discussion on the following items:

1. Update and status report related to capital improvement projects.
 - Traffic signal update at FM 2499 and Silveron
 - Cortadera Pond dredging is complete

- Rheudasil Pond dredging is underway
2. Update and discussion on Economic Development projects.
 - Local Pint recently had a soft opening
 - Asian restaurant called Hear now open in Victory Plaza
 - NTCAR economic development event
 3. Mr. Stathatos stated that the Town is always working on striving to improve citizen engagement and he asked Michelle Dishman to come forward. He proceeded to tell her that she is one of the nicest and best people he ever met in his life, followed by a marriage proposal. She said “yes”!

H. FUTURE AGENDA ITEMS

1. Deputy Mayor Pro Tem Bryant requested the following future agenda items:
 - There is a need for improved lighting throughout the Town’s thoroughfares, as the lights that exist today illuminate the neighborhoods but they are not sufficient for the multi-lane roadway. He further added that he is aware of the concerns residents have when it comes to introducing additional lighting, however, with the type and style of lights today illumination can be added that addresses the safety concerns at the intersection without the light invading into other areas.
 - An update report from Innovate Flower Mound (Entrepreneur Center), which would include things like what are they doing, what have they learned, and next steps
 - Possibility of establishing rules regarding electioneering at the polling locations, as well as setting times when signs can be put out such as when the filing period opens
2. Mayor Pro Tem McDaniel pointed out that there may be a disconnect with respect to park board responsibilities and what is done with mixed use developments. For that reason he asked staff to ensure everything is clear and understood and to report back to Council with any recommendations as warranted.
3. Mayor Hayden requested the following future agenda items:
 - Requested staff look into any improvements that can be done south of Gerault to improve public safety, which may include reflectors or illuminating the intersections in this corridor. He provided specifics related to the issues that are causing the greatest concern, particularly at the intersection of Big Canyon and Gerault where a traffic signal may be warranted, as well as sight line blockages at the intersection of Flower Mound Road and Gerault.
 - Stated that the Town should be acquiring land for parks now while there is still land available, and indicated that perhaps this can be accomplished through a percentage of land to parks when new developments come forward as part of the open space designation
 - Have the Parks board look into having one of the Town’s trails named after Robert Rawson Junior
 - Look into whether or not a joint Parks Board/Council meeting is needed to discuss Council priorities based on a request from a member of the Parks Board

4. Councilmember Jason Webb requested to have a future agenda item about naming Town facilities and buildings, outside of park facilities since a policy already exist in that area.

Mayor Hayden stated that he recognized that the Town Council has an official policy regarding placing items on a future agenda; however, he indicated that as long as he is Mayor any member of Council can bring any item forward for discussion unless there are objections brought forward by other members of council.

I. COORDINATION OF CALENDARS

1. Joint work session with the Planning & Zoning Commission scheduled for Monday, September 25, 2017.

Mayor Hayden announced the work session date and Mayor Pro Tem McDaniel sought confirmation that invites have been sent to those invested (i.e. property owners, developers, etc.).

2. The next Town Council regular meeting is a scheduled for Monday, October 2, 2017.

Mayor Hayden announced the meeting date and confirmed that all members will be in attendance.

J. CONSENT ITEMS

1. 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 5, 2017.

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 5, 2017.

2. Consider approval of a resolution to accept grant funds from Atmos Energy Corporation to purchase carbon monoxide detectors for the Fire Department.

RECOMMENDATION: Move to approve a resolution to accept grant funds from Atmos Energy Corporation to purchase carbon monoxide detectors for the Fire Department.

RESOLUTION NO. 16-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPROVING THE ACCEPTANCE OF GRANT FUNDS FROM ATMOS ENERGY CORPORATION AND AUTHORIZING THE USE OF SAID FUNDS FOR THE PURCHASE OF CARBON MONOXIDE DETECTORS FOR THE TOWN.

3. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

RECOMMENDATION: Move to approve a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

RESOLUTION NO. 17-17

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS (“TOWN”), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

4. Consider and approve annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.

RECOMMENDATION: Move to approve the annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.

5. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A “Fee Schedule” of the Code of Ordinances by amending Section 70-777 relative to the charges for the Stormwater Utility System fee.

RECOMMENDATION: Move to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A “Fee Schedule” of the Code of Ordinances by amending Section 70-777 relative to the charges for the Stormwater Utility System fee.

ORDINANCE NO. 34-17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A “FEE SCHEDULE” OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

6. Consider approval of an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and wastewater service; amending the connection charge and reconnect charge after cut-off, providing a severability clause; providing for publication; and providing an effective date.

RECOMMENDATION: Move to approve an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and wastewater service; amending the connection charge and reconnect charge after cut-off, providing a severability clause; providing for publication; and providing an effective date.

ORDINANCE NO. 35-17

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING THE CHARGES CONTAINED THEREIN FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER SERVICE; AMENDING THE CONNECTION CHARGE AND RECONNECT CHARGE AFTER CUT-OFF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of application by the Town of Flower Mound to join the FEMA Community Rating System (CRS) Program; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve AN application by the Town of Flower Mound to join the FEMA Community Rating System (CRS) Program; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of the purchase of Firefighter uniforms from Red the Uniform Tailor through the City of Frisco Cooperative Bid No. 1405-067.

RECOMMENDATION: Move to approve the purchase of Firefighter uniforms from Red the Uniform Tailor through the City of Frisco Cooperative Bid No. 1405-067

9. Consider approval of the purchase and installation of a Building Management Control System for HVAC and INET Door Access for the new Town Hall, from Schneider Electric Buildings America, INC., a sole source provider of this equipment for the Town, in the amount of \$335,014.00.

RECOMMENDATION: Move to approve the purchase and installation of a Building Management Control System for HVAC and INET Door Access for the new Town Hall, from Schneider Electric Buildings America, INC., a sole source provider of this equipment for the Town, in the amount of \$335,014.00.

Mayor Pro Tem McDaniel moved to approve by consent Items 1 – 9. Councilmember Forest 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:**AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB****NAYS: NONE***Motion passed*

K. REGULAR ITEMS

Mayor Hayden opened item 10 – 13 at the same time.

10. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, and making appropriations for each fund and department.

Staff Presentation

Ms. Wilkinson or Ms. Wallace gave a presentation for items 10 - 13 identifying or noting:

- 2017 Debt service and tax rates
- Required publishing language
- How Flower Mound Compares with benchmark cities – tax rates
- History of tax rate
- Compensation/benefits
- Changes since the original proposed budget
- General fund summary
- Utility fund summary
- Water/Wastewater rates
- Stormwater utility fund
- Stormwater utility system rate
- SWUS Rates for 2017-2018
- Special revenue funds
- Crime Control & Prevention District budget
- Fire Control, Prevention, & Emergency Medical Services District budget
- Infrastructure and Capital Improvement Projects Summary

There was Council discussion as follows:

- How compensation for Town employees is and has been a priority for several years
- Concerns regarding rising water rates and interest in exploring creative solutions to manage the high cost of water
- Capital improvement cost for water/sewer infrastructure
- One of the lowest tax rates in benchmark cities
- How the language to use in the motion is set by the state but the Town is keeping the same tax rate

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

- Clarification regarding rollback rate

The Town Council convened into a closed meeting at 7:06 p.m. on September 18, 2017, pursuant to Texas Government Code Chapter 551.074, to discuss matters relating to personnel, and reconvened into an open meeting at 7:12 p.m. on September 18, 2017, to take action on the items as follows:

- a. Annual review of Town Manager

No action taken.

ORDINANCE NO. 32-17

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

1. Mayor Pro Tem McDaniel moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, and making appropriations for each fund and department. Deputy Mayor Pro Tem Bryant seconded the motion.

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

2. Deputy Mayor Pro Tem Bryant moved to ratify the property tax revenue increase reflected in the FY 2017-2018 budget. Mayor Pro Tem McDaniel seconded the motion.

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

11. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018.

RESOLUTION NO. 14-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilmember Jason Webb, a member of the Town Council, acting as the Board of Directors for the Crime Control and Prevention District, moved to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018.

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

12. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018.

RESOLUTION NO. 15-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilmember Jason Webb, a member of the Town Council, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, moved to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018. Councilmember Forest seconded the motion.

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

13. Consider approval of an ordinance adopting the 2017 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2017.

ORDINANCE NO. 33-17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2017, AND ENDING ON SEPTEMBER 30, 2018, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4390 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2017; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING

FOR APPROVAL OF THE 2017 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilmember Bryan Webb moved to approve that the property tax rate be increased by the adoption of a tax rate of \$0.4390 per \$100 of assessed value, which is effectively a 2.85 percent increase in the tax rate; and move to approve an ordinance adopting the 2017 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2017. Deputy Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

14. Town Council to consider nominees to be voted on by taxing jurisdictions for the Board of Directors for the Denton Central and Tarrant Appraisal Districts.

Staff Presentation

Ms. Scott gave a presentation identifying or noting:

- Background information about the role of the board
- The selection process
- Current board members

and she responded to questions from Council as follows:

- Whether or not there was a requirement to nominate someone to TAD

Mayor Pro Tem McDaniel moved to nominate Mike Hassett and Connie Smith as candidates to be considered by the taxing jurisdictions for the Board of Directors of the Denton Central Appraisal District (DCAD). Councilmember Bryan Webb seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

15. Public Hearing to consider approval of a Second Amendment to Chapter 380 Partnership Agreement with RMI River Walk Investors, LP, and authorization for the Mayor to execute same on behalf of the Town.

The Town Council convened into a closed meeting at 7:21 p.m. on September 18, 2017, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections, 551.087, 551.072, and 551.071 to discuss matters relating to, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 7:48 p.m. on September 18, 2017.

Staff Presentation

Ms. Roy gave a presentation for item 15, and Mr. Dalton gave a presentation for item 16, identifying or noting:

- Purpose of the item, which is essentially extending the deadline for the completion of the parking garage
- Conditions of the agreement
- Site map
- Current and proposed language for the development agreement

And she, Mr. Dalton, Mr. Powell, or Mr. Meredith responded to questions from Council as follows:

- Define what substantial completion entails, as well as what type of items are not included in order to achieve substantial completion
- Clarification as to what Council action this evening accomplishes
- What happens if the garage is not substantially complete by March 15, 2018
- What is the total value of the incentives
- If the terms of the agreement were not met would it still be free parking

Applicant Presentation

Daryn Eudaly, founder and President of SPC Capital, Inc. and a Principal at New Era Hotels and Resorts

Mr. Eudaly gave a presentation identifying or noting:

- Background information about the portion of the River Walk that they own
- Photos of the interior and exterior of the Courtyard by Marriott (some photos were from the actual Flower Mound property and some were representative from their website)
- River Walk Medical Park aerial photographs
- Parking garage site plan, including exterior façade materials, north and south elevations, and noting it's a 3 story garage that will hold 416 cars and their minimum to build was 300 per the 380 agreement, and it's designed so they can expand to a capacity of 550 - 570 cars to accommodate future needs
- How the hospital is not a participant with the garage
- Parking garage site plan
- The garage will be pre cast construction which will reduce the time to get the exterior of the building done
- Construction clearing
- Construction building pad preparation started August 9th
- Foundation and pier installation (as of 9/18/17 68 piers completed and 14 remaining) – 83% of piers are done
- Parking garage schedule, noting they anticipate completion in the first week of January
- Potential schedule delays

And he responded to questions or comments from Council as follows:

- A request by Council to notify them if they see that something is going wrong with the construction of the parking garage in November or December and not

wait until March 10th

Mayor Hayden opened the Public Hearing at 8:25 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
Paul Stone, 4100 Broadway	None	None
Jim Engel, 5110 Bayberry St		

Mayor Hayden closed the Public Hearing at 8:30 p.m.

There was Council discussion as follows:

- Background information regarding why the Town is holding a firm position on the construction of the parking garage
- How their area is outside of the Public Improvement District
- The quality of buildings New Era has built so far in Flower Mound

Councilmember Bryan Webb moved to approve the Second Amendment to Chapter 380 Partnership Agreement with RMI River Walk Investors, LLP, referencing the substantial completion requirements discussed with the penalty that the Council may declare a forfeiture of the incentives should the completion date not be complied with as presented, and authorize the Mayor to execute same on behalf of the Town. Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: MCDANIEL

16. Consider approval of the first amendment to development agreement with RMI River Walk Investors, LP and authorization for Mayor to execute same on behalf of the Town.

Councilmember Bryan Webb moved to approve the first amendment to development agreement with RMI River Walk Investors, LP as described previously and authorization for Mayor to execute same on behalf of the Town. Deputy Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: MCDANIEL

L. BOARDS/COMMISSIONS (Executive Conference Room)

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.

Mayor Hayden announced the meet and greet dates and confirmed that members of Council will be in attendance.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:37 p.m. on September 18, 2017, 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 10:15 p.m. on September 18, 2017, to take action on the items as follows:

- a. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding and Alternate 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 and/or other municipal purposes and all matters incident and related thereto.

Mayor Pro Tem McDaniel moved to authorize state to purchase the right-of-way property, in association with the Firewheel Drive project, and to negotiate for the purchase of the right-of-way property up to the settlement amounts described in this document, and authorize the Town Manager or his designee, to pay all closing 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. Deputy Mayor Pro Tem Bryant seconded the motion.

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

Mayor Pro Tem McDaniel moved to authorize staff to purchase the right-of-way property, in association with the Waketon Road project, and to negotiate for the purchase of the right-of-way up to the settlements amounts described in this document, and 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. Deputy Mayor Pro Tem Bryant seconded the motion.

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

d. Consultation with Attorney as follows:

1. Status of Chapter 380 Incentive Agreement between the Town and Flour Mountain, Inc., d/b/a Mellow Mushroom ("FMI")
2. Riverwalk water line repair claim

Councilmember Jason Webb moved to approve the resolution of dispute regarding the water line claim as discussed in executive session. Mayor Pro Tem McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

e. Annual review of Town Manager.

This item was heard earlier in the meeting in conjunction with items 10 – 13 and no action taken.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:17 p.m. on Monday, September 18, 2017 2017, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY