

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6TH DAY OF FEBRUARY 2017, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

Meeting Video Link: <http://flowermoundtx.swagit.com/play/02062017-1271> (subject to change)

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 (arrived at 7:00 p.m.)
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	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works

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 Mike Liles 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 Bill Ragsdale, District 6 Director, presented the Town with a Capital Credit allocation check in the amount of \$58,266.94

2. Certificate of Recognition for Town of Flower Mound volunteers, The Thallam Family.

Ms. Scott outlined the volunteer project completed by the Thallam family and each was presented with a Certificate of Recognition.

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 <i>(as written on the form)</i>
1.	Sandeep Sharma, 2504 Stillwater Ct	Miscellaneous/Public Participation
2.	Claudio Forest, 1904 Towne View Blvd	Announce candidacy, Place 5
3.	Paul Stone, 709 Lake Bluff	Summit Club

F. ANNOUNCEMENTS

Mayor Pro Tem Bryant had the following announcements:

- Welcomed Flower Mound Citizens Academy members in attendance and expressed appreciation for their participation in the program
- Flower Mound Citizen's Police Academy enrollment opportunity

Councilmember Jason Webb had the following announcements:

- Offered congratulations to individuals and businesses that were presented special recognitions at the recent Chamber of Commerce annual banquet
- The Texas Recreation and Parks Society (TRAPS) selected the Flower Mound Senior Center as the recipient of the Recreation Facility Design and Excellence award

G. TOWN MANAGER'S REPORT

Update and discussion on:

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

Mr. Stathatos gave an update on the following CIP items:

- McKamy Creek road construction update
- Sagebrush Rd is now complete

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update on the following ED projects:

- Lakeside DFW progress and future business openings
- Business of National Powersport Auction coming to Flower Mound
- Jenny Layne bakery and Portside Marketing accolades
- Job openings at Lisanti Food Services and Custom Ink

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

Mr. Stathatos provided a progress update on the new Town Hall. He also noted that the Library design is soon to be coming to the TIRZ Board.

4. Update and discussion on the Morriss/Gerault Road Capacity Improvement Project.

This item was removed from discussion as reflected in a subsequent agenda posting.

5. Update and discussion on the Canyon Falls tree removal request.

Mr. Stathatos informed Council that as a follow up to a previous Council meeting, staff worked with the developer to come up with the option of moving the road a little to allow the tree to be saved.

Mr. Stathatos responded to questions from Council as follows:

Mayor Hayden pointed out there is a project underway near the entrance of the Town at FM 2499 and the flyover. He indicated that within that project they are building a stone wall, and behind that wall there is a huge live oak tree. He requested staff look into the possibility of using that wall to say "Welcome to Flower Mound", and potentially back light the tree to make it a nice visual for those entering Flower Mound.

H. FUTURE AGENDA ITEMS

1. Councilmember McDaniel indicated he would like to discuss how the Town can work with Flower Mound businesses to help them fill job openings, which may include a sign ordinance discussion.

Mayor Hayden suggested establishing a partnership with the Chamber to have a job fair as previously discussed.

Mr. Stathatos pointed out that staff has initiated a dialogue with the Chamber about a job fair opportunity, and he also noted what the Town's sign ordinance allows with respect to new businesses.

There was consensus by a majority of Council to have a future agenda item on the topic.

2. Councilmember Gelbman indicated he would like to have a discussion about personal financial reporting of the Mayor and members of Council, similar to state and federal representatives, in the interest of transparency and for the purpose of identifying conflicts of interest.

There was not a consensus by a majority of Council to bring the item forward.

3. Mayor Pro Tem Bryant indicated there have been past discussions about sidewalk connectivity with the trails. He stated he would also like to include street lighting in that scope of work, particularly in areas of elementary and middle schools because there are safety concerns with kids walking home from school in the dark. In addition, he noted there is a significant amount of pedestrian traffic after dark with people walking their dogs, jogging, etc., and noted a review of areas where lights are either substandard or non-existent is needed.

There was consensus by a majority of Council to have a future agenda item on the topic.

Mayor Hayden inquired if this could be accomplished in the way of a report. Mayor Pro Tem Bryant responded he is seeking guidance as to the best way to handle getting it done.

Mr. Stathatos pointed out that staff is aware of some of the problem areas and could have a future agenda item to discuss how the Town can move forward to find a solution.

I. COORDINATION OF CALENDARS

1. The next Town Council meeting is a work session scheduled for Thursday, February 16, 2017.

Mayor Hayden announced that the next meeting is a work session on February 16, 2017.

2. Consider canceling the following 2017 meeting:

July 3, regular meeting (due to Independence Day next day)

Consider canceling and rescheduling the following 2017 meeting:

September 4 (Labor Day), regular and reschedule to September 5 (Tuesday)

There was Council consensus to proceed with the cancellation of the July 3rd meeting and to reschedule the September 4th meeting to September 5th.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on January 17, 2017.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on January 17, 2017.

2. Consider approval of the minutes from a work session of the Town Council held on January 19, 2017.

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on January 19, 2017.

3. Consider approval of a resolution of the Town of Flower Mound, Texas calling for a general election to be held on May 6, 2017, for the offices of Town Council Place 1, Town Council Place 3, and Town Council Place 5.

RECOMMENDATION: Move to approve a resolution of the Town of Flower Mound, Texas calling for a general election to be held on May 6, 2017, for the offices of Town Council Place 1, Town Council Place 3, and Town Council Place 5.

4. Consider approval of a resolution adopting a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the installation of an outdoor warning siren on TxDOT's highway right-of-way.

RECOMMENDATION: Move to approve a resolution adopting a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the installation of an outdoor warning siren on TxDOT's highway right-of-way.

5. Consider approval of a Professional Services Agreement with Boswell & Reyes International, LLC., to provide construction materials testing services associated with the Bruton Orand EST Rehabilitation project, in the amount of \$31,460.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement with Boswell & Reyes International, LLC., to provide construction materials testing services associated with the Bruton Orand EST Rehabilitation project, in the amount of \$31,460.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of the purchase of one (1) 2017 Ford F-550 (upgraded from F-450) Regular Cab & Chassis w/Dakota Special Service Body and Versalift Aerial Unit for the Public Works - Traffic Operations Department from Sam Pack's Five Star Ford in the amount of \$102,662.00.

RECOMMENDATION: Move to approve the purchase of one (1) 2017 Ford F-550 (upgraded from F-450) Regular Cab & Chassis w/Dakota Special Service Body and Versalift Aerial Unit for the Public Works - Traffic Operations Department from Sam Pack's Five Star Ford in the amount of \$102,662.00.

7. Consider approval of the purchase of two (2) 2017 Ford F150 Extended Cab Pickup Trucks for the Development Services – Building & Inspection Services Department from Sam Pack's Five Star Ford in the amount of \$51,632.00.

RECOMMENDATION: Move to approve the purchase of two (2) 2017 Ford F150 Extended Cab Pickup Trucks for the Development Services – Building & Inspection Services Department from Sam Pack's Five Star Ford in the amount of \$51,632.00.

8. Consider approval of the purchase of one (1) Case 750 M LT Dozer with attachments for the Public Works – Stormwater: Drainage & ROW Department from Associated Supply Company, Inc in the amount of \$86,347.24.

RECOMMENDATION: Move to approve the purchase of one (1) Case 750 M LT Dozer with attachments for the Public Works – Stormwater: Drainage & ROW Department from Associated Supply Company, Inc in the amount of \$86,347.24.

Councilmember Jason Webb moved to approve by consent Items 1 – 8. 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: GELBMAN, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

ABSENT: B. WEBB

K. REGULAR ITEMS

Mayor Hayden opened items 9 and 10 at the same time.

9. Public Hearing to consider a resolution supporting an application by Timber Place, LP to the Texas Department of Housing and Community Affairs (TDHCA) for the 2017 Competitive 9% Housing Tax Credits for the development of senior/elderly affordable rental housing at Auburn Drive and Cross Timbers Road.

Mayor Hayden offered comments relative to items 9 and 10 offering clarification on the multi-step process, clarification on what the tax credits involve, as well as what has been done to date, and expressed appreciation for the many emails Council has received on the topic.

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

- Clarification regarding what the tax credit program means

Staff Presentation

Mr. Dalton gave a presentation for items 9 and 10 identifying or noting:

- Two entities involved
- The application process
 - Applying for 9% Housing Tax Credits with the Texas Department of Housing and Community Affairs to develop age-restricted senior housing
 - Requesting a resolution of support as part of the TDHCA application
 - This is not a zoning request
- Location of Marigold Housing and current land use and zoning
- Location of Timber Place and current land use and zoning

Applicant Presentation

Todd Wind, Vice President – Development, Picerne Development Corporation of Florida, representing Timber Place

Mr. Wind gave a presentation identifying or noting:

- 100 unit active elderly development initially, and reduced to 96 units
- Tax credit program explanation
- Elderly limitation definition
- Unit features
- Resident programs
- Example elevations
- Photos of other projects they have completed (i.e. Laurel Court, Deland, FL)
- Benefits to Flower Mound
- Company background information
- Average age of resident
- Scoring parameters that makes Flower Mound a candidate for the tax credits
- Explanation of housing choice vouchers

Mr. Wind responded to the following questions from Council:

- How was the location selected
- Did you review the master plan for zoning in that area
- What happens in the event a resolution is not passed

Mayor Hayden opened the Public Hearing for items 9 and 10 at 7:20 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.*

(9) or (10) after the name/address of each speaker represents the item number for which they spoke either in support or opposition, or had question(s) if noted on the form.

* = speaker card not submitted

Administrative Note: The handwriting on some of the speaker forms was not legible and for that reason may be spelled incorrectly in the columns below.

	Support: Comments/Questions		Opposition: Comments/Questions		Question(s)/ Comments Only
1	Dennis Toth, 2020 Skelton St (like concept but not location) (9 & 10)	1	Mark Habbinga, 3616 Polo Run Dr (9)	1	Sandeep Sharma, 2504 Stillwater Ct (9 & 10)

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2	Carol Kohankie, 4312 Lauren Way (9 & 10)	2	Charles Norton, 3716 Austin Ct. (9)	2	Laura Dillon, 6013 Rock Cove (Yielded her time to Ms Potter for a request for clarification)
3	Doug Brown, 1721 Ingleside Dr (9 & 10)	3	Jim Reggio, 3607 Polo Run (9)		
4	Mary Kay Walker, 3229 Oak Meadow (9 & 10)	4	Sheila Benson, 3601 Old Mill Dr (9)		
5	Jim Engel, 5110 Bayberry (like concept but not the location) (9 & 10)	5	Kathy Holt (GM Bridgewood HOA), 5000 Par Dr (9)		
6	Edwena Potter, 5804 Valencia Dr (9 & 10)	6	Robert Filbin, 3700 Polo Run (9)		
7	Paul Stone, 709 Lake Bluff Dr (9 & 10)	7	Kia Mastey, 3608 Polo Run Dr (9 & 10)		
8	Patsy Mizeur, 1821 Castle Ct (9 & 10)	8	Srinvas Koka, 3700 Alberta Ln (9)		
		9	Chelsea Shear, 3712 Alberta Ln (9)		
		10	Ray Harris, 3808 Nan Ln		
		11	Gaurav Vig, 3804 Abron (9)		
		12	Dain Brinkerhoff, 3709 Pearl Ln (9)		
		13	Name omitted, 3801 Nan Ln		
		14	Kathrine Rodriquez, 1600 Stone Crest Dr(10)		
		15	Randall McKenzie		
		16	John Anandan, 3805 Abron Ln (9)		
		17	Sam Anderson, 1421 Big Falls (10)		
		18	Zhe Shir, 3617 Pearl (9)		
		19	Wael Chatila, 3816 Abron Ln (9)		
		20	Katharyn Rodriguez, 1600 Stone Crest Dr (10)		
		21	Cheryl Kiser, 3612 Alberta Ln (9)		
		22	Renee Doyle, 920 Drake Tr (9 & 10)		
		23	Meena, 3700 Alberta Ln (9)		
		24	Name inaudible, 1805 Marble Pass*		
		25	Rebecca Jones, 3619 Polo Run*		

		26	Randall McKenzie, 3604 Alberta Ln		
		27	Bruce Gasko, 1824 Stone Crest Dr*		
		28	Kevin Kidd, 3713 Austin Ct (9)		
		29	Robert Marshall, 1708 Stone Crest*		
		30	Andrew Koch, 3605 Alberta Ln		
		31	Ravi Haniyur, 3701 Pearl Ln (9)		
		32	Ann Heflin, 3800 Nan Ln (9)		
		33	William (Travis) Jacobsend, 3616 Alberta Ln (9)		

The following individuals submitted speaker forms; however, indicated they don't want to speak:

		34	Katherine Grote, 165 Double Oak Dr, Double Oak (9 & 10)		
		35	Neelina Gudpat, 3705 Pearl Ln (9)		
		36	Richard Kelly, 3608 Alberta Ln (9)		
		37	Gale David, 5317 Wildwood Dr (9 & 10)		

Many of the speakers indicated they were supportive of the concept of senior housing; however they were opposed to the proposed location of both developments.

Mayor Hayden closed the Public Hearing for items 9 and 10 at 8:58 p.m.

Councilmember McDaniel moved to approve a resolution supporting an application by Timber Place, LP to the Texas Department of Housing and Community Affairs (TDHCA) for the 2017 Competitive 9% Housing Tax Credits for the development of senior/elderly affordable rental housing at Auburn Drive and Cross Timbers Road. No one seconded the motion.

Motion failed due to lack of a second

- Public Hearing to consider a resolution supporting an application by Marigold Housing, LP to the Texas Department of Housing and Community Affairs (TDHCA) for the 2017 Competitive 9% Housing Tax Credits for the development of senior/elderly affordable rental housing at Justin Road and Stone Hill Farms Parkway.

Applicant Presentation

Moe Mohanna, 330 W Victoria, Gardena, CA

Mr. Mohanna gave a presentation identifying or noting:

- Marigold Place development overview
- Site location and why they chose it

- Preliminary site plan
- Proposed elevation
- Unit amenities
- Company background
- Samples of facilities they have built (i.e. The Heights, Edinberg, TX; El Sereno (senior development), Cibolo, TX;
- Next steps
- Financial structure and sources, including clarification of the term of subsidy

Mr. Mohanna responded to questions from Council as follows:

- What happens if the resolution doesn't pass
- When do you know from the state which locations that are deemed ideal in a given year
- If the market is there for senior housing why would you abandon the opportunity just because you didn't get the tax credit – wouldn't you make money from the fair market; albeit charging more for the units
- Are you receiving any dollars from any government agency other than the \$10
- Does any government agency help pay the rents of the people that would be living there

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

- What are the permitted uses for both sites, and what would the associated setbacks be
- Setback requirements as it relates to a three story structure such as a hotel
- Flexibility options that exist in amending a Planned Development
- If a hotel wanted to come to the site would Council have any say in a situation where they met all the requirements, similar to what was experienced with the car dealership
- Based on the information presented to date could the projects meet the Town's setback requirements

There was Council discussion for items 9 and 10 as follows:

- U.S. Census data that demonstrates there is a need for affordable senior housing in Flower Mound due to an aging population
- Concerns regarding the locations, including whether or not the product is buildable given the setbacks
- Additional steps that would be needed in the future should the resolution get approved
- Affordable housing is not needed given the home value increases over the years
- Appreciation for those who spoke during the public hearing, as well as those who sent emails
- How it has been established for some time that there is a need for senior housing, and the option of tax credits was not thought of as an option
- Vision for affordable housing was more on the lines of a home purchase in the range of \$200,00-\$250,000, and with a small yard, or rental rates in the range of \$1,000-\$1,500, and to explore ways the Town can get those types

- of products, and that might include a density change
- Whether tax credits is the right way to bring in affordable housing
 - Safety concerns from a transportation perspective (i.e. lighted intersection)
 - The possibility of other locations that can fit a larger need than the total number of units proposed
 - How an approval of the resolution sends a signal to the developer that Council will approve the development
 - How it was a Council decision to make this item a public hearing, even though there was not a requirement to do so in the interest of gathering public input
 - How it was the developer who approached the Town initially
 - How you can't restrict the housing to Flower Mound residents; no different than you can restrict who you sell your home to
 - Would have preferred the developer meet with staff prior to making a decision on the location
 - Rental versus ownership of senior housing
 - Background information related to the topic of senior housing
 - If tax credits is an acceptable option
 - Voting for the resolution allows for the tax credits but down the road Council could be saying no because of the location
 - Overall concerns regarding the location
 - Property owner rights and their interest for the application to be considered
 - How staff acts as the first filter for applications on a daily basis
 - How this item is a public forum because the state requires a referendum of support for the application; however, not for the project, location, design, setback, trees, or the number of units
 - How misinformation drives anger and pleased that no one brought up the subsidy aspect
 - How Council has been talking about senior housing for decades and it's time for action
 - How it's not Council's place to decide how the applicant spends their development money
 - The Council is still working on ways to get senior housing to Flower Mound (i.e. overlay)
 - How having a community of seniors who are experiencing similar things in life is important
 - Interest in having a conversation about other locations in the event the item fails
 - Encouraged citizens to stay engaged in the future even if a future senior housing development is not in their neighborhood

Councilmember McDaniel moved to approve a resolution supporting an application by Marigold Housing, LP to the Texas Department of Housing and Community Affairs (TDHCA) for the 2017 Competitive 9% Housing Tax Credits for the development of senior/elderly affordable rental housing at Justin Road and Stone Hill Farms Parkway. No one seconded the motion.

Motion failed due to lack of a second

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.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:33 p.m. on February 6, 2017, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney, and reconvened into an open meeting at 9:53 p.m. on February 6, 2017, 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.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:53 p.m. on the 6th, February, 2017, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY