

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING HELD ON THE 18<sup>TH</sup> DAY OF JANUARY 2018, 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.**

[Click here](#) for meeting Video Link (subject to change)

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

Tom Hayden	Mayor
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
Andrea Roy	Economic Development Director
Tiffany Bruce	Engineering Manager
James Hoefert	Environmental Review Analyst

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:02 p.m.

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

Resident Jay Marks gave the invocation and Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. Presentation from CoServ regarding Capital Credit allocation to the Town of Flower Mound.

Tracee Elrod, CoServ Area Manager, and other CoServ representatives presented a Capital Credit check in the amount of \$57,165.14.

**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 (as written on the form)</b>
1.	Carol Kohankie, 4312 Lauren Way	Peter Stewart
2.	Paul Stone, 4100 Broadway #1111	Parks
3.	Shon Bjornberg, 4809 Pacer Way	CVS at 5100 Cross Timbers
4.	Don Shields, 3815 Cortadera Ct	Electioneering
5.	Steve Dixon, 4604 Wisdom Creek Ct	Election

#### **F. ANNOUNCEMENTS**

Mayor Pro Tem McDaniel had the following announcements:

- Intent to file to run for a second term (Place 4)
- Interest in preserving the Stewart family home as a tangible historic asset for the Town

Deputy Mayor Pro Tem Bryant had the following announcements:

- Welcomed the Flower Mound Citizens Academy participants that were in the audience
- Highlights from a recent MLK event he attended

Mayor Hayden provided an announcement about the Town's rating report (as noted in the packet – agenda item # 11) and the reduced amount that covers the Town's debt service.

#### **G. TOWN MANAGER'S REPORT**

Mr. Stathatos gave an update on the following projects:

1. Capital improvement projects.
  - Traffic signal at FM 2499 and College Pkwy
2. Economic Development projects.
  - New businesses of Salt Rock, Mazzola's Italian Pizzeria, and Scratch Bakery
  - Retail and restaurant survey, including the top 5 most requested retailers and restaurants
  - Stryker job fair

Mr. Meredith provided a statement of fact regarding aspects of Governor Abbott's new property tax reform proposal that implicates local municipalities and other taxing entities.

Mr. Stathatos or Ms. Roy responded to questions from Council as follows:

- Clarification regarding the reason why Mellow Mushroom and Mod Market closed
- Did the Town recruit CVS for the FM 1171 location or did they reach out to the Town
- Update for traffic signal request at Gerault and Big Canyon

**H. FUTURE AGENDA ITEMS**

1. Deputy Mayor Pro Tem Bryant requested that for the Morriss Rd item on Feb. 5<sup>th</sup>, he would also like to have a discussion about the master thoroughfare designation on that same night for the purpose of discussing the long term plans for that road. Mayor Pro Tem McDaniel indicated he would like to add to that request by having a discussion relative to its place in SMARTGrowth. There was Council consensus to discuss, with the understanding that discussion would take place after consideration of the main item.

Mr. Stathatos clarified that the only action that can happen on Feb 5<sup>th</sup> is for Council to provide staff with direction to have a Town initiated thoroughfare plan amendment, given the various requirements such as P & Z input, public hearings, etc.

Councilmember Bryan Webb suggested rescheduling any items from the February 5<sup>th</sup> agenda if at all possible in anticipation of the 5<sup>th</sup> being a long meeting night.

**I. COORDINATION OF CALENDARS**

- 1., 2. A work session is scheduled for Thursday, January 25<sup>th</sup>; A regular meeting is scheduled for Monday, February 5<sup>th</sup>.

Mayor Hayden announced that the work session previously scheduled for January 25<sup>th</sup> has been canceled and the next meeting is February 5<sup>th</sup>.

**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 held on December 18, 2017.

**DRAFT MOTION:** 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 held on December 18, 2017.

2. Consider acceptance of grant funds for FDA Training, from the U.S. Department of Food and Drug Administration for the Retail Standards Grant Program sponsored by the Association of Food and Drug Officials.

**DRAFT MOTION:** Move to approve grant funds for FDA Training, from the U.S. Department of Food and Drug Administration for the Retail Standards Grant Program sponsored by the Association of Food and Drug Officials.

**RESOLUTION NO. 01-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR FDA TRAINING FROM THE U.S. DEPARTMENT OF FOOD AND DRUG ADMINISTRATION FOR THE RETAIL STANDARDS GRANT PROGRAM, SPONSORED BY THE ASSOCIATION OF FOOD AND DRUG OFFICIALS; APPROVING THE USE OF GRANT FUNDS TO COVER THE COSTS OF AN EMPLOYEE TO ATTEND TRAINING RELATED TO FOOD INSPECTIONS;**

**PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE RETAIL STANDARDS GRANT PROGRAM.**

3. Consider acceptance of grant funds for Standards Achievement, from the U.S. Department of Food and Drug Administration for the Retail Standards Grant Program sponsored by the Association of Food and Drug Officials.

**DRAFT MOTION:** Move to approve grant funds for Standards Achievement, from the U.S. Department of Food and Drug Administration for the Retail Standards Grant Program sponsored by the Association of Food and Drug Officials.

**RESOLUTION NO. 02-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR STANDARDS ACHIEVEMENT, FROM THE U.S. DEPARTMENT OF FOOD AND DRUG ADMINISTRATION FOR THE RETAIL STANDARDS GRANT PROGRAM, SPONSORED BY THE ASSOCIATION OF FOOD AND DRUG OFFICIALS; APPROVING THE USE OF GRANT FUNDS TO COVER PERSONNEL COSTS RELATED TO DEVELOPING WRITTEN POLICIES AND PROCEDURES FOR THE DEPARTMENT; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE RETAIL STANDARDS GRANT PROGRAM.**

4. Consider approval of Amendment No. 2 to the Fiscal Year 2017-2018 Capital Improvement Program.

**DRAFT MOTION:** Move to approve Amendment No. 2 to the Fiscal Year 2017-2018 Capital Improvement Program.

5. Consider approval of the award of Bid No. 2018-38-B, to Roadway Solutions Inc., for the construction of the FM 2499 at College Parkway– Traffic Signal Construction project, in the amount of \$176,430.00; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve award of Bid No. 2018-38-B, to Roadway Solutions Inc., for the construction of the FM 2499 at College Parkway– Traffic Signal Construction project, in the amount of \$176,430.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide design services for the Pintail Pump Station (Auxiliary Power & Upgrades) project, in the amount of \$188,500.00; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide design services for the Pintail Pump Station (Auxiliary Power & Upgrades) project, in the amount of \$188,500.00; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of the Professional Services Agreement with Pacheco Koch, LLC., to provide professional engineering services for the Kirkpatrick 12-Inch Water Line Phase 2 project, in the amount of \$106,921.00; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve the Professional Services Agreement with Pacheco Koch, LLC., to provide professional engineering services for the Kirkpatrick 12-Inch Water Line Phase 2 project, in the amount of \$106,921.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of an ordinance amending the Town's Code of Ordinances by adding a Chapter 91 entitled Flood Damage Prevention and repealing Paragraph D2 of Paragraph IV of Volume 1 of the Flower Mound Design Standards.

*Item 8 was removed from the agenda by Town staff for administrative purposes and will be rescheduled for a future date, therefore there was no action taken.*

9. Consider approval of the removal of existing carpet, purchase, and installation of new carpet for the Police and Courts Facility Upgrades project, in the amount of \$97,749.30, to Mohawk Carpet Distribution, INC/AF Services.

**DRAFT MOTION:** Move to approve the removal of existing carpet, purchase, and installation of new carpet for the Police and Courts Facility Upgrades project, in the amount of \$97,749.30, to Mohawk Carpet Distribution, INC/AF Services.

10. Consider approval of the Amendment (AIA Document G802-2007) to the Professional Service Agreement (AIA Document B101-2007 dated April 11, 2016) from Oxley Williams Tharp Architects, to perform the Architectural and Engineering design services for the Storage Warehouse project, in the amount of \$64,700.00; and authorization for the Mayor to execute same on behalf of the Town.

**DRAFT MOTION:** Move to approve the Amendment (AIA Document G802-2007) to the Professional Service Agreement (AIA Document B101-2007 dated April 11, 2016) from Oxley Williams Tharp Architects, to perform the Architectural and Engineering design services for the Storage Warehouse project, in the amount of \$64,700.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Bryan Webb moved to approve by consent Items 1 – 7; 9 – 10. Councilmember Jason Webb seconded the motion. Each item, as approved by consent, is restated above along with the approved draft motion, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:**

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

**NAYS: NONE**

*Motion passed*

**K. REGULAR ITEMS**

11. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2018, and resolving all matters incident and related thereto.

**Staff Presentation**

Ms. Wallace indicated the certificates of obligations are for the expansion and renovations of the library. Mr. John Martin, Hilltop Securities, provided a summary of the bond ratings report, bid summary, analysis of the transaction, notice of sale, and offering document. He also indicated the Town's AAA rating was affirmed. He responded to questions from Council as follows:

- Clarification regarding the true interest cost of the Town issuing debt

There was Council discussion as follows:

- How in reality the Town is saving money by issuing debt now, especially when you take into account the rate of inflation, and particularly in the construction industry
- Summary of a discussion Mayor Hayden had with Library Director Sue Ridnour and what the Town can do once the remodel gets done to encourage reading in the community
- How the Park Board will soon be considering what to do with the land adjacent to the Library and public input is encouraged as to how to activate that area

Deputy Mayor Pro Tem McDaniel moved to approve an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2018, and resolving all matters incident and related thereto. Councilmember Forest seconded the motion.

**ORDINANCE NO. 01-18**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF "TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2018"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN'S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: FOREST, J WEBB, BRYANT, MCDANIEL, B WEBB  
NAYS: NONE**

*Motion passed*

12. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on the Glidewell Addition residential development. The specimen tree is located at 3551 Shady Trail. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its January 2, 2018, meeting).

### Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project location
- Project information
- Tree survey
- Photograph of the tree

and he responded to questions from Council as follows:

- What are the mitigation requirements for this request

Mayor Hayden opened the Public Hearing at 7:11 p.m. No one spoke in support, opposition, or had questions/comments. Mayor Hayden closed the Public Hearing at 7:11 p.m.

Councilmember Jason Webb moved to approve an application for a tree removal permit for one (1) specimen tree on the Glidewell Addition residential development. The specimen tree is located at 3551 Shady Trail. Councilmember Bryan Webb seconded the motion.

### VOTE ON MOTION:

*Motion passed*

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

**NAYS: NONE**

13. Consider establishing rules for electioneering at polling locations.

### Staff Presentation

Ms. Scott gave a presentation identifying or noting:

- Background information
- Definition of Electioneering
- Examples from other Texas cities and similarities summary
- Options for consideration at the Police/Courts and Library polling locations

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

- When is the drawing for positions on the ballot
- Who enforces the 100' buffer regulations and who would enforce the 150' buffer should that be adopted
- Have there been formal complaints from people not being able to find parking when they go to the courts facility or police department
- Was there designated parking in the past for candidates
- Interest in having a future agenda item as it relates to the Town's regulation that prohibits putting up a political sign within a 20' utility easement

There was Council discussion as follows:

- Interest in having some type of policy that dictates where to park so it doesn't impede parking at the polling locations for those needing to conduct business at those sites
- How there can be a series of elections in any given year and implications on having designated parking stalls for candidates and supporters in all of those elections
- Not in favor of having multiple sets of rules at different locations
- Anything that is done needs to be consistent across all locations
- Whether electioneering deters people from going to vote
- Possibility of drawing a line in the middle (having a north and south) to avoid being inundated with people coming up to talk to you when going to vote
- Preference for option 2 (150' buffer) as it gives a little more room in pushing back electioneering a little bit further from the building
- Concerns regarding limiting where someone can talk
- Understand the need to move the tents away from the edge of the 100' marker
- Allowance of walking and talking outside of the 100'; however, any set up with tents should be beyond the 150' marker
- Like the idea of preserving more parking spaces for Town business purposes so some expansion of the buffer would be prudent
- Concerns regarding dictating where the designated area would be because you don't know how many people will be participating in any given election
- If the purpose of this item is to get rid of the gauntlet effect (intimidation felt by the public when being approached by a candidate) it will fail because freedom of speech is still there and the gauntlet is created by the people
- Clarification regarding intentions
- Interest in whatever radius is decided it needs to be defined with some type of permanent striping
- Possibility of a hard rule of no RV or trailer parking
- Option of the soft approach in that while candidates are coming in for a place on the ballot staff could show them where they should park
- How any regulations applied would just be on Town owned property
- Possible use of signs to denote spots for Town business and/or voting
- What would be the policing aspects
- Past election turn out and lack of parking
- How pushing out the line to 150' is in reality a long way and a candidate would not have an opportunity to interface with the public
- Possibility of having an electioneering agreement that would include fair practices as it relates to electioneering

There was general Council consensus to administratively handle the aspects of electioneering at the polling locations of the courts/police during early voting and on election day at the library as follows:

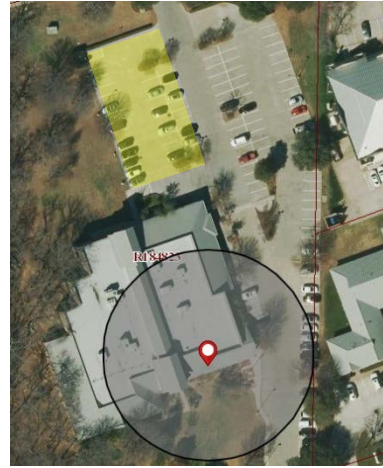
- Maintain the 100' electioneering buffer as it exist today
- Designate specific areas (identified in the diagram below) at both the municipal court/police building and library for candidate and supporter parking, and to be clearly defined on the property such as with the use of a permanent painted line, and communicate that information to ISD candidates. This designated area excludes electioneering set up such as the use of tents and/or tables.



Courts/Police



Library



- no trailer or recreational vehicle (RVs) allowed
- one shade structure/tent per candidate and not to exceed the dimensions of a single standard parking space

and with the understanding that enforcement and penalties could be considered in the future should there not be voluntary compliance from the candidates and supporters.

14. Possible application of Tax Increment Financing or other tax incentive mechanisms for the Lakeside Business District area.

### Staff Presentation

Ms. Roy gave a presentation identifying or noting:

- Discussed/potential projects (Lakeside Village and Lakeside Business District)
- What Tax Increment Reinvestment Zone (TIRZ) District funds can be used for
- Steps to create a TIRZ
- Overall concept of Lakeside Village
- Potential TIRZ contribution as it relates to Lakeside Village and additional considerations
- Lakeside Village proposed project costs

And she or Mr. Stathatos responded to questions from Council as follows or offered comments:

- participation impact from other taxing entities relative to interest and at what point is the Town committed to establishing the TIRZ and moving forward
- How staff would like to know if any member of Council is completely against the concept of a TIRZ because going forward there will be cost incurred

There was Council discussion as follows:

- How there are a lot of layers involved
- How a TIRZ District shouldn't be formed without the zoning
- Tax base overall and how this area would increase the Town's tax base by 10%
- How Lakeside Village is just one piece as there are areas in the Lakeside Business District that include both Denton and Tarrant County
- The possibility of making a large TIRZ with lower percentages
- What is the general match for the Town looking like
- What is the monies that Tarrant County might contribute if they would be interested in participation
- Why the Lakeside Village is primarily being considered
- How the TIRZ should be short term and defined
- How there are a lot of questions that need to be answered; however, that will all depend on the level of participation from the various taxing entities
- Concerns regarding timing
- How if a fine arts center was to come forward, there could be a secondary purpose that could offer some additional revenue for the Town by making it part of a hotel project, as they could lease that space in coordination with various events

There was Council consensus to move forward with the process associated with creating a Tax Increment Reinvestment Zone (TIRZ) District, with a primary focus on Lakeside Village; however, to also consider other options that may include a larger scope within the Lakeside Business District area. In addition, there was consensus to pursue the possible inclusion of a fine arts center and possible relocation of the Stewart home as part of the TIRZ exploration process.

**L. BOARDS/COMMISSIONS (Executive Conference Room)**

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

- a. Discuss and consider appointment of Chair to the TIRZ #1 board.

Councilmember Bryan Webb moved to appoint Paul Stone to serve as Chair of the Tax Increment Reinvestment Zone (TIRZ) No. 1 effective immediately. Councilmember Claudio Forest seconded the motion.

There was Council discussion as follows:

- Explanation of the process as it relates to term expirations for TIRZ Board members, as it's different than most boards with a December 31<sup>st</sup> term expiration date instead of September 30<sup>th</sup>. In addition, the Council holds the responsibility of appointing the chair for the TIRZ Board, which is also different from the other boards.

**VOTE ON MOTION:**

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

**NAYS: NONE**

*Motion passed*

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

The Town Council convened into a closed meeting at 8:52 p.m. on January 18, 2018, 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 9:29 p.m. on January 18, 2018, 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.

**O. ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 9:29 p.m. on Thursday, January 18, 2018, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



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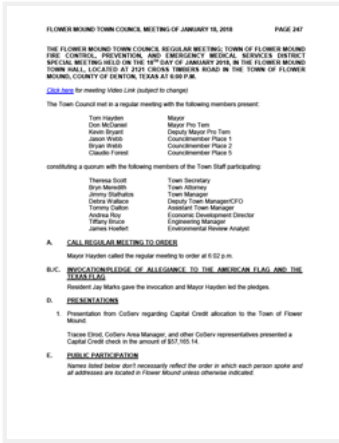
**THOMAS E. HAYDEN, MAYOR**

**ATTEST:**



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**THERESA SCOTT, TOWN SECRETARY**



# 02.5.18\_01\_Minutes from 1.18.18

Adobe Sign Document History

02/08/2018

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By:	Anne Carnes (TownSecretary@flower-mound.com)
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Signature Date: 02/08/2018 - 12:31:54 PM CST - 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 Thomas E Hayden (mayor@flower-mound.com)  
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