

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 17TH DAY OF FEBRUARY 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:

Steve Dixon	Mayor
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 (left at 7pm)

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

Anne Carnes	Executive Assistant
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Executive Director of Public Works
Andrea Roy	Director of Economic Development
James Hoefert	Environmental Review Analyst

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon 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 Dixon 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.

	Speaker names and address	Subject (as written on the form)
1.	Shelley Brandt, 6301 Willow Ridge	Housing issue Canyon Falls
2.	Ann Martin, 4700 Oak Springs Dr	Announcing candidacy for Place 5

E. ANNOUNCEMENTS

There were no announcements.

F. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Update and status report related to capital improvement projects.
 - Lakeside Parkway turn lane
 - 1171 at Riverwalk
2. Update and discussion on Economic Development projects.
 - Ms. Roy provided an update on new or coming soon businesses
 - SCORE sessions coming soon
3. Short-term rental regulations
 - Mr. Meredith provided an update regarding regulation changes based on Council feedback at the last meeting

Council Discussion

There was Council discussion regarding:

- Liked the administrative component with the permitting process, and how the protections are still in the Ordinance
- Interest in seeing the limitations as it relates to types of dwellings (i.e. condos versus single family)
- Interest in getting the data to analyze it to decide
- Information gathered from webinar recently participated in regarding short term rentals
- The need to conduct a thorough investigation on companies that specialize in managing short term rentals
- Interest in seeing a report that identifies how many homes have been operating as short term rentals in Flower Mound in the past year

There was Council consensus to continue the dialogue in a future Council work session and Mayor Dixon requested Councilmember Engel provide the link to the webinar to the Town Manager for Council distribution as a resource.

4. Mr. Stathatos was asked to identify anything that the Town can do regarding the home issues described by Ms. Brandt during public comment.

He indicated more information would be needed before a response could be provided.

G. FUTURE AGENDA ITEMS

1. Councilmember Engel reported on a situation involving improper work around trees by a contractor. He expressed disappointment that the fine was only \$500 as it was not adequate or proportionate to the damage.

Mr. Meredith provided a statement of fact as it relates to the Town's limitations regarding fines.

Councilmember Bumgarner indicated perhaps there is a need to have more check ins by code enforcement on this developer in the interest of protecting the Town's tree canopy.

2. Councilmember Pierson indicated that given the Town's fine limitations as it relates to the contractor who conducted unauthorized site work around trees, he would like to explore other sanctions beyond fines, along with the development review process.

Mr. Stathatos indicated he would have a discussion with Councilmember Pierson to seek more information regarding this thought process.

H. COORDINATION OF CALENDARS

1. A regular meeting is scheduled for Monday, March 2.

Mayor Dixon announced the above referenced meeting.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 3, 2020.
2. Consider approval of the second reading of an ordinance granting to a non-exclusive gas franchise to CoServ Gas, LTD.; and authorization for the Mayor to execute the same on behalf of the Town.

ORDINANCE NO. 02-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, GRANTING TO COSERV GAS, LTD., D/B/A COSERV GAS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE TOWN OF FLOWER MOUND, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

3. Consider approval of replacement of the Community Activity Center indoor/outdoor pool disinfection units by Sunbelt Pool in the amount of \$67,400.00
4. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Chapter 70, "Utilities", Article VII "Water Wells", by repealing Section 70-564 "Special Construction Requirements; exceptions", and replacing it with water well regulations pursuant to Title 16 of the Texas Administrative Code, Chapter 76, Section 100.

ORDINANCE NO. 03-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 70-564 WHICH ESTABLISHED SPECIAL CONSTRUCTION REQUIREMENTS FOR WATER WELLS; REPEALING EXISTING SPECIAL CONSTRUCTIONS REQUIREMENTS AND EXCEPTIONS; AMENDING FLOWER MOUND'S ORDINANCE TO ALIGN IT WITH TEXAS DEPARTMENT OF LICENSING AND REGULATION; PROVIDING THAT 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.

5. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2019, and ending on September 30, 2020, as adopted by Ordinance No. 50-19 and amended by Ordinance No. 64-19 for adjustments to the General Fund and Tree Preservation Fund.

ORDINANCE NO. 04-20

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, 2019, AND ENDING ON SEPTEMBER 30, 2020, AS ADOPTED BY ORDINANCE NO. 50-19 AND AMENDED BY ORDINANCE NO. 64-19, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND AND TREE PRESERVATION 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.

6. Consider approval for the purchase and installation of Audio Video equipment for the Flower Mound Library from Data Projections in the amount of \$179,483.57.
7. Consider approval of the 2020 US Army Corps of Engineer (USACE) Solicitation No. W9126G20Q0033 for Contract with the Town of Flower Mound for law enforcement services at Lake Grapevine; and authorize the Mayor to execute same on behalf of
8. Consider approval of the award of Request for Proposal 2020-27-A for the Annual Fireworks Display to Pyro Shows of Texas, Inc., in the annual amount of \$28,000.
9. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at The Heritage Park of Flower Mound during the Flower Mound Women In Business Spring Community Event.
10. Consider approval of a Construction Agreement with Atkins Brothers Equipment Company, Inc., for the Red Bud Point Water Service Relocation project, in the amount of \$984,858.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group to provide construction materials engineering and testing, for the Red Bud Point Water Service Relocation project, in the amount of \$31,283.50; and authorization for the Mayor to execute same on behalf of the Town.

12. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the design phase services associated with the Morriss Road Water Line Phase 2 project, in the amount of \$202,500.00; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of Change Order No. 1 to the Wastewater Treatment Plant Ultraviolet System Upgrade project, in the amount of \$98,916.23; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of Amendment No. 1 to the Fiscal Year 2019-2020 Capital Improvement Program.
15. Consider approval of an ordinance vacating and abandoning an existing water line easement located at the southwest corner of Sweetwater Lane at Gerault Road.

ORDINANCE NO. 05-20

AN ORDINANCE VACATING AND ABANDONING EASEMENTS LOCATED IN THE TOWN OF FLOWER MOUND; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 15, as presented in the agenda caption. Deputy Mayor Pro Tem Forest 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

J. REGULAR ITEMS

16. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Lot 5, Block A of the Pepper Creek Ranch Addition. The property is generally located 4705 Summerhill Court. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its January 7, 2020, meeting).

Staff Presentation

Mr. Hoefert, or Mr. Meredith, gave a presentation identifying or noting:

- Project information
- General and detailed location
- Specimen tree survey
- Picture of tree requested for removal
- Legal consideration

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

- Clarification regarding how property is defined
- Was the tree present at the time the applicant purchased the lot
- Parameters with the Cross Timbers and open space protections

- How many lots have been through the process that did not require a tree removal and/or how many are anticipated
- If denied, is there a set amount of time where this item can be reviewed later

Council Discussion

There was Council Discussion regarding:

- Flexibility components that exist within the lot to lot option
- Clarification that the applicant is a family requesting to have the tree removed to fit the design of their house
- Possibility of building a different home on the site so the tree can be preserved
- How the design of the house is driving the tree removal request instead of the actual need
- There are other protected non specimen trees (6) that are being removed on the site
- If denied, possibility of visiting with the homeowner to understand what their needs are and then reconsider the item later
- How in the future a homeowner can cut down a tree on their lot should they wish to do so
- How the person who sold them the home holds the responsibility of negotiating as warranted
- Possible design options that would allow the tree to be saved

Applicant Presentation

Laura Hall, McAdams, 201 Country View Drive, Roanoke

- Site Lot 5, Block A
- Letter of intent
- Required signage
- Picture of the tree requested to be removed
- Tree survey

and she responded to the following questions from Council:

- Clarification regarding exactly how many trees are being removed
- Is it a spec home
- Clarification regarding what the double lines on the graphic by the trees mean
- If council was to deny the item is there another lot within the site they can build on
- What options were discussed with the homeowner to save the tree
- Is the design of the house driving the need to remove the tree

Mayor Dixon opened the Public Hearing at 6:56 p.m.

No one spoke in support or opposition.

Mayor Dixon closed the Public Hearing at 6:56 p.m.

Mayor Pro Tem Sharma moved to deny item 16 as presented. Councilmember Pierson seconded the motion.

VOTE ON MOTION:*Motion passed (to deny)***AYES: BUMGARNER, SHARMA, ENGEL, PIERSON****NAYS: FOREST**

17. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on Lot 36X, Block A of the Bradford Park Phase 2 subdivision. The property is generally located at 5301 Bradford Green Trail. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its February 4, 2020, meeting).

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Specimen tree survey
- Picture of tree requested to be removed
- Legal consideration
- Bradford Park Ph 2 Specimen tree removal

and he responded to the following questions from Council:

- How many feet is the tree away from the property line
- How close is the house proposed to be
- How many (specimen or protected) trees were allowed for removal initially
- In the event this particular tree dies, are there any implications to the developer

Applicant Presentation

Curtis Young, Sage Group, 1130 N Carroll Ave, Southlake

Mr. Young provided background information about the development that led to what they are requesting today, including efforts that were made to try and save the tree.

and he responded to the following questions from Council:

- why wasn't this tree included with the initial tree removal request, as was recommended by Town staff
- what are the options for that lot
- is there a reason for the row of preserved vegetation as shown on the map
- clarification that no one currently on council was on council at the time the initial tree removal request came forward
- clarification as to if the developer would be able to build on the lot or not

Council Discussion

There was Council discussion regarding:

- there is a potential for redesign of the lots since it's only 5 feet away from the property line

- had this tree been requested initially it would have been approved, but to remove it on its own doesn't sit well

Mayor Dixon opened the Public Hearing at 7:22 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 in Flower Mound unless otherwise indicated.

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None	Sharon Gentry, 2750 Bob White Ln	None
	Lori Pearson, 5304 Singing Brook	
	Mark Klopping, 5308 Singing Brook	
	KC Walsh, 3825 High Rd*	
	Janvier Werner, 2829 Bob White Ln*	

**indicated did not wish to speak*

Mayor Dixon closed the Public Hearing at 7:32 p.m.

Councilmember Pierson moved to deny item 17 as presented. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: PIERSON, SHARMA, FOREST, BUMGARNER

NAYS: NONE

ABSENT: ENGEL

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:40 p.m. on February 17, 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 7:45 p.m. on February 17, 2020, to take action on the items as follows:

- a. Consultation with Attorney.

No action taken.

- 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.

Councilmember Bumgarner moved to authorize staff to purchase Right-of-Way Property, in association with the Rippy Road Phase II project, and to negotiate for the purchase of the Right-of-Way Property up to the settlement amounts described in the document in closed session; and authorization of the Town Manager, or his designee, to close on the Right-of-Way Property should a settlement be reached, to pay all costs associated with said closing in addition to the purchase price of the Right-of-Way Property, and to execute all necessary documents at closing on behalf of the Town. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, PIERSON

NAYS: NONE

ABSENT: ENGEL

- 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.

M. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 7:46 p.m. on Monday, February 17, 2020, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Anne Carnes

ANNE CARNES, EXECUTIVE ASSISTANT