

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20TH DAY OF APRIL 2020, VIA VIDEOCONFERENCE, AT 6:00 P.M.

[Click here](#) for meeting video link (subject to change)

The Town Council met in a regular meeting via videoconference with the following members present:

Steve Dixon	Mayor
Sandeep Sharma	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Ben Bumgarner	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
Eric Greaser	Fire Chief
Andy Kancel	Police Chief
Brandon Barth	Emergency Management Officer

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:07 p.m. and he announced the various ways the public can watch or participate in the meeting.

B. INVOCATION

Mayor Dixon gave the invocation.

C. GENERAL PUBLIC COMMENT

There were no public comment cards submitted electronically nor were there any participants via the Zoom app.

D. ANNOUNCEMENTS

1. Announcements from council members

Councilmember Bumgarner announced there was a large drop in oil today and expressed concerns for oil workers and their families and the associated financial impact. He requested that everyone keep them in their prayers.

E. TOWN MANAGER'S REPORT

Update and discussion on:

1. COVID-19

Chief Greaser, Chief Kancel, or Mr. Barth gave a presentation identifying or noting:

- Case update
- Hospital capacity (Texas, Trauma Service Area E)
- Personal Protective Equipment (PPE)
- Public safety modified protocols
- Recovery (funding assistance resources)

and Mr. Barth responded to the following questions from Council:

- If a doctor's order is still required to be tested

2. Financial update

Ms. Wallace provided a financial update regarding the Town's position as it relates to expenditures and revenue because of COVID-19, and she responded to questions from Council regarding:

- Clarification on the impact of sales tax and property value appraisals, and particularly in default situations
- Potential budget process changes
- Interest in having data in the weekly COVID-19 report that identifies the percentage of Flower Mound by population that is affected by COVID-19, and within the four categories of that report
- Clarification regarding the CAC membership revenue impact

3. Capital Improvement projects

Mr. Stathatos noted that staff has been able to execute various projects near schools due to their closures and the minimal amount of traffic.

4. Economic Development projects

Mr. Stathatos reported on:

- New businesses coming soon
- Lakeside tower progress

F. FUTURE AGENDA ITEMS

No request for future agenda item(s).

G. COORDINATION OF CALENDARS

1. A regular meeting is scheduled for Monday, May 4.
2. Discuss and consider re-scheduling a work session originally scheduled for April 16 to Thursday, May 21 on the topic of short-term rentals.

Mayor Dixon announced the May 4 meeting and there was Council consensus to proceed with the May 21 date for the short-term rentals discussion.

H. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 2, and a special meeting held on March 19, 2020.
2. Consider approval of the Town Network Penetration and Vulnerability Scanning Project in the amount of \$17,719.99.
3. Consider approval of an Advance Funding Agreement with the Texas Department of Transportation in the amount of \$400,000.00, to assist in the payment for the Railroad Crossing Improvements in association with the work required for train preemption of the traffic signal at US 377 and Canyon Falls Drive; and authorization for the Mayor to execute the same on behalf of the Town.
4. *This item was moved from consent to regular items.*
5. Consider approval of Amendment No. 2 to the Fiscal Year 2019-2020 Capital Improvement Program.
6. Consider approval of an Interlocal Cooperation Agreement with the Town of Double Oak for the Waketon Road project and approval of CIP Amendment 2; and authorization for the Mayor to execute same on behalf of the Town.
7. *This item was moved from consent to regular items and heard with related item # 27.*
8. Consider approval of Change Order No. 1 for the construction of the Grady Court Reconstruction project, amending the contract with 3D Paving and Contracting, LLC, to provide for an increase to the contract in the amount of \$53,760.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by lowering the prima facie speed limit on various streets within the Northlake Highlands Sections 2 and 3 to 25 mph (The Transportation Commission recommended approval of the exception request by a vote of 4 to 0 at its March 10, 2020, meeting.)

ORDINANCE NO. 06-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE ADDITION OF SEVEN STREETS TO THE LIST OF STREETS ENUMERATED THEREIN; IDENTIFYING A MAXIMUM PRIMA FACIE SPEED LIMIT FOR SAID STREETS; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES;

**PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION;
AND PROVIDING AN EFFECTIVE DATE.**

10. Consider approval of the purchase and installation of furnishings for the Library Expansion Project, to multiple bidders at the total amount of \$405,729.19.
11. *This item was moved from consent to regular items.*
12. Consider approval of a Railroad Commission of Texas Agreed Settlement and Consent Order resulting from damage to an underground gas pipeline while conducting a water line repair on December 4, 2019; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, relating to the prima facie speed limits for specific streets by lowering the prima facie speed limit on various streets within Waterford Park Estates to 25 mph (The Transportation Commission recommended approval of the exception request for Windridge Lane by a vote of 6 to 0 at its February 12, 2019, meeting.), and conversion of remaining streets within Waterford Park Estates.

ORDINANCE NO. 07-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE ADDITION OF SEVEN STREETS TO THE LIST OF STREETS ENUMERATED THEREIN; IDENTIFYING A MAXIMUM PRIMA FACIE SPEED LIMIT FOR SAID STREETS AND CERTAIN STREETS AND PORTIONS OF CERTAIN STREETS WITHIN THE TOWN AT CERTAIN TIMES; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

14. Consider approval of the purchase of Solids Excluding Valves for the Wastewater Treatment Plant (WWTP) Sequence Batch Reactors (SBR), from Evoqua Water Technologies, a sole source provider, in the amount of \$85,654.00.
15. Consider approval of a Professional Services Agreement with Gupta and Associates, Inc., for the design phase services associated with the Stonecrest Pump Station Phase I (Auxiliary Power) project, in the amount of \$198,610.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of a Kaeser Compressor valve control system from Kaeser Dallas, Inc., a sole source provider, for control of valves associated with the operation of the Sequence Batch Reactor process at the TOFM Wastewater Treatment Plant, in the amount of \$56,640.67.

17. Consider approval of the emergency replacement of the Community Activities Center water heater in the amount of \$30,000.
18. Consider approval of services for the existing sanitary sewer main related to the Timber Creek Trunk Line (Morriss Road to Rawlings Street) project, to Insituform Technologies, LLC., utilizing The Local Government Purchasing Cooperative Contract #555-18, administered through Buyboard, in the amount of \$49,355.00.
19. Consider approval of a waiver for penalty and interest on property tax account: 730064DEN and authorization for the Mayor to execute the same on behalf of the Town.
20. *This item was moved from consent to regular items.*

Deputy Mayor Pro Tem Forest moved to approve by consent Items 1–3; 5-6; 8-10; 12-19, as presented in the agenda caption. Mayor Pro Tem 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE****I. REGULAR ITEMS**

4. Consider approval of the purchase and installation of eleven LED scoreboards for the Bakersfield Park baseball fields, from Nevco Sports LLC, through the Texas Local Government Purchasing Cooperative, in the amount of \$77,968.40.

Administrative Note: This item was tabled at 7:06 p.m. and reopened at 7:29 p.m.

Staff Presentation

Ms. Wallace responded to questions from Council regarding:

- The actual need for the scoreboards given the potential future financial impact
- Lead time for obtaining the boards as well as getting them installed
- Condition and repair history of the current scoreboards

Council Discussion

There was Council discussion regarding:

- Timing of the item given a potential shortage of sales tax revenue in the future
- World series tournament impact
- Interest in waiting until May 18th because there will be financial impact numbers available by that time

Deputy Mayor Pro Tem Forest moved to postpone item 4 to the May 18 Town Council meeting date. Councilmember Bumgarner seconded the motion.

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

11. Consider approval of a Professional Services Agreement with Mesa Design Associates, Inc., for the design services associated with the Peters Colony Memorial Park project, in the amount of \$194,730.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Wallace provided background information regarding this item and responded to questions from Council regarding:

- Timing on the expenditure for this item is a concern
- Timing for the actual construction of the park

Council Discussion

There was Council discussion regarding:

- Interest in postponing this item another month or two to understand the financial impact on the Town because of COVID-19
- Possibility of construction cost savings for doing now versus later

Councilmember Engel moved to postpone Item 11 to the May 18 Council meeting. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed (to postpone)

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

20. Consider approval of the purchase of one (1) new Ford F550 Crew Cab Chassis with Service Body per Town of Flower Mound Specifications as noted on Quote from Sam Pack's Five Star Ford.

Council Discussion

- Clarification was sought and obtained earlier today regarding the service and maintenance history of the vehicle

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

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Administrative Note: Item 21 was moved to the first regular item.

21. Consider approval of a resolution to further extend the Town disaster declaration beyond April 20, 2020, and discussion regarding disaster mitigation measures associated therewith.

Staff Presentation

Mr. Meredith provided background information regarding the disaster declaration, and he, or Mr. Barth responded to the following questions from Council:

- Funding that is impacted by the declaration

- Clarification regarding the financial resources and associated benefit

Council Discussion

There was Council discussion regarding:

- Interest in managing the COVID-19 response differently to get back to some resemblance of normalcy
- How there are so many unknowns regarding the future
- No solicitation aspect of the declaration as it relates to essential businesses
- Clarification regarding a specific date or to leave it open ended

Mayor Dixon indicated having had some discussions with State Representative Tan Parker about the same things that Council is talking about. As such, he requested that the Town Manager draft a letter to Representative Parker that would outline the various issues or concerns Council discussed, followed by sending it to Council for review and consideration.

Mayor Pro Tem Sharma moved to approve as presented. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion failed

AYES: ENGEL, SHARMA

NAYS: PIERSON, FOREST, BUMGARNER

Deputy Mayor Pro Tem Forest moved to approve the disaster declaration extension to the May 18, 2020. Councilmember Engel seconded the motion.

Council Discussion

There was Council discussion regarding:

- Interest in having language that allows for the declaration to be rescinded if the state lifts all restrictions prior to that date

RESOLUTION NO. 04-20

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER EXECUTED BY MAYOR STEVE DIXON ON MARCH 15, 2020, UNTIL MAY 18, 2020 AT 11:59 P.M. CENTRAL STANDARD TIME; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

22. Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2020, in the principal amount not to exceed \$9,100,000, for the purpose of paying for waterworks and sewer system improvements.

Staff Presentation

Ms. Wallace provided background information regarding the purpose of the item and she responded to the following questions from Council:

- What is the Town currently paying on the two series

Council Discussion

There was Council discussion regarding:

- Notation that is utility debt

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

RESOLUTION NO. 05-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

23. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0002 – Temporary Government Buildings) by amending Chapter 78 entitled "Administration" and Chapter 98 entitled "Zoning," of the Town's Code of Ordinances to create a temporary government office/classroom definition and standards, and to clarify issuance and operational standards for other temporary uses within the Town of Flower Mound. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 13, 2020, meeting)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Previous discussion
- Benchmark city comparisons
- Proposed definition
- New criteria
- Examples
- Other suggested edits

and she responded to questions from Council members regarding:

- Clarification regarding temporary use definition
- How often can an extension be sought by an applicant
- Is there a limit of the numbers of structures per site
- Any feedback from LISD
- Concerns regarding the possibility of portable buildings being in existence for long periods of time
- Possibility of limiting the number of sequential projects

Mayor Dixon opened the Public Hearing at 8:19 p.m. There were no public hearing comment cards submitted electronically nor were there any participants via the Zoom app. Mayor Dixon closed the Public Hearing at 8:19 p.m.

Mayor Pro Tem Sharma moved to approve as presented. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 08-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 78, "ADMINISTRATION" OF THE TOWN'S CODE OF ORDINANCES, SECTION 78-87, "TEMPORARY USE PERMITS" TO UPDATE THE PROVISIONS GOVERNING THE ISSUANCE OF TEMPORARY USE PERMITS; AMENDING CHAPTER 98, "ZONING" OF THE TOWN'S CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, SECTION 98-2, "DEFINITIONS" TO CREATE A DEFINITION FOR GOVERNMENT OFFICE/CLASSROOM, TEMPORARY; AMENDING SECTION 98-993, "SALES TRAILER, TEMPORARY", TO INCORPORATE STANDARDS FOR THE FIELD OFFICE, TEMPORARY USE; CREATING SECTION 98-1005, "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY", ESTABLISHING STANDARDS FOR THIS USE; AMENDING ARTICLE III, "DISTRICT REGULATIONS" TO ADD "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY" AS A TEMPORARY USE ALLOWED WITHIN ALL ZONING DISTRICTS; AMENDING SECTION 98-952 "USE CLASSIFICATION" ADDING "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY" TO THE SCHEDULE OF USE REGULATIONS CHART AS A USE ALLOWED IN ALL ZONING DISTRICTS; 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:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Mayor Dixon opened items 24 and 25 at the same time.

Ms. Murphy announced that the applicant has requested both items be postponed until May 18.

24. Public Hearing to consider an ordinance amending the zoning (Z19-0007- Smith Tract) from Agricultural District (A) uses to Single Family District-10 (SF-10) uses. The property is generally located north of Spinks Road and west of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 13, 2020, meeting)
25. Consider a request for a Development Plan (DP19-0007 – Smith Tract) to develop a residential subdivision with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, and subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located north of Spinks Road and west of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its April 13, 2020, meeting)

Councilmember Bumgarner moved to postpone item 24, including the Public Hearing, as well as item 25 to May 18, 2020. Councilmember Engel seconded the motion.

VOTE ON MOTION:*Motion passed (to postpone)***AYES: PIERSON, ENGEL, SHARMA, BUMGARNER****NAYS: FOREST**

26. Consider a request for an exception (RF20-01050) to Section 98-1142, Fence Height and Visibility, of the Code of Ordinances, to build a residential fence in excess of the Town's maximum height standards. The property is located at 3212 Pecan Meadows Drive. (The Town Council postponed the item at its March 2, 2020, meeting)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General location
- Site plan
- Exception request
- Photos

Councilmember Bumgarner moved to approve as presented. Mayor Pro Tem Sharma seconded the motion.

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

Mayor Dixon opened items 7 and 27 at the same time.

Staff Presentation

Ms. Wallace outlined the purpose and timing for both items.

7. Consider approval of a Professional Services Agreement with ECS Southwest, LLP to provide construction materials engineering and testing for the Forest Vista Drive Reconstruction Phase II (Morriss to Chancellor) and the Forest Vista Water Line project project, in the amount of \$62,378.00; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Forest moved to approve as presented. Councilmember Pierson seconded the motion.

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

27. Consider approval of a Construction Agreement with Pavecon Public Works, LP, for the Forest Vista Drive Reconstruction Phase II (Morriss to Chancellor) and the Forest Vista Water Line project, in the amount of \$1,664,279.45; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Forest moved to approve item 27 as presented. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Motion passed

J./K. CLOSED/OPEN MEETING

The Town Council did not convene into a closed meeting.

L. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 8:30 p.m. on Monday, April 20, 2020, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY