

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF APRIL 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/04032017-1184> (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
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 Will Langstaff gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Recognition to Keep Flower Mound Beautiful (KFMB) for their recent Spring Trash Off Event and sponsors.

Marilyn Lawson, President, Keep Flower Mound Beautiful, gave a presentation identifying or noting 2016 accomplishments. She also highlighted the results of the 2017 Spring trash off event, and later announced various recognitions from Keep Texas Beautiful.

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.	Todd Weaver, 3505 Yucca	Concerns regarding video

F. ANNOUNCEMENTS

Mayor Pro Tem Bryant and Councilmember McDaniel expressed appreciation for the work of KFMB with the trash off event this past Saturday, as well as for Marilyn's recognition by Keep Texas Beautiful.

Councilmember Jason Webb announced various events in association with the Easter holiday. He also expressed thanks to Town staff and Republic Services for their collective efforts in cleaning up after the recent storm.

Mayor Hayden provided an update on commercial space construction and leasing rates.

Deputy Mayor Pro Tem Bryan Webb announced that the Summit Club and The Mound Foundation will be taking the crosses up The Mound in conjunction with Easter services.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects or items:

1. Capital improvement projects.

- FM 2499 roadway and drainage improvements
- Clarification regarding rumors associated with Garden Ridge being designated as a truck route

Mr. Parr responded to questions from Council as follows:

- Near the Taco Bueno currently the light at West Windsor going eastbound is painted for a left and right turn. Will there soon be the option to go straight?

2. Economic Development projects.

- Sonora Grill (Victory retail center) is now open
- Taco Bueno is now open
- Trio Coffee relocated to a previously vacated Starbucks location after they moved to Lakeside
- CVS to open a pharmaceutical distribution center (Spinks @ Gerault)

3. New town hall and library expansion.

- Library: There will be a TIRZ Board meeting in May
- Town Hall: 60% construction drawings received last week and the Guarantee Maximum Price (GMP) contract to come forward to Council the first meeting in June

Mr. Stathatos responded to questions from Council as follows:

- The possibility of utilizing Facebook live to broadcast council meetings

4. Discussion regarding sidewalk/street lighting improvements

Mr. Parr gave a presentation identifying or noting:

- Shadow Ridge Middle School and Bluebonnet Elementary existing and proposed street light locations
- Timber Creek/Old Town
 - Timber Creek/Old Town area that is private property, which restricts the Town's ability to install lights due to no existing easement.
- Forest Vista Elementary

- Estimated cost associated with 17 light installations (average of \$6,700 each)

Mr. Parr or Ms. Wallace responded to questions or comments from Council as follows:

- Clarification regarding adjacent lights not noted on the map
- For the school locations, a suggestion to reach out to LISD to see if they are okay with the proposed locations for the new lights
- Is there a plan to continue westbound on Spinks as you head to the intersection of 2499 and what's the distance from Aberdeen to 2499
- What is the possibility of continuing east along Spinks
- Interest in doing a Town-wide audit to identify gaps where lights are non-existent, with emphasis in areas by schools
- What is the recourse for odd scenario where the areas that need lights are private property and there are no easements
- Past history associated with sidewalk and trail links, particularly at the locations of north of Flower Mound High School (Peters Colony), north of Liberty on Quail Run, then South 3040 and 2499
- Possible solutions in situations where lights are being blocked by trees

There was Council discussion as follows:

- How decisions were made decades ago to purposely reduce the amount of lights throughout the Town
- Intersection of Garden Ridge and Forest Vista is a significant concern
- Have light poles as part of the Town's long term plan such as a street light program
- Interest in being fiscally responsible with the approach in the program

There was Council consensus with the direction to move forward with the proposed 17 locations, and going forward consider a phased street light program that would focus on arterials, collectors, and areas around schools, and possibly median lights on Morriss.

H. FUTURE AGENDA ITEMS

1. There was some discussion relative to having a future agenda item for the purpose of allowing the Town Manager to exercise some latitude with respect to Town ordinances in a situation of severe weather conditions. The discussion continued when item 10 was opened given the relevancy.

I. COORDINATION OF CALENDARS

1. Mayor Hayden announced that the next Town Council regular meeting is scheduled for Monday, April 17, 2017 and there were no objections to moving the April 20th work session to the July 17th Strategic Planning Session.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 20, 2017.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on March 20, 2017.

2. Consider approval of the minutes from a Joint Town Council/Transportation Commission work session held on March 23, 2017.

RECOMMENDATION: Move to approve the minutes from a Joint Town Council/Transportation Commission work session held on March 23, 2017.

3. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2016, and ending on September 30, 2017, as adopted by Ordinance No. 52-16 and amended by Ordinance 70-16 and 02-17 for adjustments to the General Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2016, and ending on September 30, 2017, as adopted by Ordinance No. 52-16 and amended by Ordinance 70-16 and 02-17 for adjustments to the General Fund.

ORDINANCE NO. 10-17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017, AS ADOPTED BY ORDINANCE NO. 52-16 AND AMENDED BY ORDINANCE NO. 70-16 and 02-17, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of the Best Value Bid Nos. 2017-40 (Northwest), 2017-41 (Southeast), 2017-42 (Southwest) and 2017-43 (Northeast) Landscape Maintenance Program to TCA Terracare Associates at the unit prices bid, in the estimated annual amount of \$626,870.00; and authorize the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Best Value Bid Nos. 2017-40 (Northwest), 2017-41 (Southeast), 2017-42 (Southwest) and 2017-43 (Northeast) Landscape Maintenance Program to TCA Terracare Associates at the unit prices bid, in the estimated annual amount of \$626,870.00; and authorize the Mayor to execute same on behalf of the Town.

5. Consider approval of the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1804 Doubletree Trail project, to Knight Erosion Control, Inc., a sole source provider, in the total amount of \$91,039.00.

RECOMMENDATION: Move to approve the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1804 Doubletree Trail project, to Knight Erosion Control, Inc., a sole source provider, in the total amount of \$91,039.00.

6. Consider approval of the purchase of creek bank stabilization and erosion control services, associated with Wichita Creek, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$19,999.00 for the Creek Bank Stabilization at 3100 River Hill Drive, and the amount of \$44,999.00 for the Creek Bank Stabilization at 5105 River Hill Drive.

RECOMMENDATION: Move to approve the purchase of creek bank stabilization and erosion control services, associated with Wichita Creek, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$19,999.00 for the Creek Bank Stabilization at 3100 River Hill Drive, and the amount of \$44,999.00 for the Creek Bank Stabilization at 5105 River Hill Drive.

7. Consider approval of Change Order No. 1 for the Twin Coves Park Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc., dba, Dean Construction, at a not to exceed amount of \$438,857.98, for a total CMR contract value of \$3,319,729.95; and authorization for the Mayor to execute same on behalf of the Town.

This item was not pulled from consent; however, Mayor Hayden indicated the entrance to Twin Coves Park could use some improvements as it doesn't fit the grand scale of what the park is becoming.

RECOMMENDATION: Move to approve Change Order No. 1 for the Twin Coves Park Improvements project, through the Construction Manager at Risk (CMR) Agreement with Dean Electric, Inc., dba, Dean Construction, at a not to exceed amount of \$438,857.98, for a total CMR contract value of \$3,319,729.95; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Bryant moved to approve by consent Items 1 – 7. Councilmember Jason Webb 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

8. Public Hearing to consider a request for a Comprehensive Sign Package (CSP17-0001 – Stryker Industrial) for Stryker Industrial to allow a painted roof sign. The property is generally located east of Lake Forest Boulevard, between Lakeside Parkway and Silveron Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 27, 2017, meeting.)

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- Site location
- Approved plan
- Photo of what the roof sign will look like

- Provisions of comprehensive sign package

Mayor Hayden opened the Public Hearing at 7:05 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	None.	None.

Mayor Hayden closed the Public Hearing at 7:07 p.m.

Councilmember McDaniel moved to approve a request for a Comprehensive Sign Package (CSP17-0001 – Stryker Industrial) for Stryker Industrial to allow a painted roof sign. Councilmember Gelbman seconded the motion.

VOTE ON MOTION:

Motion passed

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

NAYS: NONE

9. Consider a request for a Site Plan (SP16-0022 - Jerry's Express Car Wash) to develop a car wash with an exception to Section 82-302, Compatibility buffer, and an exception to Section 82-303, Compatibility setback, of the Code of Ordinances. The property is generally located at the northeast corner of Spinks Road and Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its March 27, 2017, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the site
- Site plan/landscape plan
- Letter from school - acceptable to the waiver
- Elevations
- No correspondence received

Applicant Presentation

James Nader(architect), with Nader Design Group, 916 Bryan, Fort Worth, Tx, and Doug Cookston, Director of Operations for Jerry’s Express Car Wash, 6300 Ridglea Place, Fort Worth, Tx gave a presentation identifying or noting:

- Past projects
- Car wash operations
- Photo of the back room of one of their facilities
- Environmental steps being taken to conserve water and reduce noise pollution
- Community involvement
- Steps and modifications that were taken to adapt to the location

Mr. Nader or Mr. Cookston responded to questions from Council as follows:

- Clarification regarding the landscape plan, including the amount of trees that will be

- planted and the species type
- How many cars per day are expected
- What are the hours of operation
- When would they be able to open
- Clarification regarding the differential from the roof line and top of tower
- What is planned for signage and concerns relative to the placement location
- Clarification regarding the existence of windows or not

Mr. Powell responded to questions from Council as follows:

- Clarification regarding the location of the fire lane, location of overhead lines, and setbacks
- Concerns regarding the angle entrance off 2499
- Are there any backup issues on Spinks given the proximity of the school

There as Council discussion regarding:

- Not sure if a car wash is the best use for this prime entrance location to the town; however, it's zoned properly and it's a challenging site
- Appreciation for the water reclamation efforts

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for a Site Plan (SP16-0022 - Jerry's Express Car Wash) to develop a car wash with an exception to Section 82-302, Compatibility buffer, and an exception to Section 82-303, Compatibility setback, of the Code of Ordinances. Councilmember Don McDaniel seconded the motion.

VOTE ON MOTION:

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

NAYS: NONE

Motion passed

10. Discuss and consider measures to facilitate public access to insurance assistance in light of recent severe weather events.

Mayor Hayden provided background information as to how this topic became an agenda item, and how the Town Manager should be given the authority to grant exceptions to the Town's ordinances that restricts operating a business in a parking lot in a case of a natural disaster for insurance companies to process claims, for example.

Mr. Meredith responded to questions from Council as follows:

- How the role of the Town Manager, including by contractual obligation, is to enforce the Town's Ordinances and how the motion would assist him, as well as staff, with the comfort of knowing they are not contravening the will of the Council by not issuing a citation
- Difficulty with writing an inclement weather exception to the application of any of the Town ordinances is problematic with respect to certain regulations
- Clarification that the action tonight indemnifies the current action and going forward Council will look at its ordinances, and possibly the Town Manager contract, to see what needs to be done relative to granting him special exemptions in the act of a disaster (basically a disaster clause to allow him the ability to function in the best interest of the health and welfare of the residents)

Mr. Stathatos responded to questions from Council as follows:

- There are other areas as it relates to special events that need to be discussed relative to offering some exceptions
- Would there need to be a change to the Town's Ordinances or the Town Manager contract to allow for the discernment

There was Council discussion as follows:

- How companies like State Farm would need to get permission from businesses such as Lowe's before they could operate at that location
- How the change allows the Town Manager to exercise common sense without any possibility of retribution coming back to him, particular in a disaster situation
- Proposed text modifications
- Whether allowing exemptions in the ordinance should be made or if it should be just a change to the contract
- Communication process relative to decisions being made by the Town Manager
- Process code enforcement currently takes relative to issuing citations
- The risk of making exceptions and potentially opening the door for other activities
- How it's difficult to innumerate all the organizations that could be involved in a natural disaster, and for that reason it's best to adjust the Town Manager's contract
- How if there are any issues relative to operations lasting longer than desired Council could convey that concern to the Town Manager at a Council meeting

Deputy Mayor Pro Tem Bryan Webb moved to allow the Town Manager to cooperate with insurance companies to provide relief to citizens affected by weather or other catastrophic events, and in these limited instances to exercise discretion and restraint in the enforcement of the Town regulations that he, in good faith, believes are contrary to the best interest of the public health, safety and general welfare, and suspend specific performance of this contractual obligation to strictly enforce any such regulation. Additionally, the Town Manager, upon exercising discretion, will notify Town Council and the Mayor via their Town email within one business day. Mayor Pro Tem Kevin Bryant seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB****NAYS: NONE****L. BOARDS/COMMISSIONS (Executive Conference Room)**

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

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:02 p.m. on April 3, 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 8:37 p.m. on April 3, 2017, to take action on the items as follows:

- a. 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.

- b. 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.

- c. 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.

- d. Consultation with Attorney as follows:

1. Official request for information

No action taken.

O. **ADJOURN REGULAR MEETING**

Mayor Hayden adjourned the meeting at 8:37 p.m. on Monday, April 3, 2017, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY



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04/20/2017 - 1:17:07 PM CDT- IP address: 24.227.240.67
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04/20/2017 - 1:18:16 PM CDT
- Document viewed by Thomas E Hayden (mayor@flower-mound.com)
04/20/2017 - 1:47:32 PM CDT- IP address: 24.227.240.67
- Document e-signed by Thomas E Hayden (mayor@flower-mound.com)
Signature Date: 04/20/2017 - 1:48:15 PM CDT - Time Source: server- IP address: 24.227.240.67
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04/20/2017 - 1:48:16 PM CDT
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04/20/2017 - 1:56:48 PM CDT- IP address: 24.227.240.67
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