

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 18TH 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
John Habern	Parks, Trails and Landscape Specialist
Sue Ridnour	Director of Library Services

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. PRESENTATIONS

1. Texas Municipal Library Directors Association (TMLDA) "Achievement of Library Excellence" Award

Mayor Dixon presented the Achievement of Library Excellence Award to Sue Ridnour, Director of Library Services. Ms. Ridnour provided background information about the work of the Library that led to the award.

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.

	Speaker names and address	Subject (as written on the form)
1.	Jim Pierson, 3209 High Rd	CIP/ Item #14

2.	Jeffrey Blasko, 1720 Milford Dr	TIRZ Funding
----	---------------------------------	--------------

F. ANNOUNCEMENTS

Mayor Pro Tem Webb announced that the opening of Heritage Park Phase IV is scheduled for March 30th.

G. TOWN MANAGER’S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects:
 - Town Hall – staff from the Atrium have moved in and the contractor is completing punch list items
 - Fairway Drive closure
 - Tennis Center

and he responded to the following questions from Council:

- Is there anything new or pending that will be bringing sewer to the Cross Timbers District (based on a comment made via social media)
2. Economic Development projects:
 - New businesses coming soon
 - Tru Hotel progress
 3. Legislative updates:

Ms. Wallace provided a status update on some bills being circulated within the Texas legislature.

H. FUTURE AGENDA ITEMS

1. There were no future items requested.

I. COORDINATION OF CALENDARS

Mayor Dixon announced that the work session for Thursday, March 21 has been canceled and the next regular meeting is scheduled for Monday, April 1.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 4, 2019.
2. Consider authorization of the submission of the Town of Flower Mound Police Department Patrol Boat application for the 2020 DJ-Edward Byrne Memorial Justice Assistance Grant, acceptance of grant funds if awarded, agreeing to return all funds in the event of loss or misuse and designating the Town Manager as the grantee’s authorized official.

RESOLUTION NO. 04-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE BENEFIT OF THE TOWN

OF FLOWER MOUND FOR FISCAL YEAR 2020; ACCEPTING GRANT FUNDS IF AWARDED; AUTHORIZING THE TOWN MANAGER TO ACT ON BEHALF OF THE TOWN OF FLOWER MOUND AS THE GRANTEE'S OFFICIAL; AND PLEDGING THAT IF FUNDING IS AWARDED THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL GRANT REQUIREMENTS INCLUDING THE RETURN OF ALL FUNDING RECEIVED IN THE EVENT OF LOSS OR MISUSE OF THE FUNDS.

3. Consideration and approval of consent to allow Taylor, Olson, Adkins, Sralla & Elam LLP to act as an intermediary between the Town of Flower Mound and the Town of Northlake to draft an interlocal agreement for the Town of Flower Mound to conduct limited animal services for the Town of Northlake.
4. Consider approval to award Best Value Bid No 2019-42-A for Landscape Maintenance Program-Forest Vista/Lake Forest to Newroc Services at the unit prices bid, in the estimated annual amount of \$15,000.00; and authorize the Mayor to execute same on behalf of the Town.
5. *Item 5 was moved from Consent to Regular items.*
6. Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc. for the design phase services associated with the Bruton Orand Boulevard at FM 1171 Right Turn Lane project, in the amount of \$61,294.00; and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval of a Construction Agreement with 2L Construction, LLC., for the FM2499 at Lakeside Parkway Northbound Right-Turn Lane project, in the amount of \$348,143.25; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Bryant moved to approve by consent Items 1 – 4; 6 - 7, as presented in the agenda caption. Councilmember Sharma 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

5. Consider approval of Amendment No. 3 to the Fiscal Year 2018-2019 Capital Improvement Program (CIP).

Ms. Wallace provided background information regarding the CIP amendment, including the scope of work.

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

- What caused the additional design cost
- Does the additional cost impact the Town's ability to pay down the debt

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, WEBB, FOREST, SHARMA

NAYS: NONE

8. Public Hearing to consider a request for rezoning (ZPD19-0003 - Home Depot Silveron Addition) to amend Planned Development District-31 (PD-31) with Campus Commercial uses that is subject to Specific Use Permit 245 (SUP-245) to amend Specific Use Permit 245 (SUP-245) to allow for truck rental, trailer rental, and rental/sales of propane containers outdoors on site. The property is generally located east of Long Prairie Road and south of Lakeside Parkway. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its March 11, 2019, meeting.) (The Town Council did not hear this item on it's February 4, 2019, meeting as the applicant withdrew)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Background information regarding the request
- General and detailed location
- Land use and zoning
- Current zoning
- Proposed amended plan
- Site photos
- Detailed location plan

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

- Clarification that it is just the bottle exchange
- Would they be restricted to the types of trucks and four spots identified
- If the motion needs to be amended since the industrial canisters were added later
- What is the history regarding past concerns for propane containers
- Does the Town have additional facilities in Town with these containers
- What would be the process should they opt to have more trucks/trailers

Applicant Presentation

Janay Mommer, Lars Anderson & Associates (Consultant), 4694 W. Jacquelyn Ave, Fresno, CA

Ms. Mommer responded to the following questions from Council:

- What is the typical size of a parking spot at this Home Depot (particularly the length)
- Is there a restriction to the size of trucks or trailers
- Can someone return a truck rented from another city to the Flower Mound location

Mayor Dixon opened the Public Hearing at 6:30 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Paul Stone, 4100 Broadway	None	Jeffrey Blasko, 1720 Milford

Mayor Dixon closed the Public Hearing at 6:39 p.m.

Councilmember Sharma moved to approve as presented in the agenda caption, and with the addition of a maximum truck or trailer length of 16 feet, and including the allowance of industrial canisters as discussed. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 07-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 22-02, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 31 (PD-31) WITH CAMPUS COMMERCIAL (CC) USES AND GRANTED SPECIFIC USE PERMIT NO. 245 (SUP-245) FOR A RETAIL SINGLE TENANT OVER 100,000 SQUARE FEET ON CERTAIN PROPERTY DESCRIBED AS LOT 2, BLOCK A, OF THE HOME DEPOT SILVERON ADDITION, AS AMENDED BY ORDINANCE NO. 33-04 AND ORDINANCE NO. 15-16, BY AMENDING THE MISCELLANEOUS STANDARDS FOR SUP-245 TO ALLOW FOR LIMITED TRUCK AND TRAILER RENTAL; AND RENTAL/SALES OF NATURAL GAS CONTAINERS; 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT

NAYS: NONE

9. Public Hearing to consider a request to amend the Land Development Regulations (LDR19-0001 - Landscaping) by amending Chapter 82, Article V, Division 2, entitled "Landscaping," of the Town's Code of Ordinances to allow for the use of synthetic turf as a ground cover. (The Planning & Zoning Commission recommended denial by a vote of 4-3 at its March 11, 2019, meeting.)

Staff Presentation

Mr. Habern gave a presentation identifying or noting:

- Background information
- Proposed ordinance
- Criteria for synthetic turf installation
- Lisanti ground cover breakdown
- Lisanti synthetic turf (photo of site)
- How the synthetic turf would be limited to the Lakeside Business District

and he, or Mr. Dalton, responded to the following questions from Council, and some of which were as a result of the Public Hearing:

- What are the pros and cons with the synthetic turf option
- What is the benefit for the Town
- Why is the discussion and allowance consideration just for the Lakeside area
- What is the cost savings for the business for turf versus regular grass
- Will it be a problem for staff to make the call as to when the turf would need to be replaced
- How much demand is there in Lakeside should this get approved
- Is this item coming before Council because of the one company of Lisanti and their being out of compliance

- Are the trucks going to be driving over the turf
- Is there a set point (i.e. years) where the turf must be replaced and would there be a benefit in setting a definitive date to eliminate objectivity (i.e. 15 or 25 years)
- Do you foresee other businesses within Lakeside making the same request
- How is “generally” interpreted for the text regarding not being seen from the roadway
- Clarification that if approved, anyone wanting to do this needs to come before Council for approval of the location and coverage amounts
- Would green concrete be a consideration instead of turf
- What is the environmental impact (i.e. what is released from the turf, critter movement)
- Why do some cities not allow the turf
- If Council did not approve the item, could Lisanti go to the Board of Adjustment

There was Council discussion regarding:

- How the use of this material allows Lisanti to maintain a sanitary environment because it minimizes animals and bugs from entering the property, which is important because it’s a food service use
- How the criteria sets the standard and lends itself to bringing out a better quality product
- How Council needs to be open to the change as technology changes
- How staff will review initially and then there would be Council review and approval on a case by case basis
- Originally against what Lisanti was doing; however, later they proved why they needed it and that made a difference for a favorable decision
- How there is a huge expense to put in this material and for that reason it is unlikely there will be numerous request for it
- No problem with the use of artificial turf in limited areas such as the Lakeside Business District
- How action tonight does not open the door for an applicant any place outside of the Lakeside Business District/Campus Industrial to come forward
- How there is a water reuse project in the works within Lakeside
- Concerns regarding the code enforcement aspects in the future when the material starts to deteriorate in the long term

Mayor Dixon opened the Public Hearing at 7:07 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None	None	Jim Pierson

Mayor Dixon closed the Public Hearing at 7:08 p.m.

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

ORDINANCE NO. 06-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING, DIVISION 2, "LANDSCAPING" OF ARTICLE V, "LANDSCAPING AND SCREENING" OF CHAPTER 82, "DEVELOPMENT STANDARDS" OF THE CODE OF ORDINANCES BY AMENDING SECTION 82-247, "AGGREGATE OR INORGANIC MATERIALS," TO ADD GUIDELINES RELATED TO THE USE OF SYNTHETIC TURF IN OUTDOOR RECREATION AND PLAY AREAS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

10. Consider a request for a Site Plan (SP18-0018-Flower Mound Public Library) to expand the existing Town Library facility with a required parking deviation in excess of 20 percent per Section 82-73 of the Town's Code of Ordinances. The property is generally located east of Old Settlers Road between Broadmoor Lane and Peters Colony Road. (The Planning and Zoning Commission recommended approval by a vote of 5-2 at its March 11, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Background information regarding the request
- General and detailed location
- Land use and zoning
- Site photos
- Site plan
- Landscape plan
- Elevations
- Renderings

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

- Is the parking considered over based on our current standards
- How frequently is the parking lot at capacity
- Does the new plan allow for a better drive up option to pick up patrons (i.e. students)

There was Council discussion regarding:

- How adding more parking is a good thing

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

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

11. Consider approval of a Construction Agreement with Tiseo Paving Company for the Morriss Road and 20" Water Line Improvements project, in the amount of \$5,000,844.95; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce provided background information regarding the project, including the scope of work

and she responded to the following questions from Council:

- What is the project time frame
- Is it a best value or lowest bid award
- Will the predominance of the lane closures be done during the summer months when school is not in session
- How will the public be informed about the status of the project

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, WEBB, FOREST, SHARMA

NAYS: NONE

12. Consider approval of a Construction Agreement with Felix Construction Company for the Wastewater Treatment Plant Ultraviolet System Upgrade project, in the amount of \$2,065,700.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce provided background information and the scope of work involved for this project.

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

VOTE ON MOTION:

Motion passed

AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT

NAYS: NONE

13. Consider approval of a Construction Agreement with MSB Constructors, Inc., for the Flower Mound Storage Warehouse project, in the amount of \$1,395,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Wallace provided background information and the scope of work for the project.

There was Council discussion regarding:

- How this and the previous item was already approved as part of the overall budget.

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

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

14. Discuss and provide direction regarding rescinding the senior overlay district.

Staff Presentation

Mr. Stathatos provided background information regarding the item, and indicated this item was initiated by Council.

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

- What is the maximum allowable number of units within the overlay
- Are there any additional senior projects in the pipeline
- What will change if the overlay is rescinded
- Does staff have an opinion regarding whether it makes sense to maintain or rescind it

There was Council discussion regarding:

- Whether there is a need for additional senior housing based on what has been approved to date
- How the overlay achieved its goal so no issues with rescinding it
- Let the overlay run its course for the one year remaining and maybe there could be one to come in that meets the desired “affordable” price point
- How the risk bar was lowered by having a “3” versus “4” vote
- How the overlay did achieve what was desired and there is a level of difficulty for a third one to come along – its simple economics
- Council would most likely approve another senior housing development if it was a good plan and it made sense

There was Council direction to rescind the current senior overlay district.

15. 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.)(The Town Council moved to postpone this item on the March 4, 2019, meeting, at the applicants request.)

Staff Presentation

Ms. Murphy provided background information regarding the project, and noted there have been changes by the applicant. She indicated that it is for this reason there is a requirement to have the item go back to the P & Z Commission.

Mr. Meredith indicated a public hearing is not needed given the original application is moot and there cannot be a public hearing on the revised application.

Councilmember Bryant moved to remand the item back to the Planning and Zoning Commission on March 25, 2019. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT****NAYS: NONE****L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:58 p.m. on Monday, March 18, 2019, 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 9:09 p.m. on Monday, March 18, 2019, 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 and/or other municipal purposes and all matters incident and related thereto.

Councilmember Sharma moved to grant authority to Town staff to submit a bid as discussed in closed session. Deputy Mayor Pro Tem Forest seconded the motion.

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

N. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 9:09 p.m. on Monday, March 18, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY