

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL; PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 1ST DAY OF MARCH 2021, VIA VIDEOCONFERENCE 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 Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Assistant Town Manager/Town Engineer
JP Walton	Director of Economic Development
Eric Greaser	Fire Chief
Chuck Jennings	Director of Parks and Recreation
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. INVOCATION**

Mayor Dixon gave the invocation.

**C. GENERAL 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.	Derek France, 2908 Pioneer Park Dr	Candidate for Mayor
2.	Kendra Stephenson, 4801 Steinbeck Cir	Item 26
3.	Mike Boswell, Toll Brothers (no address provided)	Item 26
4.	David Lehde, 5816 W Plano Pkwy, Plano	Item 26

**D. ANNOUNCEMENTS**

Mayor Dixon announced that he will not be seeking reelection as Mayor.

Mayor Dixon and several members of Council expressed appreciation for everyone that worked to keep things going during the recent winter storm.

Mayor Pro Tem Engel announced that registration is now open for the Flower Mound Police Department Citizen Police Academy.

Councilmember Martin expressed the importance of emergency preparedness and encouraged residents to sign up to receive *Notify Me* alerts from the Town as part of that preparation.

Councilmember Sharma announced that the Lion's Club is accepting dog and cat food.

#### **E. TOWN MANAGER'S REPORT**

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

1. Capital Improvement projects
  - Lakeside Parkway improvements
  - Gibson-Grant log cabin
  - Rheudasil Park construction
2. Economic Development projects
  - Businesses that recently opened or coming soon
3. All Together Flower Mound
  - General information regarding what's planned for the upcoming focus group meetings, including timing, expectations, and next steps

#### **F. FUTURE AGENDA ITEMS**

1. At the request of Mayor Dixon, Ms. Scott provided information regarding a concern from a resident as it relates to the Briefing newspaper distributed by the *Dallas Morning News*.

Mayor Dixon indicated if there is Council interest to discuss the topic they can bring it up now or later.

#### **G. COORDINATION OF CALENDARS**

1. A regular meeting is scheduled for Monday, April 5.  
Mayor Dixon announced the April 5 meeting.
3. Consider a joint work session with the Planning & Zoning Commission on April 15 to include a presentation and discussion involving Furst Ranch.

Mr. Dalton provided background information regarding the purpose of the meeting, and he responded to the following questions from Council:

- Make sure there is substance to meet about
- Is the meeting with the Parks Board an actual work session or meeting with action to be taken
- Possibility of a joint work session with the Parks Board

There was Council consensus to have the April 15 joint work session with the Planning and Zoning Commission.

**H. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 1, 2021.
2. Consider approval of a resolution adopting a new voting system for Town elections (Denton County); and providing an effective date.

**RESOLUTION NO. 08-21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING A NEW VOTING SYSTEM FOR TOWN ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of a resolution supporting House Bill 1538 relating to proposed amendments to the municipal sales and use tax for street maintenance; and providing an effective date.

**RESOLUTION NO. 09-21**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS SUPPORTING HOUSE BILL 1538 RELATING TO PROPOSED AMENDMENTS TO THE MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider approval of an ordinance requiring Town sponsored open government training for all boards, commissions, and committees.

**ORDINANCE NO. 12-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," DIVISION 1, "GENERALLY," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS BY ADDING SECTION 2-92 "OPEN GOVERNMENT TRAINING" TO REQUIRE ALL BOARD, COMMITTEE, AND COMMISSION MEMBERS TO ATTEND TOWN SPONSORED OPEN GOVERNMENT TRAINING; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

5. Consider approval of the 2021 US Army Corps of Engineer (USACE) solicitation for contract with the Town of Flower Mound for law enforcement services at Lake Grapevine and authorize the Mayor to execute same.
6. Consider approval to replace rooftop condenser at Police and Court Facility.
7. Consider approval to renew the Town's three year Enterprise Enrollment Agreement with Microsoft to provide the town with licensing for Office 365 , Servers, Sharepoint, Advanced Threat Protection and Desktop Operating Systems from Software One in the amount of \$233,477.34.

8. Consider approval of the purchase of one 2022 International HV607 6x4 13/15 Yard Tandem Axle Dump Truck with Snow Plow Hitch, Hook-Ups, PTO, Hydraulics and Controls to Include Sand Spreader Controls and Hydraulics per Town of Flower Mound Specifications and Vendor Quote from Southwest International Trucks in the amount of \$116,979.71.
9. Consider approval of a Professional Services Agreement with CP&Y, Inc., for the design phase services associated with the FM 2499 at FM 3040 Intersection Improvements project, in the amount of \$249,985.00; and authorization for the Mayor to execute same on behalf of the Town.
10. 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 III (Eaton to Waketon) project, in the amount of \$222,600.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of an increase to the annual contract amount for Miscellaneous Concrete Replacement Services with F&F Concrete LLC., and Apex Concrete Construction Inc., contract 2018-50-A, from an estimated annual total of \$475,000.00 to an estimated annual total of \$745,000.00.
12. Consider approval of the purchase of wastewater flow meters and components from Hach Company, a sole source provider, associated with the Inflow-Infiltration/Evaluation and Repair project, in the amount of \$51,351.64.
13. Consider approval of an ordinance vacating and abandoning the eastern 2 feet of the existing 15-foot utility easement located along the eastern property line of Lot 1, Block 7, of the Woods at Lake Forest subdivision, which lot is more commonly known as 2033 Brook Lane.

**ORDINANCE NO. 11-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EASTERN 2 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE WESTERN PROPERTY LINE OF LOT 1, BLOCK 7, OF THE WOODS AT LAKE FOREST ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 2033 BROOK LANE; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

14. *Item 14 was moved from Consent to Regular with related item 30.*
15. Consider approval of Amendment No. 2 to the Fiscal Year 2020-2021 Capital Improvement Program.
16. Consider approval of the purchase and installation of playground surfacing and shade structures at the Heritage Park Fort Wildflower playground, from Child's Play, Inc. in the amount of \$248,545.00.

17. Consider approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2020.
18. Consider approval of a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor to execute same on behalf of the Town.

**RESOLUTION NO. 10-21**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, EXTENDING THE BANK DEPOSITORY AGREEMENT WITH JPMORGAN CHASE BANK, NA, FOR A TWO-YEAR RENEWAL PERIOD AND DECLARING AN EFFECTIVE DATE.**

19. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2020, and ending on September 30, 2021, as adopted by Ordinance No. 27-20 and amended by Ordinance No. 37-20 for adjustments to the General Fund, Utility Fund, Stormwater Utility Fund, Tree Preservation Fund, and IRS Equitable Sharing Fund.

**ORDINANCE NO. 09-21**

**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, 2020, AND ENDING ON SEPTEMBER 30, 2021, AS ADOPTED BY ORDINANCE NO. 27-20 AND AMENDED BY ORDINANCE NO. 37-20, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, STORMWATER UTILITY FUND, TREE PRESERVATION FUND, AND IRS EQUITABLE SHARING 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.**

20. 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 and amended by Resolution No. 02-21.

**RESOLUTION NO. 06-21**

**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 FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, AS ADOPTED BY RESOLUTION NO. 18-20; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

21. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution amending the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, as adopted by Resolution No. 18-20.

**RESOLUTION NO. 07-21**

**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 AND AMENDED BY RESOLUTION NO. 02-21; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

Councilmember Sharma moved to approve by consent Items 1 – 13; 15 - 21, 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:**

*Motion passed*

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

**NAYS: NONE**

**I. REGULAR ITEMS**

*Administrative Note: Mayor Dixon moved Item 28 to the first regular item.*

28. Update on the River Walk at Central Park.

Mr. Dalton provided background information as to why the item is coming before Council.

Mehrdad Moayedi, Centurion America, provided an update on the progress of the River Walk development, and gave a presentation identifying or noting:

- Project history
- Site overview
- River Walk level overview
- Signature restaurant concepts
- River Walk Chapel + Water Works Hall
- The Promenade (including rezoning request for mixed-use proposal)
- Total taxes since 2013
- Amphitheater site
- The Hub Experience (activations, key uses)

and he responded to the following questions from Council:

- Is the space allocated for the amphitheater large enough to accommodate a concept like The Hub
- How many Hub concepts are on the ground now and what is the timing for getting information to Council on the concept
- Is the farmer's market and splash pad still part of the concept

- What is the occupancy level for the Hub Experience concept
- Clarification on when the restaurants are expected to open
- Try to expand the retail and restaurant footprint instead of more residential

There was Council consensus to learn more about the Hub Experience concept.

Mayor Dixon opened items 22 – 25 at the same time.

22. 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. 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.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)

Mayor Pro Tem Engel moved to approve as presented, excluding the overhead line burial request (as the applicant has withdrawn that request). Councilmember Pierson seconded the motion.

#### ORDINANCE NO. 13-21

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 7.594 ACRES OF LAND SITUATED IN THE J. TURNER SURVEY, ABSTRACT NO. 1251, FROM AGRICULTURAL DISTRICT (A) USES TO PLANNED DEVELOPMENT DISTRICT-179 (PD-179) WITH CAMPUS INDUSTRIAL (CI) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; 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; AND PROVIDING AN EFFECTIVE DATE.**

#### VOTE ON MOTION:

*Motion passed*

**AYES: BUMGARNER, ENGEL, PIERSON**

**NAYS: SHARMA, MARTIN**

23. Public Hearing to consider an application for a tree removal permit (TRP20-0021) for twenty-two (22) 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 to 3 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.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, meeting.)

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

**VOTE ON MOTION:***Motion passed***AYES: PIERSON, ENGEL, BUMGARNER****NAYS: MARTIN, SHARMA**

24. 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.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)

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

**ORDINANCE NO. 10-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL TAX ABATEMENT, WITHIN THE TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, ENGEL, MARTIN, PIERSON****NAYS: SHARMA**

25. 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.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)

**Council Discussion**

Councilmember Martin moved to postpone item 25 to the April 5, 2021 Town Council meeting, pending the applicant's ability to obtain written confirmation from the HOA regarding the fence construction as discussed. Deputy Mayor Pro Tem Bumgarner seconded the motion.

**VOTE ON MOTION:***Motion passed (to postpone)***AYES: PIERSON, MARTIN, ENGEL, BUMGARNER, SHARMA****NAYS: NONE****Staff Presentation**

Ms. Murphy gave a presentation for items 22 and 23 identifying or noting:

- General and detailed location

- Site photos
- Conceptual site plan
- Conceptual landscape plan
- Elevations
- Trees
- Roadway requirements

Mr. Walton gave a presentation for items 24 and 25 identifying or noting:

- Item #24 reinvestment zone
- Aerial map of property
- Item #25 tax abatement/Chapter 380 agreement
- Project stats
- Site obstacles
- Niagara incentive

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

- Clarification regarding
  - Options for the truck route
  - have the numbers changed since the last time
  - fire apparatus turning radius and grade needs
  - current slope information and the difference in elevation based on what is required
- Possibility of a driveway on Enterprise

### **Applicant Presentation**

Carl Wehmeyer, Niagara Conservation; John Walsh, TIG Real Estate Services, Alex Camunez, Pacheco Koch Consulting Engineers

Mr. Wehmeyer and Mr. Walsh gave a presentation identifying or noting:

- Company background
- Summary of Zoom meeting they hosted with residential homeowners and occupants
- Offsite improvements to the park across Old Gerault
- Letter from HOA
- Enterprise Drive entry analysis
- New construction – Old Gerault Rd
- Location of Explorer pipeline easement
- Development obstacles
- Traffic study

and they responded to the following questions from Council:

- Clarification regarding
  - anticipated truck traffic
  - the design of the building
  - hours of operation
- What is different since the last time this item was before Council
- Was the topic of the fence discussed with the HOA, and if so, was there any indication by them that they would want a longer fence on their side

Mayor Dixon opened the Public Hearing for items 22 – 25 at 8:35 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:36 p.m.

### **Council Discussion**

There was Council discussion regarding:

- Value Niagara as a Flower Mound business
- Concerns regarding the safety of residents in the area due to the truck traffic
- Possibility of having a less intense use at the site
- Possibility of having a fence span the full 700 feet
- Unable to support the driveway on Old Gerault Road

26. 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 Capital Improvements Advisory Committee recommended approval by a vote of 9 to 0 at its November 9, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its February 1, 2021, meeting.)

### **Staff Presentation**

Mr. Waltenburg gave a presentation identifying or noting:

- Background information
- Roadway impact fees
- Service units
- Service unit calculations – vehicle miles
- Capital improvement plan
- Roadway impact fee CIP map
- Existing roadway impact fee/service unit – 2015 adopted rates
- Roadway impact fee/service unit - 2020 calculated maximum assessable
- Impact fee examples: Single family detached (Service area B); 100,000 SF retail shopping center (Service area C); 3,000 SF fast food restaurant without drive-thru (Service area C); 11,000 SF pharmacy with drive-thru (Service area C)
- 2020 roadway impact fee
- Land use category reductions
- Set 2020 adopted roadway impact fee/land use
- Set impact fee exceptions
- Set economic development incentive policy

and he, Ms. Wallace, or Anthony Samarripas with Kimley Horn, responded to the following questions from Council:

- Clarification regarding:
  - Who pays the difference in the percentage, and what is it covered by
  - What is the deadline for Council action to be taken
  - Cost recovery calculations
  - Where does the money come from if the Town doesn't have the road impact fees

### Council Discussion

There was Council discussion regarding:

- Return on Investment for the improvements
- Concerns that if the roadway impact fees are adopted at 100% development will not come to Flower Mound
- Council has the option to change the impact fees in the future as warranted, and prior to the five-year requirement
- What is considered a fair share
- Whether there has been an economic development impact as a result of the previously discounted fees
- How there are other tools available to attract economic development
- Possibility of postponing the item in the interest of getting more information and real-life scenarios to understand the bottom line
- How the feedback to date has been from developers
- How the Town ended up subsidizing roads for developers when they should have been doing themselves
- Interest in getting the fees up to help maintain the roads that exist today
- Possibility of addressing residential and commercial differently

*Administrative Note: The Public Hearing for this item was held on February 1, 2021.*

Councilmember Pierson moved to approve 100% of the impact fees for residential and not discount anything else (e.g. industrial, lodging, recreational, institutional, medical, office, commercial, services); and to set the allowable assessment for economic development at 50% and adopting the land use assumptions and updated capital improvements plan. Councilmember Sharma seconded the motion.

### ORDINANCE NO. 14-21

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 42, "IMPACT FEES," TO ADOPT UPDATED LAND USE ASSUMPTIONS AND UPDATED CAPITAL IMPROVEMENTS PLANS; PROVIDING AN UPDATE TO CERTAIN PROVISIONS REGARDING THE IMPOSITION OF IMPACT FEES; AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS RELATIVE TO CHAPTER 42 IMPACT FEES; MAKING FINDINGS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

### Council Discussion

- There was Council discussion regarding clarification for the intent of the motion in that it means 100% of the impact fees at 100% (no discount); however, if they meet SmartGrowth they get 50% off
- There is the option to have a work session later to go through the numbers again

**VOTE ON MOTION:***Motion passed***AYES: SHARMA, MARTIN, PIERSON****NAYS: BUMGARNER, ENGEL**

Administrative Note: Council action was taken on February 1, 2021, by a vote of 5 - 0 for the wastewater and water impact fees, which are part of this same ordinance, and as indicated below:

Approve the wastewater and water impact fees for 2020 for commercial and residential projects at 80% of the calculated maximums and to approve the capital improvements plans and land use assumptions.

27. Public Hearing to consider an application for a tree removal permit (TRP20-0025) for one (1) specimen tree on property proposed for development as Grace Park. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Environmental Conservation Commission recommended approval by a vote of 7-0 at its February 2, 2021, meeting).

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Background information
- Project information
- General and detailed location
- Tree survey
- Water plan north
- Photo of tree requested to be removed
- Legal consideration

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

- What happened between then and now regarding the request
- What is the main reason they are making the request
- Why couldn't the water line have been run down the dotted line (on the diagram)
- What is the mitigation plan if the tree is removed
- Is the applicant amenable to planting the number of trees needed or pay the fees
- Does the applicant have some room to plant new trees
- Clarification regarding the legal aspects of the request
- 

Mayor Dixon opened the Public Hearing at 11:02 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 11:02 p.m.

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

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

28. Item 28 was moved to the first regular item.

29. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0007 - Regulated Uses Updates) by amending Chapter 82 entitled "Development Standards," and Chapter 98 entitled "Zoning," of the Town's Code of Ordinances to amend and propose new regulated uses, definitions, and parking standards for the purpose of clarifying and updating certain sections to reflect current planning practices and uses. (The Planning and Zoning Commission recommended approval/denial by a vote of 0 to 0 at its February 22, 2021, meeting.)

Mayor Dixon opened item 29 at 11:03 p.m., including the Public Hearing.

### **Staff Presentation**

Mr. Dalton provided background information regarding the reason why staff is requesting this item to be postponed.

Mayor Dixon opened the Public Hearing at 11:04 p.m. No one spoke. Mayor Dixon announced that the Public Hearing for this item will be continued at the next Council meeting.

Councilmember Martin moved to postpone item 29 to the April 5, 2021, Town Council meeting, including the Public Hearing. Mayor Pro Tem Engel seconded the motion.

### **VOTE ON MOTION:**

*Motion passed (to postpone)*

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

**NAYS: NONE**

Mayor Dixon opened items 30 and 14.

30. Consider approval of a Construction Agreement with North Rock Construction, LLC., for the Rheudasil Park Improvements project, in the amount of \$2,460,731.85; and authorization for the Mayor to execute same on behalf of the Town.

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

### **VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

14. Consider approval of a professional services agreement with Alliance Geotechnical Group, Inc., to provide testing services in the amount of \$40,545.00 for the Rheudasil Park Improvements project; and authorization for the Mayor to execute same on behalf of the Town.

### **Staff Presentation**

Mr. Jennings gave a presentation for items 30 and 14 identifying or noting:

- Background information
- Original Master Plan (2014)
- New site plan, including renderings

- Playground equipment
- Bid options/project cost and alternates
- Background information about North Rock (current/recent projects)

and he responded to the following questions from Council:

- Would people be allowed to fish from the boardwalk
- Is there adequate parking
- Was there supposed to be a statue of Bob Rheudasil on the site
- The general style of the park

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

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**J./K. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 11:23 p.m. on March 1, 2021, 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 12:06 a.m. on March 2, 2021. No action was taken 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.

**L. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 12:06 a.m. on Tuesday, March 2, 2021, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

**THERESA SCOTT, TOWN SECRETARY**