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THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH DAY OF JULY 2016, 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.

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

Tom Hayden	Mayor
Kevin Bryant	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Don McDaniel	Councilmember Place 4
Itamar Gelbman	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	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Tommy Dalton	Director of Strategic Services

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden called the regular meeting to order at 6:00 p.m.

Police Chief Andy Kancel expressed his appreciation for the outpouring of caring and support from the Flower Mound community after the recent tragic events involving police officers.

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

Chaplain McNamer gave the invocation Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Certificate of Achievement awarded to Eagle Scout Austin Carr.

   Austin Carr accepted a Certificate of Achievement from Mayor Hayden for this achievement.

2. Update on Parker Square

   Mr. Curtis Shore, Five Star Development Company, provided Council with an update on Parker Square, and more specifically related to:
   - Ownership history
   - Leasing activity (office and retail)

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- Entrepreneurial center (Innovate)
- Cosmetic and maintenance work authorized by investors
- Repairs have been made to the gazebo
- Anticipate future community events to be held at the site, including the Food Truck Round Up
- In March they purchased the one remaining tract on the property with plans for a 6th building, and they are negotiating with a tenant for that building with an announcement coming soon
- Support having the Farmer's Market located at Parker Square, recognizing the permanent home would be at the River Walk – he noted there would be no charge for that other than having the vendors clean up after themselves

Mr. Shore responded to questions from Council as follows:

- What parts of the site do they own
- What are some of the new businesses that have come to Parker Square
- What is the ultimate evolution of Parker Square – what will it look like 5 – 10 years down the road
- What is the total square footage being occupied
- Existing tenants and current occupancy rates
- The option of moving the Farmer's Market to Parker Square and:
  - if the existing tenants were acceptable to that move
  - if the area they have in mind would be all paved
  - how many vendors could they accommodate
  - whether or not they had applied to have Parker Square considered as a permanent location

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.	Claudio Forest, 1804 Towneview Blvd With the following individuals donating their time: • Perfecto Solis, 2612 Edgemere • Albert Picardi, 1525 Lindby	Backing the Badge fundraiser event and donation to the Fire and Police Dept.
2.	Paul Stone, 709 Lake Bluff Dr	Charter, passing of Al Filidoro

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Webb and Mayor Hayden expressed condolences for the passing of former Councilmember Al Filidoro.

Several members of Council expressed concerns regarding the violence that is taking place in our country and abroad. In addition many offered thanks for the work of the Flower Mound Police Department and the work they do with respect to

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community policing and the relationships they have made with Flower Mound residents.

G. TOWN MANAGER'S REPORT

Update and discussion on:

1. Update and status report related to capital improvement projects.

   Mr. Stathatos reported on the following CIP projects:
   - Sagebrush Road
   - Twin Coves
   - 2499 12 inch water line
   - Flower Mound Road lane change

   For the Flower Mound Road lane change, Deputy Mayor Pro Tem Webb indicated there is still a need for directional signage on the arm of the signs to show a left turn and a straight option.

2. Update and discussion on Economic Development projects.

   Mr. Stathatos reported on the following ED projects:
   - The Innovation Center opening
   - Flower Mound landed another headquarters with Conti Systems
   - Starbucks at Lakeside DFW opened last week
   - Two additional restaurants will soon be coming to Lakeside DFW

3. Update and discussion on town hall and library expansion.

   Mr. Stathatos and Mr. Dalton reported on the status of Town Hall and the Library expansion as follows:
   - Brief history
   - The election
   - Planning Town Hall
   - Space needs
   - Next steps

   For Town Hall Mr. Dalton responded to questions from Council as follows:
   - Concerns that 42,000 sf is not adequate space for a new Town Hall for future needs, including parking needs
   - Why does Town Hall have to be at the existing location
   - Are the owners of the Atrium aware that the Town is having discussions about a new Town Hall, and what is the potential outcome to the Atrium if the current space becomes unoccupied
   - Would there be any interruptions to the Town's operations during construction
   - Clarification regarding TIRZ dollars and the associated process
   - What is the impact on the Town's budget (general fund), if any

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Mayor Hayden asked members of Council to give consideration to the architectural design of Town Hall and if the rendering presented is not satisfactory, to bring forward other ideas and options.

Mayor Hayden asked members of Council to give consideration to the location of the Library, and if it is sufficient for the Town's needs.

H. FUTURE AGENDA ITEMS

1. Councilmember McDaniel requested a future agenda item for the next meeting to discuss moving the Farmer's Market to Parker Square. There was consensus by a majority of Council to have the discussion. Mr. Stathatos responded noting that the easiest solution would be to amend the PD. Councilmember McDaniel also suggested having an SUP and to put a time limit on it so that as finish out is approaching with the River Walk it makes that process easier.

2. Deputy Mayor Pro Tem Gelbman requested a future item to provide bullet proof vest for fire department personnel. In addition, he requested an item to discuss allowing employees to carry firearms, if they have a concealed carry license. Mr. Stathatos responded that he had a meeting today with someone regarding the vests and staff is working on some creative ideas to get those. He further added that in light of what has been happening around the country, staff is trying to expedite it. Mayor Hayden indicated it's about a $25,000 budget item and it's his understanding it will be coming forward as a budget item. Mr. Stathatos responded he would like to brief the Council later because they are looking at a way to bring that forward in a more expedited manner that is separate from the upcoming budget.

For the topic of firearms, Mr. Meredith suggested having a future discussion in executive session under the allowable heading of security matters.

I. COORDINATION OF CALENDARS

1. The Strategic Planning Session is scheduled for Fri, July 22nd (5pm start), with a tentative overflow date of Sat, July 23rd (9am start) and to be held at the Town's Operations & Maintenance facility located at 201 Spinks Rd.

   Mayor Hayden announced the dates and times for the upcoming strategic planning session.

   There was some discussion regarding a start time for Saturday in the event that date is needed.

2. The next regular Town Council meeting is scheduled for Thursday, August 4th.

   Mayor Hayden announced the upcoming Council meeting date and confirmed attendance by members of Council.

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3. Consider canceling or rescheduling the January 2 & January 16, 2017, Town Council regular meetings to January 17, 2017.

   There was Council consensus to reschedule the January 2 and 16th dates, to the one date of January 17.

4. Confirm availability for Tuesday, September 6th rescheduled Town Council meeting.

   Mayor Hayden announced the September 6th Council meeting date and confirmed attendance by members of Council. No one indicated they were unavailable.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on June 20, 2016.

   RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on June 20, 2016.

2. Consider approval of the second reading of an ordinance granting a non-exclusive electric franchise to Oncor Electric Delivery Company LLC; and authorization for the Mayor to execute the same on behalf of the Town.

   RECOMMENDATION: Move to approve the second reading of an ordinance granting a non-exclusive electric franchise to Oncor Electric Delivery Company LLC; and authorization for the Mayor to execute the same on behalf of the Town.

ORDINANCE NO. 39 -16

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND OTHER PUBLIC PROPERTY (PUBLIC RIGHTS- OF-WAY) OF FLOWER MOUND, TEXAS, PROVIDING FOR THE REPEAL OF ALL PRIOR FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

3. Consider the approval of an amendment to the contract with Elsey & Elsey, Attorneys at Law for the collection of outstanding property taxes.

   RECOMMENDATION: Move to approve an amendment to the contract with Elsey & Elsey, Attorneys at Law for the collection of outstanding property taxes.

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4. Consider approval of fifteen engineering firms to provide professional engineering services and four geotechnical engineering firms to provide professional material testing services for the Town for a two-year term ending July 18, 2018.

   RECOMMENDATION: Move to approve fifteen engineering firms to provide professional engineering services and four geotechnical engineering firms to provide professional material testing services for the Town for a two-year term ending July 18, 2018.

5. Consider approval of the award bid of Bid No. 2016-67 to Wildstone Construction, LLC, to construct section two of the FM 2499 12-Inch Water Line Phase III project, in the amount of $373,385.00; and authorization for the Mayor to execute same on behalf of the Town.

   RECOMMENDATION: Move to approve the award bid of Bid No. 2016-67 to Wildstone Construction, LLC, to construct section two of the FM 2499 12-Inch Water Line Phase III project, in the amount of $373,385.00; and authorization for the Mayor to execute same on behalf of the Town.

6. *Item 6 was pulled from Consent and moved to Regular items.*

7. Consider approval of an ordinance for the partial abandonment of an existing utility easement located along the south property line of 3812 Valley View Lane.

   RECOMMENDATION: Move to approve an ordinance for the partial abandonment of an existing utility easement located along the south property line of 3812 Valley View Lane.

   ORDINANCE NO. 40-16

   AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTHERN PROPERTY LINE OF LOT 25, BLOCK 1, OF THE HIDDEN VALLEY COUNTRY ESTATES ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 3812 VALLEY VIEW LANE; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of the purchase of materials and services identified in RFP No. TCPN-SWIII-10-5293 by Brown & Root Industrial Services, LLC., for Clarifier No. 1, of the Wastewater Treatment Plant Final Clarification Rehabilitation project, in the amount of $308,557.00.

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RECOMMENDATION: Move to approve the purchase of materials and services identified in RFP No. TCPN-SWIII-10-5293 by Brown & Root Industrial Services, LLC., for Clarifier No. 1, of the Wastewater Treatment Plant Final Clarification Rehabilitation project, in the amount of $308,557.00.

9. Consider approval of a Drainage Easement Dedication Agreement between the Department of the Army and the Town of Flower Mound; and authorize the Mayor to execute same on behalf of the Town.

   RECOMMENDATION: Move to approve a Drainage Easement Dedication Agreement between the Department of the Army and the Town of Flower Mound; and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of Estoppel Certificate and Confirmation and Amendment Regarding 380 and Tax Abatement Agreement for property located at 2000 and 2010 Lakeside Parkway; and authorize Mayor to execute same on behalf of the Town.

    RECOMMENDATION: Move to approve Estoppel Certificate and Confirmation and Amendment Regarding 380 and Tax Abatement Agreement for property located at 2000 and 2010 Lakeside Parkway; and authorize Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Webb moved to approve by consent Items 1 – 5; 7-10. Mayor Pro Tem Bryant seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

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

K. REGULAR ITEMS

6. Consider approval of a Development Agreement for Lakeside DFW Land, Ltd., and authorization for the Mayor to execute same on behalf of the Town.

   Mr. Powell gave a presentation identifying or noting:
   - General and detailed location
   - Land use and zoning
   - Site plan for the corner
   - What is driving the need for the turn lane
   - The plan that shows the turn lane and proportionate share for the Town and developer, including alignment fixes, and the proposed strategy that will ultimately result in a cost savings
   - How they have been working with Home Depot and they are open to what is being proposed
   - Comments received from the public on this item

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Mr. Powell responded to questions from Council as follows:

- Does saying "no" tonight stop 7-11
- If not approved, who would have to pay for it
- In response to public inquiries, why this item was put on consent

Councilmember J. Webb moved to approve a Development Agreement for Lakeside DFW Land, Ltd., and authorization for the Mayor to execute same on behalf of the Town. Councilmember McDaniel seconded the motion.

Council Discussion:

Deputy Mayor Pro Tem Webb pointed out that about 6-7 emails were received on this item and Mr. Powell addressed those concerns with his presentation. He also pointed out that anytime there is an item on the agenda that is not a public hearing, the public is welcomed to come and speak during public participation and they have the same amount of time.

11. Public Hearing to consider a request for rezoning (Z16-0003 - Ivy Estates, Lot 2, Block A) from Single-Family District-30 (SF-30) uses to Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Rembert Drive and north of Lismore Drive. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its July 11, 2016, meeting.)***

    Staff Presentation

    Mr. Powell gave a presentation identifying or noting:

    - General and detailed location
    - Land use and zoning
    - Photographs of the site and the subject property
    - Zoning exhibit

    Mr. Powell responded to questions from Council as follows:

    - Clarification regarding the difference between what a previous resident requested relative to square footage

    Mayor Hayden opened the Public Hearing at 7:40 p.m.

    No one spoke in support or opposition.

    Mayor Hayden closed the Public Hearing at 7:40 p.m.

Councilmember Jason Webb moved to approve a request for rezoning (Z16-0003 - Ivy Estates, Lot 2, Block A) from Single-Family District-30 (SF-30) uses to Single-Family District-10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located south of Rembert Drive and north of Lismore Drive. Commissioner McDaniel seconded the motion.

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ORDINANCE NO. 41-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 1.073 ACRES BEING ALL OF LOT 2, BLOCK A, OF THE IVY ESTATES ADDITION FROM SINGLE-FAMILY DISTRICT-30 (SF-30) TO SINGLE-FAMILY DISTRICT-10 (SF-10) IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING 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: *Motion passed*
AYES: J WEBB, MCDANIEL, BRYANT, B WEBB, GELBMAN
NAYS: NONE

12. Charter Review Commission Final Report, including council direction on proposed Charter amendment recommendations.

    Jody Smith, Chair, Charter Review Commission (CRC)

    Ms. Smith gave a presentation identifying or noting:

    - Meeting schedule of the CRC
    - Public input
    - Public outreach
    - Council, public, and CRC initiated item recommendations
    - Timing

    Chair Smith responded to the following questions from Council:

    - Processing Charter violations:
        - Does the proposed recommendation allow Council the ability to hire a third party
        - Is there a time frame between step 2 and 3 in which to have the public hearing
    - Term limits and term lengths
        - Was the option of 2-2-2 discussed
        - For term limits was there a discussion on resetting the clock in the event someone runs for mayor
        - For the issue of term limits, was it denied more on the lines of structure and how that gets accomplished, or on principle of not wanting someone there for three years
    - Single Member Districts
        - Was there discussion about having single member districts but having the entire Town vote (you would have to live in the district but everyone in the Town would vote for that person)

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Mr. Meredith responded to questions from Council or offered comments as follows:

- Processing Charter violations:
  - For step 8 there would need to be a subsequent change in the Charter relative to qualifications
  - When you take into account the supermajority component, consideration should be made as to whether or not the accused member of Council should be eligible to vote
- Term lengths and limits
  - What happens to the existing members terms in the event a shift to three year terms gets passed
  - Clarification regarding if a member of Council forfeits his/her position should they run for mayor
- Renaming of PALS to the Park Board
  - Clarification regarding whether there needs to be language in the Charter referencing the Parks Board

Ms. Scott offered comments or responded to questions from Council as follows:

- Past voter history
- Additional comments presented by the CRC

Council discussion on the proposed Charter amendments were as follows:

- Processing Charter violations:
  - Believe it needs to be clearly defined and easy to execute
  - Some concerns that there needs to be another step between 2 & 3 because a single accusation puts the ball in motion for continuous public hearings on an ongoing basis
  - It was suggested that perhaps the step between 2 & 3 could be to bring forward the complaint in closed session initially, and then take it to a vote (by a supermajority) as to whether or not to have it come forward for a public hearing
  - It was suggested that there be a 2a option that would state at the next Council meeting there is an item placed on the future agenda for calling a public hearing to discuss the complaint, as it takes three members of Council to place something on the agenda. This step would allow a decision point before going all in and would avoid the scenario of filing a complaint every week and bogging down the agenda
- Petition for Recall (§6.02)
  - If the current threshold of 15% is attainable
  - Benchmark city comparisons
  - 30% of the highest number of votes in a trailing 3 years with a minimum of 500 (and the same threshold should apply to a referendum)
  - If a recall should be 50% + 1 of the number who voted
  - 50% + 1 of the total votes cast in the year the person was elected

Town Council offered direction on the proposed Charter amendment

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Recommendations or new considerations as follows:

- Mayor Hayden suggested members of Council give some consideration to the recommendations and be prepared to offer those comments at the August 4th meeting
- There was Council consensus to bring forward all of the recommended items, with modifications to some and including the following items as presented by Council:
    - Repeal the language as it relates to filing with the county given it's already covered under state statute (§ 9.10)
    - Addressing Charter violations:
        - Communicate ideas to Mr. Meredith relative to input so he can have a head start for the next meeting
        - See discussion points (page 10 of 7/18/16 minutes)
    - For the Parks Board:
        - Future consideration whether or not to amend or repeal in its entirety given there is not a requirement to have this board referenced in the Charter (§ 8.04)
    - For term limits/lengths:
        - Three year term lengths with an election held every year (two seats are up every three years) and a transition plan that gets Council from where they are today to that point, and have an open discussion at the next meeting regarding term limits and if the Council should consider putting forward to the voters two three year terms or three/three year terms, including an effective start date
        - Interest in continuing the discussion on term limits in the event a member of Council changes position to Mayor
    - Petition for Recall (§ 6.02)
        - Review the percentages or numbers needed to initiate a recall and identify if they are attainable, and whether or not a change is needed (and would be for recall petition or referendum)

L. BOARDS/COMMISSIONS (Executive Conference Room)

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

Mayor Hayden announced that the Town will soon be accepting applications from the public for the boards and commissions.

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M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:03 p.m. on Monday, July 18, 2016, 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 10:14 p.m. on Monday, July 18, 2016, 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, **Planning and Zoning Commission.**

No action taken.

b. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge.

No action taken.

c. 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.

d. 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 10:14 p.m. on Monday, July 18, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

_____

THOMAS E. HAYDEN, MAYOR

ATTEST:

_____

THERESA SCOTT, TOWN SECRETARY

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