

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 19TH DAY OF MARCH 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
Bryan Webb	Councilmember Place 2
Claudio Forest	Councilmember Place 5
Jason Webb	Councilmember Place 1

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Engineering Manager
Matt Hotelling	Traffic Engineer
James Hoefert	Environmental Review Analysis

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden 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 Russ McNamer gave the invocation and Mayor Hayden led the pledges.

D. 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	Campaign

E. ANNOUNCEMENTS

Councilmember Jason Webb announced a low cost vaccine clinic event on April 7th.

Deputy Mayor Pro Tem Bryant announced the release of the First Alarm movie produced by the Fire Department, including showing dates and times at the Movie House.

Mayor Pro Tem McDaniel announced details about a TxDOT public meeting regarding the expansion of 35W on April 19th.

Councilmember Bryan Webb expressed concerns regarding negative comments that have recently been circulated to some mayor/council candidates.

F. TOWN MANAGER'S REPORT

Ms. Wallace gave an update on the following projects:

1. Capital improvement projects
 - Twin Coves update and progress report
2. Economic Development projects
 - Economic Development forum at Courtyard
 - Various new pizza restaurant openings
 - CTDI expanded by 65,000 sf bringing them to 500,000 within 3 buildings in the Lakeside area
3. Update on parking garage (River Walk)
 - The developer just received their final acceptance and it will soon be open to the public
4. Use of synthetic grass in commercial landscaping

Mr. Dalton gave a presentation identifying or noting:

- Background information and past discussions overview, including the direction that was provided by Council
- Next steps (Planning and Zoning agenda, then to Council in early May)

and he responded to questions from Council as follows:

- How is the language “not visible from the public” defined (i.e. automobile passing, or standing from the curb, etc.) – and it was noted it could be changed to “generally not visible or adjacent from the public right of way”
- Has there been research on the quality or grade levels of synthetic grass, and if so emphasis could be placed on use of the higher levels

Based on an inquiry by Mayor Pro Tem McDaniel, Mr. Dalton provided a statement of fact regarding the status of the Children’s Learning Center (corner of Churchill and FM 1171) given the poor condition of the property, including the code enforcement process to get it back to a normal state.

Based on an inquiry by Deputy Mayor Pro Tem Bryant, Ms. Wallace and Ms. Bruce provided a statement of fact regarding the status of the fountain to come back on line.

G. FUTURE AGENDA ITEMS

1. Deputy Mayor Pro Tem Bryant requested a future agenda item to talk about homes that are being turned over as rental properties. He recollected that in the past there was discussion about doing some type of code enforcement between tenants. He indicated there are other cities in the North Texas area that are conducting reviews. There was Council consensus to have a discussion on this topic at the annual strategic planning session.

H. COORDINATION OF CALENDARS

Mayor Hayden announced the following two future Town Council meetings.

1. A special joint work session with Council and the Transportation Commission is scheduled for Tuesday, March 27, to discuss the Morriss Road Thoroughfare Plan designation and safety improvements.
2. A regular meeting is a scheduled for Monday, April 2.

I. CONSENT ITEMS

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

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

2. Consider approval of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2017.

DRAFT MOTION: Move to approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2017.

3. Consider approval of the purchase of forty-four sets of bunker gear from NAFECO, Inc. through BuyBoard Purchasing Contract No. 542-17 in the total amount of \$111,524.16; and authorization for the Mayor to approve same on behalf of the Town.

DRAFT MOTION: Move to approve the purchase of forty-four sets of bunker gear from NAFECO, Inc. through BuyBoard Purchasing Contract No. 542-17 in the total amount of \$111,524.16; and authorization for the Mayor to approve same on behalf of the Town.

4. Consider approval of a Professional Services Agreement for the design phase services for the Wastewater Treatment Plant Rehabilitation Phase V project, with Alan Plummer Associates, Inc., for \$55,694.00; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve a Professional Services Agreement for the design phase services for the Wastewater Treatment Plant Rehabilitation Phase V project, with Alan Plummer Associates, Inc., for \$55,694.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of Change Order No. 1 for the construction of the FM 2499 Roadway, Drainage, and Traffic Signal Improvements project, amending the contract with Mario Sinacola & Sons Excavating, Inc., to provide for an increase to the contract in the amount of \$112,820.20; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 for the construction of the FM 2499 Roadway, Drainage, and Traffic Signal Improvements project, amending the contract with Mario Sinacola & Sons Excavating, Inc., to provide for an increase to the contract in the amount of \$112,820.20; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a Development Agreement with Jerry's Carwash II, Ltd. for the construction of Town infrastructure associated with the Jerry's Carwash commercial development; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve a Development Agreement with Jerry's Carwash II, Ltd. for the construction of Town infrastructure associated with the Jerry's Carwash commercial development; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of a Professional Services Agreement for the design phase services of the Justin Road Lift Station Outfall project, with Alan Plummer Associates, Inc., for \$88,900.00; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve a Professional Services Agreement for the design phase services of the Justin Road Lift Station Outfall project, with Alan Plummer Associates, Inc., for \$88,900.00; and authorization for the Mayor to execute same on behalf of the Town.

8. Consider approval of Change Order No. 1 for creek bank stabilization and erosion control, associated with 3100 River Hill Court, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$77,972.00; and authorization for the Mayor to execute the same on behalf of the Town.

DRAFT MOTION: Move to approve Change Order No. 1 for creek bank stabilization and erosion control, associated with 3100 River Hill Court, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$77,972.00; and authorization for the Mayor to execute the same on behalf of the Town.

- 9. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, for construction testing of materials and methods, for the Heritage Park Phase IV project, in the not to exceed amount of \$38,069.00; and authorization for the Mayor to execute same on behalf of the Town.

DRAFT MOTION: Move to approve a Professional Services Agreement with Alliance Geotechnical Group, for construction testing of materials and methods, for the Heritage Park Phase IV project, in the not to exceed amount of \$38,069.00; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem McDaniel moved to approve by consent Items 1-9. 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

J. REGULAR ITEMS

- 10. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Hawks Hill QT. The property is generally located west of Long Prairie Road and south of Waketon Road. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 6, 2018, meeting).

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Aerial image of the site
- Tree survey

And he responded to questions from Council as follows:

- Will they be removing the tree in anticipation of it not surviving the grading or are they asking for the permit to remove it in case it doesn't survive the grading

Mayor Hayden opened the Public Hearing at 6:32 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 6:32 p.m.

Councilmember Bryan Webb moved to approve an application for a tree removal permit for one (1) specimen tree on property proposed for development as Hawks Hill QT. The property is generally located west of Long Prairie Road and south of Waketon Road. Councilmember Jason Webb seconded the motion.

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

11. Public Hearing to consider an application for a tree removal permit for two (2) specimen trees on property proposed for development as Rocky Hill Farms. The property is generally located north of Cross Timbers Road and east of Lighthouse Drive. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 6, 2018, meeting).

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Aerial overlay
- Tree survey
- Tree # 39 and # 47 and its current condition

and he responded to questions from Council as follows:

- Clarification that this is just a tree application for the infrastructure and there could be a future request for the site

Mayor Hayden opened the Public Hearing at 6:50 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 6:50 p.m.

Councilmember Bryan Webb moved to approve an application for a tree removal permit for two (2) specimen trees on property proposed for development as Rocky Hill Farms. The property is generally located north of Cross Timbers Road and east of Lighthouse Drive. Councilmember Forest seconded the motion.

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

12. Public Hearing to consider a request for a Master Plan Amendment (MPA18-0001 – Silveron Boulevard Thoroughfare Plan Amendment) to amend Section 7.0, Thoroughfare Plan, for the section of Silveron Boulevard from approximately 400 feet northeast of Long Prairie Road (FM 2499) to approximately 500 feet northeast of the Tarrant/Denton County Line, and to consider adopting an ordinance providing for said amendment. (The Transportation Commission recommended denial by a vote of 6 to 0 at their February 13, 2018, meeting) (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its March 12, 2018, meeting.)

Staff Presentation

Mr. Hotelling gave a presentation identifying or noting:

- Overview of presentation
- Location
- Summary of request (pedestrian friendly designs)

- Traffic Impact Analysis (TIA)
- TIA Results/SMARTGrowth
- TRC and Planning & Zoning Commission recommendation
- Staff recommendation options

and he, Mr. Dalton, or Mr. Meredith responded to questions from Council as follows:

- What were the concerns the Transportation and Planning and Zoning Commission members expressed that may have resulted in it not passing
- Is there any back up to understand where the trip analysis came from in the trip TIA
- If a light was installed there today do you anticipate more trips will be generated
- Is there a map that shows the 400/500 feet at Long Prairie
- Is there a drawing that shows what the angles for either parallel or angle parking are to understand distances and ratios
- In the Development Agreement with The Point, how is this being paid for
- Would the property to the south have a proportional share at some point
- For the “Yu” property, what type of uses are they bringing forward for this area
- If Council doesn’t do anything, how does that impact The Point
- What is the timing within the Development Agreement as it relates to The Point

Mayor Hayden opened the Public Hearing at 6:50 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
Megan Smith, 3889 Maple Ave, Dallas, TX (with Trammel Crow Residential and responsible for the multifamily within The Point development project) and their preference of parallel parking along Silveron*	Jim Engel, 5510 Bayberry	
Chris Hipps, 5310 Harvest Hill Rd, Dallas*	Paul Stone, 4100 Broadway	
	Steve Dixon, 4604 Wisdom Creek Ct	

*Ms. Smith and Mr. Hipps responded to questions from Council regarding the impact or need for any parking changes as it relates to the proposed future developments in this area.

Jim Wells, 16180 Dallas Pkwy, Dallas (who represents the owner of the “Yu” property) responded to questions from Council as follows:

- Anticipated square footage for their development
- How does their development relate to Silveron
- Whether they were in favor of angled or parallel parking

Mayor Hayden closed the Public Hearing at 7:04 p.m.

Council Discussion

There was Council discussion regarding:

- How once a traffic light is installed, whether people will be using this as an access point
- How the goal is to create a sense of place with walkability and crossing streets (and two lanes is easier than four)
- Questions regarding parameters that went into the matrix for the trip count
- How the change would be on the Town's dime, and more information is needed
- How initially the hope was that Council would be presented with a layout to show different options
- Background information that led to this being an agenda item
- Possibly get more information, such as refining the traffic studies, get better definitions and closer trip count ranges to base decisions on, and then take it back through the board process
- Is the goal to promote commercial or residential
- How there are better ways to access the Lakeside District than Silveron
- How we don't know the impact on the current businesses in this area
- How there is too much missing information on this item to move forward
- How it's a vision problem and we're not seeing things clearly, such as the grand plan for the road, how it's going to be paid for, what's the purpose, etc., and to hear that The Point development doesn't even need the parking to get people to the retail, why is there a need for parking at all if it's just for apartments
- How it's not about creating parking, it's about creating the synergy between commercial and residential and more about creating a sense of place
- How if its postponed and goes back to the boards they need to have maps, as well as an understanding between the cost differences of parallel versus angle
- Interest in understanding more about what is going to happen at the "Yu" property to clarify the importance
- Better breakdown of the numbers that goes into the model for the LOS

Deputy Mayor Pro Tem Bryant moved to postpone to a date uncertain a Master Plan Amendment (MPA18-0001 – Silveron Boulevard Thoroughfare Plan Amendment) to amend Section 7.0, Thoroughfare Plan, for the section of Silveron Boulevard from approximately 400 feet northeast of Long Prairie Road (FM 2499) to approximately 500 feet northeast of the Tarrant/Denton County Line, and with an update on any progress to be provided by staff on or before August 20, 2018. Councilmember Bryan Webb seconded the motion.

VOTE ON MOTION:

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

NAYS: NONE

Motion passed (to postpone)

13. Consider an adoption of a resolution to become a partner with the North Texas Airbag Recall Coalition to disseminate information to the community. (Transportation Commission recommended 6 to 0 to become a partner at the January 9, 2018, meeting.)

Staff Presentation

Mr. Hoteling provided background information on the item and introduced Mr. Benson.

Applicant Presentation

Ken Benson, coordinator of the North Texas Airbag Coalition, gave a presentation identifying or noting:

- Background information about the coalition
- Public safety issue
- Airbag inflator schematic
- Defective airbags and cars at risk
- Outreach efforts and area partnerships
- License plate check and how to identify a vehicle that is at risk

and he responded to questions from Council regarding:

- Data security concerns
- Funding source
- Why is there a need to go to their website when there are other sources for similar information
- Activities to consider relative to how the Town can get involved

Council Discussion

- At the request of Mayor Hayden, Mayor Pro Tem McDaniel recited the proposed Resolution in its entirety
- Concerns about promoting a vendor (non-government) site when there is an existing government site that is already doing the same service
- Is the organization profit motivated

Deputy Mayor Pro Tem Bryant moved to approve a resolution to become a partner with the North Texas Airbag Recall Coalition to disseminate information to the community. Mayor Pro Tem McDaniel seconded the motion.

RESOLUTION NO. 07-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BECOMING A PARTNER WITH THE NORTH TEXAS AIRBAG RECALL COALITION.

VOTE ON MOTION:

AYES: FOREST, J WEBB, BRYANT, MCDANIEL

NAYS: NONE

ABSTAIN(RECUSSED): B WEBB

Motion passed

14. Consider approval of the award of Bid No. 2018-33-B to Fort Worth Civil Constructors, LLC, for phase one of the Lift Station Improvements and Decommissioning project, in the amount of \$1,492,656.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Wallace or Ms. Bruce provided background, as well as the purpose of this item.

Mayor Pro Tem McDaniel moved to approve the award of Bid No. 2018-33-B to Fort Worth Civil Constructors, LLC, for phase one of the Lift Station Improvements and Decommissioning project, in the amount of \$1,492,656.00; and authorization for the 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, MCDANIEL, BRYANT, J WEBB, FOREST

NAYS: NONE

**K. 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.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:00 p.m. on March 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 8:24 p.m. on March 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.

No action taken

N. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 8:25 p.m. on Monday, March 19, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

DocuSigned by:

Thomas E Hayden

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THOMAS E. HAYDEN, MAYOR

ATTEST:

DocuSigned by:

Theresa Scott

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THERESA SCOTT, TOWN SECRETARY