

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4<sup>TH</sup> DAY OF MARCH 2019, 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
Jason Webb	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Sandeep Sharma	Councilmember Place 2
Kevin Bryant	Councilmember Place 3
Jim Engel	Councilmember Place 4

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
Molly Fox	Director of Communications

**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 Richard Plunk gave the invocation and Mayor Dixon led the pledges.

**D. PRESENTATIONS**

1. Proclamation for the Denton County Master Gardener Association's 30th Anniversary

Mayor Dixon recited the Proclamation and presented it to Pat Moyer, President, Denton County Master Gardener Association.

2. State of the Cities video presentation

Ms. Fox provided background information regarding the video production, followed by showing the video.

**E. 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.	Adam Schielstel, 2205 Waterford Dr	Traffic synchronization
2.	Ben Bumgarner, 5150 Kensington Ct	Item 10
3.	Janvier Warner, 2829 Bob White	Item 10
4.	Jason Hobbs, 1000 St. Francis	Item 10
5.	Jim Pierson, 3209 High Rd	Item 10
6.	Jeffrey Blasko, 1720 Milford Dr	Item 10
7.	William Langley, 800 Carter Ct	Item 10
8.	*Tim Whisonant, 2121 Helmsford	Item 10

\*Submitted a comment form but did not speak

**F. ANNOUNCEMENTS**

Councilmember Bryant had the following announcements:

- Passing of Melba Hayes (A Flower Mound legend and hero)
- Recognition of the Flower Mound Citizens Academy participants in the audience

Mayor Pro Tem had the following announcements:

- Passing of Jim Hammerquist, active member of the Police Citizens Academy

Councilmember Sharma reported on why he uses a laptop while seated at the dais.

Mayor Dixon and several members of Council reported on attending both the Police and Fire Department banquets, and expressed appreciation for their work.

**G. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - Skillern Road is now open
  - FM 2499 and Waketon turn lanes
  - Rippy Road Phase II
  - Morriss Road improvement project and panel replacements

Ms. Bruce provided an update regarding Fairway Drive (road that runs across the dam of Grapevine Lake) and findings and efforts underway by the Army Corp of Engineers to open the road.

and she responded to the following questions from Council:

- Opportunities for funding FM 2499 to 121 given Fairway Drive will be closed indefinitely

2. Economic Development projects

- Stryker will be adding 78,000 square feet of space and will be adding 200 – 250 jobs
- New businesses opening soon

Ms. Roy gave a report on the overall economic development climate in Flower Mound. Her presentation included:

- Retail update
- 3405 Long Prairie (former Salerno's Restaurant location)
- 2600 Flower Mound Rd (former Tom Thumb location)
- Other recent closures
- Recent additions to Flower Mound
- Broker/Ownership feedback
- Additional retail stats
- Economic development incentives report update

and she responded to the following questions from Council:

- Has the Town engaged the Chamber in bringing companies to Flower Mound
- How the report is helpful to provide validity and to serve as a resource for Council
- When will the new format of the report be available and request it be easy to locate when placed on the Town's website

### 3. Legislative updates

Ms. Wallace reported on some of the legislative bills the Town is monitoring. She also showed a video from when Mr. Stathatos testified at the Ways and Means Committee meeting in Austin regarding House Bill 2.

### 4. Limited Residential in the Lakeside Business District

Mr. Dalton, or Ms. Murphy, gave a presentation identifying or noting:

- Previous discussion
- Residential development criteria
- Open space
- Bonus provisions

and he responded to the following questions from Council:

- How is the 5% calculated for the parks and open space

There was Council discussion regarding:

- Like the bonus option, and need to state somewhere in the criteria that the buildings have to look nice and go above the normal standards
- Several council members indicated having parking garages wrapped by office buildings would be ideal
- If the parking structure is counted as the square footage space there is not much benefit there (not interested in seeing a lot of parking) and interest in not having square footage work against the Town
- Figure out how to incentivize going vertical instead of horizontal
- Density bonus options
- Interest in keeping an open mind as to what the market will bring
- Provide a definition of what "special" is with respect to design expectations for that 10% bonus; however, it's hard to define because in some cases it's just a "know it when you see it" kind of thing

- Agree with the 25% as a baseline; however, if something special is brought forward there is a little more flexibility
- The need for a holistic viewpoint regarding a development application
- How the goal is to get the best product possible
- A desire to limit the height on residential to no more than 4 stories; however, open to multiple stories for businesses

#### **H. FUTURE AGENDA ITEMS**

1. Councilmember Bryant indicated interest in getting a report regarding the traffic monitoring devices as noted in the public comment portion of the meeting.
2. Councilmember Bryant requested a regular (i.e. monthly) update regarding the closure of Fairway Drive (road that runs across the dam of Grapevine Lake).
3. Mayor Dixon noted that it seemed like someone had a future agenda item that is missing. Mr. Stathatos noted that minimum housing standards was brought up. Mayor Dixon indicated that the topic could come forward after the joint work session with ECC (which is currently scheduled for April).
4. Councilmember Engel requested having a discussion about rescinding the Senior Overlay early.

In accordance with the Town's agenda setting policy, there were at least three members of Council that expressed interest in discussing the items listed above.

#### **I. COORDINATION OF CALENDARS**

Mayor Dixon announced that the next Town Council regular meeting is scheduled for Monday, March 18, 2019.

#### **J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 18, 2019.
2. Consider approval of a resolution authorizing the execution and delivery of a continuing disclosure agreement with the Trinity River Authority of Texas.

#### **RESOLUTION NO. 03-19**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, ("TOWN"), AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT WITH THE TRINITY RIVER AUTHORITY OF TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of renaming Helen and Leonard John Community Park to Leonard and Helen Johns Community Park.
4. Consider approval of a Professional Services Agreement with Freese and Nichols, Inc. for the design and construction phase services associated with the Bruton-Orand EST Chloramine System project in the amount of \$65,000.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of a Professional Services Agreement with Halff Associates, Inc. for the design phase services associated with the FM2499 at Waketon Road Intersection Improvements project in the amount of \$173,450.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Sharma moved to approve by consent Items 1 – 5, as presented in the agenda caption. Councilmember Bryant 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT**

**NAYS: NONE**

**K. REGULAR ITEMS**

6. Public Hearing to consider a request for rezoning (ZPD18-0012 - Lisanti Cell Tower) to amend Planned Development-135 (PD-135) with Campus Industrial (CI) uses to allow development of a communication tower, to modify the development standards, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property. 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 February 25, 2019, meeting.)

**Staff Presentation**

Ms. Lexin provided background information and noted there is some uncertainty as to when the applicant will be ready, and indicated it is for this reason that the Council action is to postpone indefinitely.

**Applicant Presentation**

Bebb Francis, 112 E Pecan, Attorney for AC Towers

Mr. Francis provided background information and indicated they are acceptable to coming back on March 18<sup>th</sup>.

Mayor Dixon opened the Public Hearing at 7:28 p.m. and no one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:28 p.m.

Councilmember Webb moved to postpone ZPD – Lisanti Cell Tower to March 18, 2019. Deputy Mayor Pro Tem Forest seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT**

**NAYS: NONE**

7. Public Hearing to consider a request for a variance (MISC19-0002 - Edison Coffee Co Alcohol Variance) to permit the sale of alcoholic beverages by a restaurant within 300 feet of a public school. The property is located at 420 Parker Square.

**Staff Presentation**

Ms. Lexin gave a presentation identifying or noting:

- Background information
- Purpose for the item

and she, or Ms. Scott, responded to the following questions from Council:

- Clarification that the school is moving out of their location at the end of this school year
- Is it possible to delay this item until the school closes at the end of May

Mayor Dixon opened the Public Hearing at 7:31 p.m. and no one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:31 p.m.

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

**VOTE ON MOTION:***Motion passed***AYES: BRYANT, ENGEL, FOREST, SHARMA****NAYS: WEBB**

8. Public Hearing to consider approval of Chapter 380 Agreement between the Town of Flower Mound and Duke Realty Limited Partnership (Lakeside Ranch #21)

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Proposed site
- Original Lakeside Ranch concept plan
- Site plan
- Project stats
- Cost benefit

and she responded to the following questions from Council:

- Clarification that they will not receive a property tax rebate until they have a tenant in place

Mayor Dixon opened the Public Hearing at 7:36 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:36 p.m.

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

**VOTE ON MOTION:***Motion passed***AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT****NAYS: NONE**

9. Consider approval of a Professional Services Agreement with CP&Y, Inc. for design phase services associated with the Rippy Road Phase II project in the amount of \$298,645.75; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Bruce provided background information about the project, which included scope of work and timing.

Councilmember Bryant moved to approve as presented in the agenda caption. Councilmember Sharma seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: BRYANT, WEBB, FOREST, SHARMA**

**NAYS: NONE**

**ABSENT: ENGEL**

Mayor Dixon opened items 10 and 11 at the same time.

10. Consider approval of a Consulting Agreement with Hawes Hill & Associates, LLP to conduct implementation activities for creation of a Tax Increment Reinvestment Zone (TIRZ), in the amount of \$50,000; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Roy gave a presentation for items 10 and 11 identifying or noting:

- Lakeside Village update
- Build out scenarios
- Scenario A – Complete build out, revenues
- Consulting services evaluation form
- Scope of services
- Developer agreement with Realty Capital
- Conceptual layout of Lakeside Village
- Adopted Cultural Arts Master Plan
- Fine/Performing Arts Centers
- Findings
- Area fine/performing arts centers operations (total square foot, construction cost, revenue, expenditures, funding sources, staffing)

and she, Mr. Stathatos, or Ms. Wallace, responded to the following questions from Council (items 10 and 11):

- Would the Town get reimbursed for the funds used to pay for the studies
- Clarification regarding Scenario B and how it equates to no blips in the economy
- Is the Town planning on hiring someone that has experience in the area of performing arts
- Which Fine Arts Center offers the best cost comparison
- Concerns regarding timing and is it being driven by the April 17<sup>th</sup> deadline for the Letter of Intent
- How if the TIRZ is shut off at \$20 million then the funds would come back to the Town

- Is there a benefit for bringing forward a Fine Arts Center if the County is not interested in sharing in that cost
- Apart from the Cultural Arts Master Plan, has any needs analysis been done to help determine whether or not to go forward with a Fine Arts Center
- When the Town Hall was first put in the TIRZ project plan, were all the details known at that time
- What happens once the \$20 million is reached on the TIRZ, and how is the \$20 million spent, and who makes those decisions
- Isn't the \$50,000 all taxpayer money anyway
- What is the time line for the Town getting back the \$50,000
- Clarification regarding the cost variations for the scenarios presented

and there was Council discussion regarding:

- Interest in doing a Fine Arts Center; however, within the TIRZ
- The vision for the Fine Arts Center is for multiple uses and that's how it benefits the entire Town of Flower Mound
- How the hot tax could be used to help maintain the operations budget
- How the Town has major corporations that need large meeting space and this facility could be used by them; as well as future hotels
- Concerns regarding timing
- How Council is not in a position to make a decision on a Fine Arts Center; however, can go forward with the consultant
- Interest in getting an extension on the deadline to allow time to get everything back for the Fine Arts Center, and depending on what happens in Austin
- Concerns that the best scenario will never happen
- Consequences in not having a TIRZ
- How in reality it's about getting the experts in and hearing what they have to say
- How a lot of the numbers came from the developer (the benefactor) so there is a potential conflict
- How the applicant has stated in the past they don't need the TIRZ
- Rather spend the \$50,000 for infrastructure, police and fire, to support the project instead of on a consultant for the TIRZ
- Concerns regarding \$50,000 to start planning for something we don't even know we need
- How item 8 was for a Chapter 380 agreement where Council unanimously gave reductions for taxes and impact fees in the amount of \$221,000 so the Town could get \$712,000 and now the Council is looking at spending \$50,000, to get up to \$90 million over time
- Interest in postponing the item until after the legislative session
- How this item gets the ball rolling and there will be a future discussion regarding actually activating the TIRZ

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

**VOTE ON MOTION:**

**AYES: BRYANT, WEBB, FOREST**

**NAYS: ENGEL, SHARMA**

*Motion passed*



11. Presentation and discussion of findings regarding area Fine Arts/Performing Arts Centers.

No Council action required at this time.

Ms. Roy summarized the Council direction, indicating staff will interact with the developer regarding dates and get more detail about the expectations of the Town.

**L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:37 p.m. on March 4, 2019, 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 8:57 p.m. on March 4, 2019, to take action on the items as follows:

- a. Consultation with Attorney.
  1. All matters related to Cause No. 18-9622-431 EagleRidge Operating, LLC v. Town of Flower Mound and Cause No. DC-18-17756 Town of Flower Mound, Texas vs. Eagleridge Operating, LLC
  2. Cause No. CV-2019-00241 Elaine Wells v. Town of Flower Mound et al.
- 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.
- 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 on the above referenced items.

**N. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 8:57 p.m. on Monday, March 4, 2019, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

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**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**