

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15<sup>TH</sup> DAY OF JUNE 2020, 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:

Sandeep Sharma	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Ben Bumgarner	Councilmember Place 3
Jim Engel	Councilmember Place 4

with the following member absent:

Steve Dixon	Mayor
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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
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Andrea Roy	Economic Development Director

**A. CALL REGULAR MEETING TO ORDER**

Mayor Pro Tem Sharma 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 Pro Tem Sharma led the pledges.

**D. PUBLIC COMMENT**

*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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Bryan Webb, 4112 High Rd	George Floyd
2.	Kent Johnson, 3808 Regency Park Ct	Community Activity Center

**E. ANNOUNCEMENTS**

There were no announcements.

**F. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital Improvement projects
  - Temporary traffic signal at 377 @ Canyon Falls intersection
2. Economic Development projects
  - New or coming soon businesses
3. Financial update

Mr. Stathatos and Ms. Wallace provided a financial update, particularly as it relates to sales tax revenue given the impact of COVID 19.

and she responded to the following questions from Council:

- When will staff have the May numbers

**G. FUTURE AGENDA ITEMS**

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

**H. COORDINATION OF CALENDARS**

Mayor Pro Tem Sharma announced the following meeting dates and there was Council consensus to cancel the July 16<sup>th</sup> work session.

1. A strategic planning session is scheduled at the Town Hall, for Friday, June 19, at 4:00 pm, and Saturday, June 20, at 9:00 am (if needed)
2. The July 6 meeting has been cancelled due to the Independence Day holiday
3. Consider approval of canceling the work session scheduled for Thursday, July 16
4. A regular meeting is scheduled for Monday, July 20

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on June 1, 2020.
2. Consider approval of a resolution casting the Town of Flower Mound's vote for a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2020.

**RESOLUTION NO. 10-20****A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPOINTING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

3. Consider approval of the purchase of new patrol rifles utilizing available seizure funds.
4. Consider approval of Change Order No. 1 for the construction of the Morriss Road 20-inch Water Line (Forest Vista To Lake Bluff) project, amending the contract with Western Municipal Construction of Texas, LLC, to provide for an increase to the contract in the amount of \$51,861.34; and authorization for the Mayor to execute same on behalf of the Town.
5. This item moved to regular items.
6. Consider approval of an advertising contract between Denton County and the Town of Flower Mound, providing \$2,500 to the Town in exchange for the Town's promotion of the County's Open Business Grant Program until December 30, 2020; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Forest moved to approve by consent Items 1 – 4, & 6, as presented in the agenda caption. Councilmember Engel seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE****J. REGULAR ITEMS**

5. Consider approval of sixteen (16) professional engineering firms to provide professional engineering services, five (5) geotechnical engineering firms to provide material testing services, two (2) independent property appraisal firms to provide real property appraisals, and two (2) subsurface utility engineering firms to provide subsurface utility engineering for the Town, for a two-year term ending June 15, 2022.

Ms. Wallace provided background information on the item and she responded to the following questions from Council:

- Clarification regarding the criteria
- What safeguards are in place where there is no favoritism towards any of the firms
- What is the process when it comes time to pick one for a specific project

Councilmember Bumgarner moved to approve as presented. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

7. Consider approval of a Professional Services Agreement with Mesa Design Associates, Inc., for the design services associated with the Peters Colony Memorial Park project, in the amount of \$194,730.00; and authorization for the Mayor to execute same on behalf of the Town. (Town Council postponed this item to June 15, 2020 at its May 18, 2020, meeting).

**Staff Presentation**

Ms. Wallace indicated it's her understanding the item was postponed due to Council wanting to know the results of the revenue receipts, and she responded to the following questions from Council:

- Clarification regarding the availability of funds based on what May sales tax revenue might be
- Clarification regarding the funding source
- Has the CDC approved the funding
- Is the Town in a good position should there be a second wave

**Council Discussion**

There as Council discussion regarding:

- Based on the recent sales tax revenue report there is interest in seeing the project go forward
- How Council has the option to not approve the actual park when it comes forward later and there would be a design already in place

Deputy Mayor Pro Tem Forest moved to approve as presented. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

Mayor Pro Tem Sharma opened items 8 and 9 at the same time.

8. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2020, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.
9. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2020, establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.

### **Staff Presentation**

John Martin, Hilltop Securities

Ms. Wallace provided background information for items 8 and 9, and she, or Mr. Martin, responded to the following questions from Council:

- Does the savings factor in the closing cost
- What are the bottom line amounts to be issued

Deputy Mayor Pro Tem Forest moved to approve item 8 (Certificates of Obligation) as presented. Councilmember Bumgarner seconded the motion.

### 8. **ORDINANCE NO. 13-20**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF “TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2020”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN’S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION; DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID CERTIFICATES TO AN AUTHORIZED TOWN OFFICIAL; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: PIERSON**

Deputy Mayor Pro Tem Forest moved to approve item 9 (General Obligation Refunding Bonds) as presented. Councilmember Engel seconded the motion.

9. **ORDINANCE NO. 14-20**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF “TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED TOWN OFFICIAL.**

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE**

Mayor Pro Tem Sharma opened items 10 and 11 at the same time.

10. Public Hearing to consider an ordinance amending the Master Plan (MPA19-0005 – Grace Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Low Density Residential Uses to Medium Density Residential Uses. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its June 8, 2020, meeting.)
11. Public Hearing to consider an ordinance amending the zoning (ZPD19-0013 – Grace Park) from Agricultural District (A) to Planned Development District No. 177 (PD-177) with Single-Family District-10 (SF-10) uses, with certain exceptions, waivers and modifications to the Code of Ordinances. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its June 8, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Concept site plan
- Exceptions
- Modifications
- Photographs of site
- Tree survey
- Concept landscape plan

and she, or Mr. Meredith, responded to the following questions from Council:

- What options Council has given the denial of the items by the Planning and Zoning Commission

**Applicant Presentation**

**Captain Reginald Rembert, 1400 Simmonds Rd, Flower Mound**

Mr. Rembert gave a presentation identifying or noting:

- Developer background information
- Site location details
- Land owner information
- In-fill sites definition
- Site challenges
- SFD zoning classifications
- Volume builders vs custom builders
- Communities in Flower Mound
- Initial plan
- Resident’s Concerns
- Adjacent home values vs Grace Park
- Known opposition directly affected
- New proposed plan
- Density definitions from the Town’s Ordinance
- Home values and examples
- Meeting with residents on Friday 6/12/20 at 6:30 p.m. – preliminary agreement (pending seeing concept)
- Conclusion points

and he responded to questions from Council regarding:

- If he would be acceptable to postponing the item until July 20<sup>th</sup>

Mayor Pro Tem Sharma opened the Public Hearing at 7:11 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Kent Johnson, 3808 Regency Park Ct	Ray Harris, 3808 Nan	
Reginal Rembert, 3625 Bonanza Ln	Diane Bosworth, 4001 Regency Park Ct	
	Ray White, Mary Anne White*, 3900 Regency Park Ct	
	James Green, Delilah Green*, 3812 Regency Park Ct*	

\*Submitted public comment card indicating did not wish to speak

Mayor Pro Tem Sharma closed the Public Hearing at 7:32 p.m.

### **Council Discussion**

There was Council Discussion regarding:

- Possibility of postponing the items
- If there are substantial changes does the item need to go back to Planning and Zoning
- Interest in seeing low density instead of medium density

#### **Item 10:**

Deputy Mayor Pro Tem Forest moved to postpone item 10 (MPA19-0005 – Grace Park) to the July 20, 2020 Town Council meeting. Councilmember Engel seconded the motion.

#### **VOTE ON MOTION:**

*Motion passed (to postpone)*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

#### **Item 11:**

Deputy Mayor Pro Tem Forest moved to postpone item 11 (PD19-0013 – Grace Park) to the July 20, 2020 Town Council meeting. Councilmember Engel seconded the motion.

#### **VOTE ON MOTION:**

*Motion passed (to postpone)*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

12. Public Hearing to consider an ordinance granting Specific Use Permit No. 462 (SUP20-0004– Mueller Accessory Dwelling) to permit an accessory dwelling. The property is generally located south of Bay Park Court and east of Bayshore Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 8, 2020, meeting.)

### **Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Concept plan
- Site photos
- Accessory dwelling standards



- Elevation details

and she responded to the following questions from Council:

- What are the septic requirements
- Are all of the nine criteria being met

### **Applicant Presentation**

#### **Rachelle Mueller, 6005 Bay Park Ct**

Ms. Mueller responded to questions from Council regarding:

- What is the actual use for the ancillary use

Mayor Pro Tem Sharma opened the Public Hearing at 7:47 p.m. No one spoke in support or opposition. Mayor Pro Tem Sharma closed the Public Hearing at 7:47 p.m.

Councilmember Bumgarner moved to approve item 12 as presented. Deputy Mayor Pro Tem Forest seconded the motion.

### **ORDINANCE NO.15-20**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY APPROVING SPECIFIC USE PERMIT NO. 462 (SUP-462) FOR AN ACCESSORY DWELLING ON CERTAIN PROPERTY DESCRIBED AS LOT 9, BLOCK C OF THE LANDING, AND ZONED AGRICULTURAL DISTRICT (A); PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

13. Public Hearing to consider an ordinance for rezoning (Z20-0002 - The River Walk at Central Park) to amend the River Walk at Central Park Zoning Ordinance No. 05-15, by adding a new concept plan depicting Presbyterian Hospital's proposed expansion. The property is generally located north of Central Park Avenue and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 8, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Proposed expansion for the hospital
- Existing land use plan
- Site photos
- Zoning exhibit

and she responded to the following questions from Council:

- When were the trees that are coming out added

Mayor Pro Tem Sharma opened the Public Hearing at 7:52 p.m. No one spoke in support or opposition. Mayor Pro Tem Sharma closed the Public Hearing at 7:52 p.m.

Councilmember Bumgarner moved to approve item 13 as presented. Deputy Mayor Pro Tem Forest seconded the motion.

**ORDINANCE NO.16-20**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 46-08 AND ORDINANCE NO. 05-15, THE RIVER WALK AT CENTRAL PARK ADDITION, AS AMENDED, THROUGH THE AMENDMENT OF EXHIBIT "C" ENTITLED "CONCEPT PLANS" TO ORDINANCE NO. 05-15 BY ADDING A NEW CONCEPT PLAN FOR THE PRESBYTERIAN HOSPITAL SITE AS DEPICTED IN EXHIBIT "A" TO THIS ORDINANCE; 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

14. Consider a request for a Site Plan (SP19-0012 – DFW North Distribution Center (Lisanti)) to approve aggregate or inorganic materials in accordance with Section 82-247 of the Land Development Regulations. The property is generally located south of Spinks Road and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 8, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Aggregate or inorganic materials
- Landscape plan
- Site photos

and she responded to the following questions from Council:

- Clarification that there was a certain amount of turf already installed and whether what's presented includes additional materials

Deputy Mayor Pro Tem Forest moved to approve item 14 as presented. Councilmember Pierson seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**

15. Consider approval of a Construction Agreement with Muniz Construction Inc., for the High Road Water Line Replacement Phase III project, in the amount of \$1,225,406.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Wallace provided background information regarding the item and she responded to the following questions from Council:

- How did the first and second phases of putting in the water line go for High Road

Deputy Mayor Pro Tem Forest moved to approve item 15 as presented. Councilmember Bumgarner seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE**

16. Consider approval of an Interlocal Cooperation Agreement between Denton County, Texas and the Town of Flower Mound, which designates a portion of the County's CARES Act funding to the Town for the purpose of reimbursing expenditures associated with its ongoing response to COVID-19; and authorize the Mayor to execute the same on behalf of the Town.

**Staff Presentation**

Ms. Wallace provided background information regarding the item.

Councilmember Bumgarner moved to approve item 16 as presented. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE****K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:03 p.m. on June 15, 2020, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, and 551.087 for consultation with attorney, and to discuss matters relating to real property, and economic development negotiations, and reconvened into an open meeting at 8:27 p.m. on June 15, 2020, and took no action on the following items:

- a. Consultation with Attorney.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, cultural arts center, and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

**M. ADJOURN REGULAR MEETING**

Mayor Pro Tem Sharma adjourned the meeting at 8:27 p.m. on Monday, June 15, 2020, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**


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**SANDEEP SHARMA, MAYOR**
**ATTEST:**


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**THERESA SCOTT, TOWN SECRETARY**