

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 19TH DAY OF FEBRUARY 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 (arrived at 6:10)
Don McDaniel	Mayor Pro Tem
Jason Webb	Councilmember Place 1
Kevin Bryant	Deputy Mayor Pro Tem
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
Chuck Russell	Town Planner
Tiffany Bruce	Engineering Manager
Sue Ridhour	Director of Library Services
Andy Kancel	Police Chief

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

Councilmember Jason Webb gave the invocation and Mayor Pro Tem McDaniel led the pledges.

D. PRESENTATIONS

1. Proclamation for Parent Teacher Association (PTA) Founders Day.

Julie Kluthe Communications Chair of Lewisville ISD Council of PTAs and Lauren Johnson accepted the proclamation and provided background information on the PTA program.

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.	Paul Stone, 4100 Broadway	Announcement
2.	Tanner Wilson, 4925 Creekwood Dr	Soccer
3.	Elena Johnson, 1314 Blairwood	Morriss Rd
4.	Larry Ford, 1921 Shenandoah Ln	Morriss Rd
5.	Kim Berg, 2012 Barton Creek Ln	Public Participation
6.	Mary Strickland, 3204 Springwood Rd	Morriss Rd Expansion/Designation
7.	Patsy Mizeur, 1821 Castle Ct	Issues
8.	Sandeep Sharma, 2504 Stillwater Ct	Morriss – thoroughfare enhancement
9.	Katie Mayer, 3612 Burlington	FloMoTA
10.	Scott Voolkel, 12900 Preston Rd, Dallas	Town Landscaping Requirements
11.	Brian Campbell, 2905 Woodway Dr	School Safety Improvements
12.	Mary Kay Walker, 3229 Oak Meadow	Mental Health

Chief Kancel provided statements of fact in response to Mayor Hayden's request to clarify the police department's role relative to safety in schools given the recent school shooting incident in Florida, and as brought up during public participation.

F. ANNOUNCEMENTS

Councilmember Forest announced the Summit Club annual Western Saloon Night fundraiser.

Several members of Council expressed appreciation for the Fire Department and the awards presented at their annual banquet this past Saturday.

Councilmember Bryan Webb announced the voting schedule for the upcoming Primary Election.

Mayor Hayden announced the Special Meeting and Mornings with the Mayor and Council event scheduled for Saturday, February 24th.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following topics:

1. Capital improvement projects
 - Waketon/Rippy Road project delay
2. Economic Development projects
 - Results from the 2017 retail and restaurant survey
 - Prototype IT workforce expansion
 - Courtyard Marriott rating report

3. Obtain feedback on the Thoroughfare Plan Amendment for Silveron

Mr. Stathatos provided background information relative to the areas where feedback is needed, and he pointed out various options for Council to consider.

There was Council direction to have this discussion moved to P & Z.

4. Receive direction about the Thoroughfare Plan Amendment for Morriss

There was Council discussion as follows:

- Option of a work session with just the Transportation Commission in a brainstorming format, where the public could contribute ideas, and then Council would have the joint meeting with the Transportation Commission afterwards
- Concerns that the Transportation Commission did not have enough information at their last meeting and that Council's goals and intent may not have clear; noting that some of the things being looked at is the road designation, and possibilities for improvement of traffic mobility and safety
- Possibly of a joint work session with the Transportation Commission, and include members of the public for input
- How a lot of people have asked for a committee of residents to meet and consider various ideas and it was noted that the Transportation Commission serves in this capacity

There was Council consensus to proceed with a joint work session with the Transportation Commission, and with the understanding it would be in a controlled setting such as with time limits for public input. This work session would also include staff proposals such as turn lanes, lighting, etc. In addition, a building official from LISD should be invited given the school is a component of the discussion. The date and location is to be determined.

5. Receive direction about the Roadway enhancement safety program

Ms. Bruce outlined options for Council consideration in conjunction with roadway enhancements, particularly as it relates to lighting.

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

- Can CoServ retrofit a light to LED at a later time or would they need to replace the light entirely
- How many different styles of light fixtures are there currently in Town
- Was a heat map gathered from the Police Department to have an incident overlay to understand where the lights are needed most
- Clarification regarding the process for putting lights in TxDot right of ways
- How would the lights be funded
- How bright are the lights
- What is the variable cost per unit and who pays for it

There was Council discussion as follows:

- The box light style is not attractive
- Concerns that LED lights is not an option
- Old English style

- Liked the lighting option for the medians, and darker color poles
- Lights in a median and at an intersection should be the standard practice for lighting
- How the type of street dictates the amount of lights, as the more intense the traffic the more lights are needed
- Liked the cobra style as it puts more light on the road itself, and the example of Coppell was given
- Lights in the medians would be ideal; however, some roads may require more than that
- Interest in having transportation commission provide feedback before it comes back to Council
- How some streets do have lights but they are more of a neighborhood style light and it should be replaced (or another light added) if it is on a roadway because it is not sufficiently illuminating the intersection
- Safety factor of the lights; however, recognizing that many people prefer less lights overall
- How the discussion is not about illuminating the whole Town; however, more about focusing on key locations, such as around schools where lighting does not exist (i.e. Forest Vista, Garden Ridge, Halsey)
- How going forward lighting needs to be part of the discussion any time there is a road project underway and to include that cost into the overall roadway repair
- The possibility of putting in a few lights to get resident feedback
- How installing the lights should be an annual program and there will be competing demands for additional resources, which are limited

There was Council consensus and direction to:

- Get feedback from the Transportation Commission, and include the heat map from the Police Department to have an incident overlay for the purpose of understanding where the lights are needed most to help prioritize which locations get lights first
- Use Cobra head light style with the darker poles, and for placement in median locations, with a focus on key locations, such as around schools where lighting does not exist

6. Receive direction regarding the Town's landscape requirements for commercial properties

Mr. Stathatos provided background information regarding why this item is on the agenda, and he noted there are still some businesses that are not in compliance with the Town's landscaping regulations. He indicated that staff needs to know if there is interest by Council to amend the ordinance to allow for landscape materials such as synthetic grass.

There was Council discussion as follows:

- How the ordinance needs to be enforced
- Possible exceptions for some types of businesses should there be health and safety factors for having a landscape material such as synthetic grass

- How technology advances have come so far there may be a need to review it and be open minded about the opportunity and possibility, and how it might be appropriate in some places

There was Council direction to:

- Have staff come back with an update at the next meeting regarding specifics as it relates to the use of synthetic grass in commercial landscaping

H. FUTURE AGENDA ITEMS

1. There were no items requested for a future agenda.

I. COORDINATION OF CALENDARS

Mayor Hayden confirmed Councilmember attendance at the next regular Town Council meeting scheduled for Monday, March 5.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 5, 2018.

DRAFT MOTION: Move to approve the minutes from a regular meeting of the Town Council held on February 5, 2018.

2. Consider approval of the award of Request for Proposal 2018-16 for the Annual Fireworks Display to Pyrotecnico, in the annual amount of \$27,500.

DRAFT MOTION: Move to approve the award of Request for Proposal 2018-16 for the Annual Fireworks Display to Pyrotecnico, in the annual amount of \$27,500.

3. Consider approval of the purchase of an ARRI-ALEXA mini camera and accessories from Innocinema in the amount of \$56,137.03.

DRAFT MOTION: Move to approve the purchase of an ARRI-ALEXA mini camera and accessories from Innocinema in the amount of \$56,137.03.

4. Consider approval of the purchase of one (1) Case 580N 4WD T4 Final Extendahoe Backhoe/Loader for the Public Works Stormwater Department in the amount of \$61,700.00 and one (1) Case 590SN 4WD T4 Final Extendahoe Backhoe/Loader for the Public Works Utility Line Maintenance Department in the amount of \$82,470.00 from ASCO Associated Supply Co, Inc for a grand total amount of \$144,170.00.

DRAFT MOTION: Move to approve the purchase of one (1) Case 580N 4WD T4 Final Extendahoe Backhoe/Loader for the Public Works Stormwater Department in the amount of \$61,700.00 and one (1) Case 590SN 4WD T4 Final Extendahoe Backhoe/Loader for the Public Works Utility Line Maintenance Department in the amount of \$82,470.00 from ASCO Associated Supply Co, Inc for a grand total amount of \$144,170.00.

5. Consider approval of the purchase of one (1) new Custom Armored Rescue/Response Van for Police Services from Roshel Inc, the lowest responsible bidder in the amount of \$98,500.00.

DRAFT MOTION: Move to approve the purchase of one (1) new Custom Armored Rescue/Response Van for Police Services from Roshel Inc, the lowest responsible bidder in the amount of \$98,500.00.

6. Consider approval of the purchase of one (1) 2019 Freightliner Chassis and Pro-Patch Pothole Patcher for the Public Works Street Services Department from Freightliner of Austin in the amount of \$150,470.00.

DRAFT MOTION: Move to approve the purchase of one (1) 2019 Freightliner Chassis and Pro-Patch Pothole Patcher for the Public Works Street Services Department from Freightliner of Austin in the amount of \$150,470.00.

7. Consider approval of a resolution to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles (TxDMV) for the continuation of the Scofflaw program, and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve a resolution to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles (TxDMV) for the continuation of the Scofflaw program, and authorization for the Mayor to execute same on behalf of the Town.

RESOLUTION NO. 04-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER, TX, APPROVING AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FLOWER MOUND AND THE TEXAS DEPARTMENT OF MOTOR VEHICLES RELATING TO MOTOR VEHICLE REGISTRATION REFUSAL PURSUANT TO SECTION 702.003 OF THE TEXAS TRANSPORTATION CODE.

8. Consider approval of a resolution confirming a relationship with JPMorgan Chase Bank; designating and appointing authorized agents; authorizing the Mayor to sign all accompanying agreements; providing for the operation of the Town's accounts with said Bank; and declaring an effective date.

DRAFT MOTION: Move to approve a resolution confirming a relationship with JPMorgan Chase Bank; designating and appointing authorized agents; authorizing the Mayor to sign all accompanying agreements; providing for the operation of the Town's accounts with said Bank; and declaring an effective date.

RESOLUTION NO. 05-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND CONFIRMING A RELATIONSHIP WITH JPMORGAN CHASE BANK; DESIGNATING AND APPOINTING AUTHORIZED AGENTS; AUTHORIZING THE MAYOR TO SIGN ALL ACCOMPANYING AGREEMENTS; PROVIDING FOR THE OPERATION OF THE TOWN'S ACCOUNTS WITH SAID BANK; AND DECLARING AN EFFECTIVE DATE.

9. Consider approval of Amendment No. 3, to the Fiscal Year 2017-2018 Capital Improvement Program.

DRAFT MOTION: Move to approve Amendment No. 3, to the Fiscal Year 2017-2018 Capital Improvement Program.

10. Consider approval of Change Order No. 1 for the construction of the Woodbine Street Reconstruction project, amending the contract with Tiseo Paving Company, to provide for additional substantial and final completion days, and an increase to the contract in the amount of \$392,015.03 to replace the water line; and authorization for the Mayor to execute the same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 for the construction of the Woodbine Street Reconstruction project, amending the contract with Tiseo Paving Company, to provide for additional substantial and final completion days, and an increase to the contract in the amount of \$392,015.03 to replace the water line; and authorization for the Mayor to execute the same on behalf of the Town.

Mayor Pro Tem McDaniel moved to approve by consent Items 1 – 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:

Motion passed

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

NAYS: NONE

K. REGULAR ITEMS

11. Public Hearing to consider a request for rezoning (ZPD17-0019 - Lakeside Crossing) to amend Planned Development District No. 153 (PD-153) by modifying the minimum building setback for the Hotel and by adding conceptual elevations and development standards for the townhomes, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 12, 2018, meeting.)*

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photos of the subject property
- Approved concept plan, and what is being requested as part of the amendment
- PD 153 development standards and additional language that would be added to the Ordinance

- Setback modification and proposed new language

and he responded to questions from Council as follows:

- Whether or not there will be any additional changes to the hotel as a result of this amendment

Applicant Presentation

The applicant did not have a presentation.

Mayor Hayden opened the Public Hearing at 7:46 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
Jim Engel, 5110 Bayberry St	None	None

Mayor Hayden closed the Public Hearing at 7:47 p.m.

Mayor Pro Tem Don McDaniel moved to approve a request for rezoning (ZPD17-0019 – Lakeside Crossing) to amend Planned Development District No. 153 (PD-153) by modifying the minimum building setback for the Hotel and by adding conceptual elevations and development standards for the townhomes, and adopt an ordinance providing for said amendment. Councilmember Forest seconded the motion.

ORDINANCE NO. 03-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 25-17, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 153 (PD-153) ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 12.0 ACRES OF LAND SITUATED IN THE J. N. TANNEHILL SURVEY, ABSTRACT NUMBER 1252; BY MODIFYING THE MINIMUM BUILDING SETBACK FOR THE HOTEL; AND BY ADDING CONCEPTUAL ELEVATIONS AND DEVELOPMENT STANDARDS FOR THE TOWNHOMES, 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 A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

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

Motion passed

12. Reapplication Waiver – Serenity

Consider approval of a request (MISC17-0008) for a waiver to the one-year waiting period required after denial of a rezoning request by the Town Council in order to allow acceptance of a new zoning application for the same property, as outlined in Section 78-154, "Action by town council," of the Code of Ordinances. The property is generally located south of FM 1171 and west of High Road. (The Planning and Zoning Commission denied the request by a vote of 6 to 0 at its January 8, 2018, meeting.)

Staff Presentation

Mayor Hayden announced that the applicant submitted a written withdraw regarding this request. (See *Exhibit A at the end of this document.*)

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

- What steps could the applicant take relative to this project based on how the property is currently situated, and associated timing

13. Consider approval of a Consulting Agreement with The Cultural Planning Group to develop a Cultural Arts Master Plan for the Town

Staff Presentation

Ms. Ridnour gave a presentation identifying or noting:

- Introduced Cultural Arts Commission member present in the audience
- Why a Cultural Arts Master Plan is needed
- Timeline
- Rankings for the six applications received
- The Cultural Planning Group (CPG)
- Methodology: Phase I

and she responded to questions from Council as follows:

- How would the public meetings be publicized
- Is there a *Friends of the Public Arts* organization, and how the creation of one would be helpful in gathering contributions
- Given it is a virtual company has there been an interface with a person in the company

There was Council discussion regarding:

- How there have been past discussions about having a cultural arts center in Lakeside
- Interest in understanding best practices from other municipalities
- How can the Town get artistic value from things we already do
- Interest in figuring out sooner than later what type of park will be next to the Library

Councilmember Bryan Webb moved to approve a Consulting Agreement with The Cultural Planning Group to develop a Cultural Arts Master Plan for the Town (and for the full amount of \$58,155). Deputy Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, J. WEBB, BRYANT, MCDANIEL, B. WEBB**NAYS: NONE****L. BOARDS/COMMISSIONS (Executive Conference Room -ECR)***For item L, discussions took place in the Council Chambers and not in the ECR.*

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.

No action taken.

14. Discuss and consider amending the organization of the Gibson-Grant Cabin committee (Resolution No. 23-17) to also include one citizen at large, and the appointment thereof.

Mayor Hayden provided background information that led to this being an agenda item, noting past commitments he or some members of Council made to Mr. Grant relative to his involvement.

Mayor Pro Tem McDaniel moved to approve an amendment to the organization of the Gibson-Grant Cabin committee (Resolution No 23-17) to also include one citizen at large, and to appoint Curtis Grant to serve in that position effective immediately. Councilmember Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: B. WEBB, MCDANIEL, BRYANT, J. WEBB, FOREST**NAYS: NONE****M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:07 p.m. on February 19, 2018, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney,, and reconvened into an open meeting at 9:26 p.m. on February 19, 2018, to take action on the items as follows:

- a. Discuss and consider resignations, appointments, or evaluations 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 and/or other municipal purposes and all matters incident and related thereto.

Councilmember Bryan Webb 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 property up to the proposed settlement amount 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 of the right-of-way property, and to execute all necessary documents at closing on behalf of the Town. Mayor Pro Tem McDaniel seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

- d. Consultation with Attorney.

No action taken

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:28 p.m. on Monday, February 19, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

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THOMAS E. HAYDEN, MAYOR

ATTEST:

DocuSigned by:

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THERESA SCOTT, TOWN SECRETARY