

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 6<sup>TH</sup> DAY OF MAY 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
Tiffany Bruce	Executive Director of Public Works
Chuck Jennings	Director of Parks and Recreation
Andrea Roy	Director of Economic Development

**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 Russ McNamer gave the invocation and Mayor Dixon led the pledges.

**D. PRESENTATIONS**

1. Certificate of Achievement - Dillon Smith for achievements with Special Olympics

Mayor Dixon presented Mr. Smith with a Certificate of Achievement for his accomplishments.

**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.	Tom Walker, 5005 Balmoral Ln	Smart Cities
2.	Paul Stone, 4100 Broadway	Thanks to Kevin & Jason
3.	Benjamin Bumgarner, 5150 Kensington Ct	Well wishes and thank you
4.	Emily Strittmatter, 4816 Mesquite St	MS150

Mayor Dixon asked Mr. Stathatos to address the topics of Smart Cities and bike rider safety, as mentioned during public comment, in the Town Manager Report.

#### **F. ANNOUNCEMENTS**

Mayor Pro Tem Webb extended congratulations to Ben Bumgarner and Jim Pierson for winning the election. He also announced that Flower Mound has been named the #1 Small City to Live in America.

Councilmember Sharma had the following announcements:

- Reported on a recent meeting with representatives from DFW Airport regarding noise monitoring
- Reported on a meeting at the senior center regarding transportation concerns where some seniors are unable to afford routine visits to the senior center via the current SPAN service
- Pointed out how Thirty-one Gifts future business plans are impressive

Mayor Dixon recalled there was a discussion about public transportation around 2009-2011. He requested staff find those notes and ideas from that time, and overlay it with the ideas mentioned by Councilmember Sharma.

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

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - Library expansion update
2. Economic Development projects
  - Business openings and renovations
3. Legislative updates

Ms. Wallace reported on the status of various bills in circulation within the Texas legislature.
4. Other (as requested by Mayor/Councilmembers)
  - Smart Cities (as mentioned during the public comment portion of the meeting)
  - MS ride (as mentioned during the public comment portion of the meeting) and the Town's involvement
  - Ms. Bruce provided an update on the Fairway Drive road closure

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

There were no items requested for a future agenda.

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

1. A special meeting is scheduled for Tuesday, May 14, 6:00 p.m., to canvass the election and will include a public reception for outgoing and incoming Councilmembers at 5:00 p.m.

2. A regular meeting is scheduled for Monday, May 20.

Mayor Dixon announced the above referenced meeting dates.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 15, 2019.
2. Consider approval of the minutes from a Joint Town Council/Environmental Conservation Commission work session held on April 18, 2019.
3. Consider approval of a resolution nominating a candidate for appointment to the Denco Area 9-1-1 District Board of Managers.

**RESOLUTION NO. 05-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, NOMINATING ONE CANDIDATE TO A SLATE OF NOMINEES FOR THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT.**

4. Consider approval of a resolution authorizing the Town to join with the Steering Committee of Cities Served by Oncor to deny Oncor Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor.

**RESOLUTION NO. 06-19**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE TOWN SHOULD BE DENIED; FINDING THAT THE TOWN'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

5. Consider approval of the consumption of alcoholic beverages at the Flower Mound Senior Center during the SIM Auxiliary's Casino Night.
6. Consider approval of the Professional Services Agreement with Mesa Design Associates, Inc., for the design services associated with the Peters Colony Memorial Park Master Plan project, in the amount of \$39,500.00; and authorization for the Mayor to execute same on behalf of the Town.
7. 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 with Wellington of Flower Mound Phase 8 and Phase 9 to 25 mph (The Transportation Commission recommended approval of the exception request for Wellington Phase 8/9 by a vote of 6 to 0 at its February 12, 2019, meeting.), and conversion of streets within Wellington Phase 5a, 6 and 7 to 25 mph, and adjustment of the School Zone on Bruton Orand Blvd. near Brittainy Drive

**ORDINANCE NO. 16-19**

**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 TWENTY-SIX 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.**

8. Consider approval of a Professional Services Agreement with ECS Southwest LLC, to provide construction materials engineering and testing for the construction of the Library Expansion Project with ECS Southwest LLC. in the amount of \$54,735.00; and authorization for the Mayor to execute the same on behalf of the Town.
9. Consider approval of Proposal #19-332 for the I/NET Access Control System from Schneider Electric Buildings, a Sole Source Provider, for the Flower Mound Fire Station 7 project in the amount of \$46,695.00.
10. Consider approval of a Construction Agreement with Bean Electrical, Inc, for the FM 407 at Browning Signal Reconstruction project, in the amount of \$169,060.25; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of the Construction Agreement with North Rock Construction LLC, for the Bakersfield Restroom and Concrete Walkway project, in the amount of \$409,968.02; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of a resolution appointing Clay Riggs as the Town's representative, to serve on the Upper Trinity Regional Water District (UTRWD) Board of Directors for a four-year term ending May 19, 2023; and authorization for the Mayor to sign on behalf of the Town.

**RESOLUTION NO. 07-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, REAPPOINTING CLAY RIGGS AS THE TOWN'S REPRESENTATIVE ON THE UPPER TRINITY REGIONAL WATER DISTRICT (UTRWD) BOARD OF DIRECTORS FOR A FOUR-YEAR TERM ENDING MAY 31, 2023; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Webb moved to approve by consent Items 1 – 12, 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**

13. Public Hearing to consider approval of an ordinance designating a contiguous geographic area within the Town of Flower Mound as Reinvestment Zone Number Two, Town of Flower

Mound, Texas, for Tax Increment Financing Purposes pursuant to Chapter 311 of the Texas Tax Code; Creating a Board of Directors for such zone; containing findings and other provisions relating to the foregoing subject; and providing a severability clause.

Mayor Dixon reported that Councilmembers have indicated to staff a desire to have this item postponed. In addition, an email from Realty Capital was received requesting the same (and for 60 days). For these reasons the item was not be heard

*Administrative Note: No action was taken to postpone, nor is there a legal requirement to do so, including for the purpose of setting a specific date.*

14. Public Hearing to consider approval of a Concept Master Plan for Bella Lago Park.

#### **Staff Presentation**

Mr. Jennings gave a presentation identifying or noting:

- Background information

Hunter Rush, MHS Planning & Design, gave a presentation identifying or noting:

- Existing site photos
- Public input process
- Conceptual plan
- Summary
- Existing trail fabric
- Master Plan recommendation

and he, Mr. Dalton, Mr. Stathatos, or Mr. Meredith, responded to questions from Council, and some were as mentioned during the public hearing, regarding:

- Maintenance of open space
- Possibility of removing the word “park” from the name if it’s meant to be a natural open space
- Process regarding moving the trail from the Master Plan
- What would have the park fees been for Bella Lago had they not donated the land
- ADA compliance requirements
- Liability issues
- Crime or safety issues since it was built
- What other areas in Town are designated as non-park natural open space, and if so, what use do they serve
- Connectivity for the trail that was supposed to be in this park
- Thought process for removing the sign

Mr. Dalton clarified that the property is part of the Bella Lago plat.

There was Council discussion regarding:

- Role of the Parks Board as a recommending body and the associated process

Mayor Dixon opened the Public Hearing at 6:44 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>
Richard Ratliff, 2101 Beachview	John F. Cashman, 2101 Lake Lugano	Jim Musil, 2205 Paradise Ln
John Ratliff, 2101 Beachview	Paul Stone, 4100 Broadway	Carol Kohnakie, 4312 Lauren Way
Elaine Takacs, 2101 Beachview Dr	Mel Stockwell, 2105 Paradise Ln With donated time from: 1. Leigh Stockwell, 2501 Paradise Ln Rebecca Stockwell, 2105 Paradise Ln	
Gloria Jones, 2816 Guardian Ct		
Sandra & Michael Benedetto, 5200 Coral Springs*		
Mellany & Jim Lamb, 5109 Prince Edward*		

*\*Indicated do not wish to speak.*

Mayor Dixon closed the Public Hearing at 7:07 p.m.

Councilmember Bryant moved to approve as presented; however, that the sign remain and the Parks Board discuss renaming it. Councilmember Sharma seconded the motion.

Mayor Pro Tem Webb sought clarification regarding the specifics of the motion.

Councilmember Bryant clarified that it entails leaving it is as and to only remove the fabric material in areas that are distressed or deteriorated.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: WEBB**

15. Consider approval of the Guaranteed Maximum Price (GMP) with Steele and Freeman, Inc., for the construction of the Library Expansion Project in the amount of \$10,399,482.11; and authorization for the Mayor to execute the same on behalf of the Town.

**Staff Presentation**

Ms. Wallace gave a presentation identifying or noting:

- Timeline
- Site plan
- Floor plan
- Building renderings
- GMP Contract

and she responded to the following questions from Council:

- What is the phasing of the project

and there was Council discussion regarding:

- The benefits that will be gained as a result of the expansion

Mayor Pro Tem Webb moved to approve as presented, and with the alternate add on as presented. Councilmember Sharma seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

Mayor Dixon opened items 16 and 17 at the same time

16. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement at 951 Garden Ridge Blvd.

**Staff Presentation**

Ms. Roy gave a presentation for items 16 and 17 identifying or noting:

- Thirty-One Gifts background information
- Project details
- Requested incentive
- Cost benefit

and she responded to the following questions from Council:

- How does the incentive compare to what Kohler was offered
- What is the follow up reporting on these types of agreements to ensure the investment is paying dividends

Mayor Dixon opened the Public Hearing for items 16 and 17 at 7:42

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>
None	None	Item 17: Dave Johnson, 3617 San Paula

Mayor Dixon closed the Public Hearing at 7:43 p.m.

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

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**ORDINANCE NO. 17-19**

**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-INDUSTRIAL 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.**

17. Public Hearing to consider approval of a Tax Abatement and Chapter 380 Agreement with Thirty-One Gifts, LLC and Prologis, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.

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

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

18. Consider consent to a security agreement and collateral assignment of the Chapter 380 Agreement between the Town of Flower Mound and FM 2499 Office Venture, LLC, (converted to FM 2499 Office Venture, LP) to First United Bank and Trust Company, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Background information
- Purpose of item

Mayor Pro Tem Webb moved to approve as presented. Councilmember Bryant seconded the motion.

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

The Town Council to convene into a closed meeting 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, as follows:

- a. Consultation with Attorney.
- 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.

The Town Council did not convene into closed session. No action was taken on the above referenced items.

**O. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 7:47 p.m. on Monday, May 6, 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**