

**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 5<sup>TH</sup> DAY OF APRIL 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 Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Assistant Town Manager/Town Engineer
Jimmy Hoefert	Environmental Review Analyst
JP Walton	Interim Econ Dev Dir/Asst to the Town Manager

**A. CALL REGULAR MEETING TO ORDER**

Mayor Dixon called the regular meeting to order at 6:01 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Russ McNamer 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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form or stated)</b>
1.	Michael Waite, 1207 Baldcypress Ln	Stolen valor
2.	Cheryl Moore, 1900 Tennyson Dr	Mayoral candidacy
3.	Paul Stone, 4100 Broadway	Temporary signs
4.	Patsy Mizeur, 1821 Castle Ct	Use of Town logo by a candidate

**E. PRESENTATIONS**

## 1. Veterans Liaison Board Update

Veterans Liaison Board members Doug Brown and Si Simonson provided an update on the work of the board to date.

## 2. Outstanding Citizen Award (Lifetime Achievement category)

Angie Cox, Outstanding Citizen Award Chair, gave a presentation identifying or noting:

- Purpose of the award
- Background information
- Criteria to qualify for the recognition
- Committee members
- Previous Lifetime Achievement recipients
- What winners receive
- Provided background information about the recipient and announced Doug Brown as the winner of the 2020 Lifetime Achievement Award

Mayor Dixon offered his comments and appreciation for the work of Mr. Brown.

**F. ANNOUNCEMENTS**

Councilmember Pierson announced that he requested a future agenda item to discuss the appointment of an individual on the Veterans Liaison Board.

Councilmember Martin announced the upcoming KFMB trash off and recycling event.

Mayor Pro Tem Engel echoed Councilmember Pierson's statement.

Councilmember Sharma announced that April is National Child Abuse Prevention Month and encouraged the public to volunteer.

Mayor Dixon provided a statement of fact that the applicant appointed to the Veterans Liaison Board stated verbally during his interview, and in his board application, that he is not a Veteran. He also reported that this item will be discussed at the next Council meeting.

**G. TOWN MANAGER'S REPORT**

Ms. Wallace provided an update on the following projects:

1. Capital improvement projects
  - Lakeside Parkway funding update
2. Economic Development projects
  - New or coming soon businesses

**H. FUTURE AGENDA ITEMS**

1. No request for additional future agenda items.

**I. COORDINATION OF CALENDARS**

Mayor Dixon announced the following upcoming meetings:

A joint work session with Planning & Zoning is scheduled for Thursday, April 15 (Topic of Furst Ranch).

A regular meeting is scheduled for Monday, April 19.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting on March 1, 2021.
2. Consider approval of an ordinance to reappoint Alternate Municipal Judge Stephanie Askew for the period of April 17, 2021, through April 16, 2023.

**ORDINANCE NO. 15-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPOINTING AN ALTERNATE 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 an ordinance updating the Records Management Program and Disaster Prevention & Recovery Plan for Town Records.

**ORDINANCE NO. 16-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REPEALING ORDINANCE NO. 43-88, AND NO. 33-89 IN THEIR ENTIRETY, ADOPTING REGULATIONS RELATING TO RECORDS MANAGEMENT, INCLUDING THE RECORDS MANAGEMENT PROGRAM AND THE DISASTER PREVENTION AND RECOVERY PLAN FOR TOWN RECORDS, PROVIDING A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF OTHER ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider approval of the purchase of a 2022 Ford F250 Crew Cab XL as a Water Rescue Vehicle for Fire and Emergency Services from Sam Pack's Five Star Ford in the amount of \$65,473.00 under BuyBoard Contract #601-19.
5. Consider approval of the purchase of Water Rescue Equipment in lieu of Fire Turnout Gear/Personal Protective Equipment in the amount of \$17,340.00

6. Consider approval of using budgeted funds for the purpose of forensic narcotic testing.
7. Consider approval of the Axon Enterprise, Inc. Master Service Agreement, for the acquisition of in car video camera products and storage; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of the purchase of two Ford 1/2 Ton Regular Cab Pick-Up Trucks with 8 Foot Bed per Town of Flower Mound Specifications and Vendor Quote from Sam Pack's Five Star Ford and Chevrolet for Public Works in the amount of \$58,886.00.
9. Consider approval of the purchase of two Ford 3/4 Ton Super Cab Pick-Up Trucks with 6-3/4 Foot Bed per Town of Flower Mound Specifications and Vendor Quote from Sam Pack's Five Star Ford and Chevrolet for Public Works in the amount of \$61,168.50.
10. Consider approval of Change Order No. 2 for the Stonehill Pump Station Discharge Valve Replacement and 10 MG Ground Storage Tank Rehabilitation projects, amending the contract with Archer Western Construction, LLC, to provide for an increase to the contract in the amount of \$40,295.75; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of a Professional Services Agreement for the 2020 Water and Wastewater Model Update project, with Kimley-Horn, for \$25,750.00; and authorization for the Mayor to execute same on behalf of the Town..
12. Consider approval of an increase to the annual contract amount for Annual Slurry Seal Services with Viking Construction, Inc, contract 2014-53, from an estimated annual total of \$49,500.00 to an estimated annual total of \$100,500.00.
13. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the ADA Transition Plan & Implementation project – 2021 Update, in the amount of \$200,000.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of a contract with Metroport Meals on Wheels, Inc. to establish an annual fixed-price contract to provide meals for the Town's Senior In Motion program.

Deputy Mayor Pro Tem Bumgarner moved to approve by consent Items 1 – 14, 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**

**K. REGULAR ITEMS**

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 postponed this item at its December 7, 2020, and January 4, February 1, and March 1, 2021, meetings.)

### Staff Presentation

Mr. Walton indicated that staff is requesting the item be postponed until the April 19<sup>th</sup> meeting to allow the applicant to complete the request from Council at the March 1<sup>st</sup> meeting.

Deputy Mayor Pro Tem Bumgarner moved to postpone item 15 to April 19, 2021.

Mayor Pro Tem Engel seconded the motion.

### VOTE ON MOTION:

*Motion passed*

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

**NAYS: NONE**

16. Public Hearing to consider an ordinance for rezoning (ZPD20-0006 – Lakeside Crossing) to amend Planned Development No. 153 (PD-153) with both residential and non-residential uses to modify approved development standards related to the phasing of this development. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Planning and Zoning Commission recommended approval with a modified motion by a vote of 4 to 2 at its March 22, 2021, meeting.)

### Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Approved concept plan
- Approved site plan (landscape and hardscape plan)
- Concept phasing plan
- Site photos
- Concept phase I site plan and landscape plan
- Current/Initial request (phasing), including Planning and Zoning Commission recommendations
- Lot 8x landscape, lighting, and hardscape plan
- Next steps

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

- Clarification regarding the time line for the concept plan
- Are there areas within the proposed improvements that would be torn up and redone in a future phase
- If the item could be approved pending engineering review
- If permission from the Town was needed for tree work that they already did
- If Council were to postpone this item, what exactly would staff be looking at

### Applicant Presentation

Tim Nystrom, Partner, Newstream Corp, gave a presentation identifying or noting:

- Letters of support (hard copies distributed to Council)
- Current pad site updates

- Photos of buildings 4 and 5 – complete April 2021
- Shops at Lakeside Crossing current tenants
- Shops at Lakeside photos – completed
- Recovery of the market challenges of 2020
- Construction progress
- Benefits of the current project momentum for Lakeside Crossing and the Town
- Key components to Phase I site completion
- Representation of the site with proposed sidewalk connectivity
- Changes added to the proposal based on feedback from the Planning and Zoning meeting
- Photos of what zone 8x looks like today
- Action already taken
- Examples and proposal for “natural areas”

and he responded to the following questions from Council:

- What are the concerns from the future homeowners in that area
- How far apart is the Town and the applicant from what was originally requested
- Clarification regarding:
  - the removal of trees
  - the time line
  - what changed from when approved in 2017 to what is requested today
  - the disposition of the park fees
- Options for assurance that the applicant will complete what they promise verbally

Mayor Dixon opened the Public Hearing at 8:06 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/ Comments Only</b>
Jessie James Leyus, 1001 Cross Timbers Rd, Ste 1200	None	None
Tiffany Leyra, 1001 Cross Timbers, Ste 1200		
Scott Tarwater, 4613 Windmill Ln		
Lawrence Wesley, Smoothie King, 3701 Justin Rd		
Bill Leak, Northwood Dr		

Mayor Dixon closed the Public Hearing at 8:16 p.m.

**Council Discussion**

There was Council discussion regarding:

- Don't need sidewalks in areas around buildings 1, 2, and 3 to allow for future use needs
- Like the idea of clean up around the natural areas
- Certificate of Occupancy conditions

- Interest in seeing the footbridge protected as soon as possible
- Some angst about building no. 3 and other amenities
- Interest in getting it done in 45 – 60 days
- How the project has been on the books for 4 years
- Would like to have the hotel there already
- Interest in making sure everything works from an engineering perspective for 8x
- How approval conditionally is problematic

Mayor Pro Tem Engel moved to postpone item 16 to the April 19, 2021 Council meeting to give staff an opportunity to review the revised changes to the X lot for engineering requirements. Deputy Mayor Pro Tem Bumgarner seconded the motion.

**VOTE ON MOTION:**

*Motion passed (to postpone)*

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

**NAYS: NONE**

17. 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 5 to 1 at its February 22, 2021, meeting.) (The Town Council moved to postpone this item to April 5, 2021 by a vote of 5 to 0 at its March 1, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- Objectives
- Updates to existing definition
- New definitions
- Definitions to be removed
- Off-street parking updates
- Computing parking and loading requirements
- District regulations
- Circumstantial uses
- Explaining retail large tenant
- Residential uses
- Accessory and temporary uses
- Refreshment stand or food truck, accessory
- Educational, institutional and civic uses
- Utility and public services uses and transportation related uses
- Boutique vendor market
- Retail uses
- Farmers' Market
- Smoking related business
- Alternative financial establishment
- Personal service uses
- Industrial uses
- Recreational zoning district

- Planned development zoning district
- Accessory buildings

and she, Mr. Meredith, Ms. Wallace, or Mr. Walton responded to the following questions from Council:

- How did the Town come up with the 25,000 square foot number
- Clarification regarding:
  - the food truck use
  - the location that a riding arena can be in
  - food sales (display space versus sales value)
- Why not a college in R2
- Is there any language needed for outdoor pavilion vendors
- What is the difference between permitted and SUP
- Interest in adding a hotel or motel with an SUP in R2
- Where are the definitions for hotels and motels

Mayor Dixon opened the Public Hearing at 10:11 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 10:11 p.m.

### Council Discussion

There was Council discussion regarding:

- Interest in having all hotel/motel uses as a specific use permit

Councilmember Sharma moved to approve item 17 as presented; however, with the following revisions:

- remove "court" from food truck court accessory
- expand college or university as permitted within R2
- allow hotel or motel as an SUP in R2

Mayor Pro Tem Engel seconded the motion.

### ORDINANCE NO. 17-21

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 82, "DEVELOPMENT STANDARDS," AND CHAPTER 98, "ZONING," OF THE TOWN'S CODE OF ORDINANCES, TO AMEND REGULATED USES AND ASSOCIATED DEVELOPMENT STANDARDS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: PIERSON, MARTIN, ENGEL, BUMGARNER, SHARMA**  
**NAYS: NONE**

*Motion passed*



18. Public Hearing to consider an application for a tree removal permit (TRP21-0002) for one (1) specimen tree on Lot 16, Block B of the Townlake PH 2 subdivision. The property is located at 3900 Dashiell Dr. (The Environmental Conservation Commission recommended approval by a vote of 6 to 0 at its March 2, 2021, meeting).

### **Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Proposed plot plan
- Approved subdivision tree survey
- Photo of specimen tree requested to be removed
- Legal consideration

### **Council Discussion**

There was Council discussion regarding how the builder did a great job in protecting as many trees as they did for this project.

### **Applicant Presentation**

Michael Todd, 12179 Bryant Dr, Frisco, Toll Brothers, gave a presentation identifying or noting:

- Is there any other model that could be built on the lot
- Is there an option to make a swing garage option on the lot

and he responded to the following questions from Council:

- Could the house be flipped
- Is there any other model that can be built on that lot
- Clarification regarding the configuration of the home on the lot

Mayor Dixon opened the Public Hearing at 10:19 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 10:19 p.m.

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: SHARMA, BUMGARNER, ENGEL**

**NAYS: MARTIN, PIERSON**

19. Public Hearing to consider an application for a tree removal permit (TRP21-0003) for one (1) specimen tree on Lot 15, Block B of the Oakbridge at Flower Mound PH 2 subdivision. The property is located at 1624 Quimby Ln. (The Environmental Conservation Commission recommended approval by a vote of 4 to 2 at its March 2, 2021, meeting).

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Proposed plot plant
- Approved subdivision tree survey
- Specimen tree requested for removal, including photos
- Legal consideration

and he responded to the following questions from Council:

- Will the life of the other two trees be enhanced if this one tree is removed
- What are the proposed mitigation plans (more trees or money)
- Is the issue only the sidewalk

Mayor Dixon opened the Public Hearing at 10:26 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 10:26 p.m.

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

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

20. Consider approval of a Construction Agreement with Quality Excavation, LLC., for the Colonial Drive Reconstruction Phase II (Whitney Lane to Homestead Street) project, in the amount of \$1,432,054.00; 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 schedule.

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

**VOTE ON MOTION:***Motion passed***AYES: PIERSON, MARTIN, ENGEL, BUMGARNER, SHARMA****NAYS: NONE****L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 6:39 p.m. on April 5, 2021, pursuant to Texas Government Code Chapter 551, including, Section 551.071, for consultation with attorney and reconvened into an open meeting at 6:54 p.m. on April 5, 2021, to take action on the items as follows:

- a. Consultation with Attorney.

1. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs. The Town of Flower Mound and the Flower Mound Oil and Gas Board of Appeals.

Mayor Pro Tem Engel moved to ratify the settlement agreement as discussed in closed session. Councilmember Sharma seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

The Town Council convened into a closed meeting at 10:30 p.m. on April 5, 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 10:48 p.m. on April 5, 2021, to take action on the items as follows:

- 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.

Deputy Mayor Pro Tem Bumgarner moved to authorize the Interim Town Manager to negotiate the land acquisition as discussed in closed session. Mayor Pro Tem Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

- 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.

**N. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 10:49 p.m. on Monday, April 5, 2021, 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**