

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 4TH DAY OF JANUARY 2021, 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
Jim Engel	Mayor Pro Tem
Ben Bumgarner	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Sandeep Sharma	Councilmember Place 2
Ann Martin	Councilmember Place 5

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Interim & Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Eric Greaser	Fire Chief
Brian Waltenburg	Assistant Director of Engineering

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.	Albert Picardi, 1525 Lindby Dr	FMFD prescribed burn
2.	Anandh Murugan, 601 Haggard Way	Hound Mound Parking Lot
3.	Sunil Bhatia, 600 Haggard Way	Hound Mound Parking Lot
4.	Surendrakumar Rad, 605 Haggard Way	Hound Mound Parking Lot
5.	Asim Chaudhry, 567 Richwoods Dr	Hound Mound Parking Lot
6.	Mohana Vamsi Boppana, 1309 Kings Lake Dr*	Parking Lot Near Hound Mound
7.	Dharmesh Joshi, 1808 Broughton Dr	Hound Mound Dog Park

*Submitted a public comment speaker card but opted not to speak when called.

E. ANNOUNCEMENTS

2020 Outstanding Citizen Award Recognition

Angie Cox, Outstanding Citizen Award Selection Committee Chair, provided background information about the program and announced the 2020 winners as follows:

- Carol Kyer – Individual category
- Keep Flower Mound Beautiful – Group category

Mayor Dixon and several Councilmembers congratulated the award recipients and also wished everyone a Happy New Year.

Councilmember Martin expressed thanks to The Mound Foundation for their efforts in protecting the landmark of The Flower Mound.

F. TOWN MANAGER'S REPORT

Ms. Wallace provided a report or update on the following projects or topics:

1. Capital improvement projects
 - Morriss Road Water line project Phase II (and on tonight's agenda)
 - Canyon Falls Park
2. Economic Development projects
 - Announced companies (4) that recently signed leases at the Class A office campus (Lakeside International Office Center)
3. Covid Vaccine
Chief Greaser and Ms. Wallace provided an update on where the Town is on the COVID vaccine, including next steps, and he responded to the following questions from Council:
 - What is the probability of getting reimbursed on the expenses associated with administering the vaccine
4. All Together Flower Mound
Ms. Wallace gave a presentation identifying or noting:
 - Background information
 - Initial results/thoughts
 - Hate Crimes have No Home Here
 - What stood out
 - Community programs
 - All Together Flower Mound (focus group structure and next steps)

Resident Yvette Williams-Elliott, who initiated the idea, shared her thoughts and pointed out the goal is to make sure everyone feels welcomed in Flower Mound. She responded to the following questions:

- Did she find some content within the presentation of value and something that she could affect some change with
- How long would the group need to meet before coming forward with recommendations to Council
- Based on what was presented, will that help the Town meet the objectives
- What is the purpose of the mayor or a councilmember being part of the group

There was Council discussion regarding:

- Liked the name All Together Flower Mound
- Change doesn't happen like turning off and on a switch
- Concerns regarding the focus group turning into a political group
- Appreciation for the elements of educate, engage, and enhance
- Focus group would have to be very active to be effective
- Interest in making sure the environment is such that the participants will feel comfortable in expressing their thoughts and concerns (no audio/video recordings)
- Interest in engaging area faith leaders

There was Council consensus to proceed with the focus group, and with the understanding that staff will reach out to Council once program details are being finalized to identify which Council members will participate.

G. FUTURE AGENDA ITEMS

1. Councilmember Sharma requested the Town incorporate language as it relates to non-recruitment/solicitation of current employees by vendors in Town agreement templates. There was Council consensus to have a future agenda item to discuss the topic.
2. Councilmember Pierson requested:
 1. Bring forward LDR20-0005 - Development Fees that was originally scheduled for the January 4, 2021 Town Council meeting.

Ms. Wallace, Mr. Dalton, Mayor Pro Tem Engel, and Mayor Dixon provided statements of fact regarding the history of the item.

Two Councilmembers indicated being acceptable to having it come forward at a future agenda, and Mayor Dixon agreed.

2. Discuss the possibility of amending Ordinance 65-15, which includes Town Council Rules of Procedures.

There was Council consensus to proceed with a future agenda item on the topic.

H. COORDINATION OF CALENDARS

Mayor Dixon announced the following upcoming meetings:

1. Discuss and consider a work session for Thursday, January 14.

Mayor Pro Tem Engel indicated he will be out of Town for this work session, but he could participate remotely.

2. A special meeting is scheduled for Thursday, January 21.
3. A regular meeting is scheduled for Monday, February 1.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on December 7, 2020.

2. Consider approval of an ordinance to reappoint Municipal Judge Jeff Tasker for the period of January 1, 2021, through December 31, 2022.

ORDINANCE NO. 01-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPOINTING THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider approval of a resolution suspending the January 23, 2021, effective date of CoServ Gas Ltd.'s requested rate increase in order for the Town to study the request with other cities in the service area.

RESOLUTION NO. 01-21

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS SUSPENDING THE JANUARY 23, 2021, EFFECTIVE DATE OF COSERV GAS, LTD.'S REQUESTED INCREASE TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES IN THE COSERV GAS, LTD. SERVICE AREA; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; AUTHORIZING INTERVENTION IN DOCKET OS-20-00005136 AT THE RAILROAD COMMISSION; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

4. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, as adopted by Resolution No. 19-20.

RESOLUTION NO. 02-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, AS ADOPTED BY RESOLUTION NO. 19-20; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

5. Consider approval of a Reimbursement Agreement for Quiet Zone Services by the Union Pacific Railroad (UPRR) at the FM 1171/UPRR crossing for an estimated \$20,000.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a Professional Services Agreement for the design phase services for the Lift Station Improvements and Decommissioning Phase III project, with Plummer, Inc., for \$48,700.00; and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval to ratify the expenditure of additional costs for parts and labor on Engine 502/Fleet #63000-05.
8. Consider approval of a Professional Services Agreement for the design phase services for the Oak Street Lift Station and Force Main Phase IV project, with Kimley-Horn and Associates, Inc., for \$330,500.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of naming the 1.1 acre public park located within the Tinley Park residential development as Blue Blossom Preserve.
10. Consider approval of an ordinance of the Town Council of the Town of Flower Mound, Texas, amending Appendix A "Fee Schedule," of the Code of Ordinances, Town of Flower Mound, Texas: establishing the fee for lease of Town facilities to Lewisville Independent School District, per a Facility Use Agreement; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.

ORDINANCE NO. 02-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE FEE FOR LEASE OF TOWN FACILITIES TO LEWISVILLE INDEPENDENT SCHOOL DISTRICT, PER A FACILITIES USE AGREEMENT; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. Consider approval of the 2020 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code (The TIRZ #1 Board approved by a vote of 3 to 0 at it's December 17, 2020, meeting)

Councilmember Sharma moved to approve by consent Items 1 – 11, as presented in the agenda caption. Mayor Pro Tem 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:

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

Motion passed

J. REGULAR ITEMS

Items 12-15 opened together

12. Public Hearing to consider an ordinance amending the zoning (ZPD20-0005 - Niagara Conservation) from an Agricultural (A) Zoning district to Planned Development District No.179 (PD-179) with Campus Industrial uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Planning and Zoning Commission recommended approval of the rezoning request and denial of the exception request to Section 82-376 of the Town Code that requires overhead utilities to be placed underground, by a vote of 6 to 0 at its November 9, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.)
13. Public Hearing to consider an application for a tree removal permit for twenty-five (25) specimen trees on property proposed for development as Niagara Conservation. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Environmental Conservation Commission recommended approval by a vote of 4-3-0 at its November 4, 2020, meeting. The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.)
14. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial tax abatement at 300 Old Gerault Road (Niagara Conservation, Inc., aka Deus, LLC). (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.)
15. Public Hearing to consider approval of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, LLC), for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town. (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.)

Councilmember Sharma moved to postpone Items 12 – 15 to February 1, 2021, including the Public Hearing for each. Mayor Pro Tem Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, MARTIN, ENGEL, SHARMA

NAYS: BUMGARNER

16. Public Hearing to consider the approval of an ordinance adopting updated land use assumptions and updated capital improvements plans, and to update and amend certain provisions of Chapter 42, "Impact Fees," regarding the imposition of impact fees and amending Appendix A, "Fee Schedule", accordingly. (The CIAC recommended approval by a vote of 9 to 0 at its November 9, 2020, meeting.)(This item was postponed to January 4, 2021 at the December 7, 2020 Town Council meeting)

Staff Presentation

Mr. Waltenburg noted there was a minor calculation error in the roadway impact fee/max fee calculation, resulting in incorrect project construction cost on one roadway, as well as possible other areas. For this reason, he asked that Council postpone the item so that staff can make the correction.

Ms. Bruce explained how the calculations impact the max fees and options.

Mayor Pro Tem Engel moved to postpone item 16 to February 1, 2021, including the Public Hearing. Councilmember Bumgarner seconded the motion.

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

17. Consider approval of a Construction Agreement with Excel Aircraft LLC, dba Excel Trenching, for the Morriss Road Water Lines Phase II (FM 1171 to Eaton) project, in the amount of \$2,249,151.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce provided background information on the project, as well as timing.

Deputy Mayor Pro Tem Bumgarner moved to approve as presented in the agenda caption. Councilmember Sharma seconded the motion.

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

18. Consider a request for a Site Plan (SP20-0013 – Argyle ISD Administration Building) to develop a school administration building with an exception to Section IV, Storm Water Improvements, regarding use of an open channel storm sewer, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located east of Canyon Falls Drive and north of Denton Creek Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 14, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Exception request
- Site photos
- Site plan
- Landscape plan
- Elevations

and she responded to the following questions from Council:

- Are there any flooding issues anticipated with the channel remaining open
- Will there be bars on the open channel for safety reasons
- Clarification regarding what triggers the closure of the open channel

Jeff Koehn, Construction Manager, Argyle ISD; Ron Omeriz, Pacheco Koch Civil Engineering, 4060 Bryant Irvin Rd, Fort Worth

Mr. Koehn or Mr. Ramirez responded to the following questions from Council:

- When would the next phase of construction be
- What safety measures will be in place at the terminus point of the entrance

Councilmember Sharma moved to approve as presented in the agenda caption, and with the condition that the safety entry devices be installed according to the plans as presented, and that the open channel be closed at the next phase of development on the admin building site. Mayor Pro Tem Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

K. BOARDS/COMMISSIONS (Pre-Council Room)

Administrative Note: Discussions regarding items 19 – 21 took place in Jody Smith Hall.

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.

19. Discuss and consider appointment of Chair to the Tax Increment Reinvestment Zone (TIRZ) Number 1.

Councilmember Sharma moved to designate Paul Stone as Chair of the Tax Increment Reinvestment Zone # 1 effective immediately and through December 30, 2021. Deputy Mayor Pro Tem Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

20. Consider approval of a resolution expanding the Veterans Liaison position, including member appointments.

Mr. Scott pointed out that the Veterans Liaison couldn't be with Council this evening, so staff is requesting this item be postponed until February 1st.

Councilmember Sharma moved to postpone item 20 to February 1, 2021. Deputy Mayor Pro Tem Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, MARTIN, ENGEL, BUMGARNER, SHARMA

NAYS: NONE

21. Consider approval of a resolution to create the School Liaison Committee, including member appointments.

Joanna Dreiling, Committee Chair

Ms. Dreiling provided background information on the work of the committee and she responded to the following questions from Council:

- What was the feedback from the educational institutions
- Any discussion about relating to the All Together Flower Mound group
- How often would the committee meet

There was Council discussion regarding:

- Appreciation for the work of the committee
- Background information regarding the LISD Liaison position
- Enthusiasm for this position gaining traction in areas they haven't in the past

Councilmember Sharma moved to approve as presented in the agenda caption. Mayor Pro Tem Engel seconded the motion.

RESOLUTION NO. 03-21

A RESOLUTION ESTABLISHING THE SCHOOL LIAISON COMMITTEE OF THE TOWN OF FLOWER MOUND; DEFINING THE DUTIES OF THE COMMITTEE; PROVIDING FOR THE APPOINTMENT OF MEMBERS TO THE COMMITTEE; ESTABLISHING THE TERM OF OFFICE FOR EACH COMMITTEE MEMBER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:42 p.m. on Monday, January 4, 2021, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, and reconvened into an open meeting at 9:54 p.m. on Monday, January 4, 2021, and no action was taken on the following items:

- 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.
- Consultation with Attorney.
Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.
- 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.
- Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.
- Discuss and consider the recruitment process for the Town Manager, and all matters incident and related thereto.

O. **ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 9:54 p.m. on Monday, January 4, 2021, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY