

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 17<sup>TH</sup> DAY OF MAY 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
Sandeep Sharma	Councilmember Place 2
Ann Martin	Councilmember Place 5

with the following member absent:

Jim Pierson	Councilmember Place 1 (Through item 10)
Vacant	Councilmember Place 1 (Items 10 – 14)

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
JP Walton	Assistant to the Town Manager/Interim Economic Development Director

**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. 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.	Adam Schiestel, 2205 Waterford Dr	Place 1 TC
2.	David Broughton, 2433 Gramercy Park Dr	Children's Advocacy Center
3.	Kent Johnson, 3808 Regency Park Ct	Councilmember resignation
4.	Scott Tarwater, 4613 Windmill Ln	Council vacancy
5.	Paul Stone, 4100 Broadway	Council vacancy
6.	Kevin Bryant, 3513 Castlewood	Council vacancy
7.	Patsy Mizeur, 1821 Castle Ct	Furst Ranch

**E. PRESENTATIONS**

1. Certificate of Achievement Flower Mound High School Girls' Soccer Team - State Champions.

Manjushree Mukkala, School Liaison Committee member, assisted Mayor Dixon in presenting a Certificate of Achievement to the team.

**F. ANNOUNCEMENTS**

Councilmember Martin reported that the Friends of the Library is hoping to resume their book sale in August and with donations being taken in June.

Mayor Dixon announced that he would be willing to fill Place 1 if Council so desires.

**G. TOWN MANAGER'S REPORT**

Ms. Wallace provided an update on the following projects as well as a legislative update:

1. Capital improvement projects
  - Traffic signal at 2499 @ Chaparral
  - Gibson Grant Log Cabin restoration
  - Hound Mound rest room
2. Economic Development projects
  - New and coming soon businesses
3. Legislative Update
  - Highlighted various bills circulating through the Texas Legislature, as well as some that have already been signed by the Governor.

**H. FUTURE AGENDA ITEMS**

1. No request for future agenda items.

**I. COORDINATION OF CALENDARS**

Mayor Dixon announced the following upcoming meetings:

1. A regular meeting is scheduled for Monday, June 7
2. A special meeting is scheduled for Tuesday, June 15 to canvass the Runoff Election

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 12, 2021.
2. Consider approval of a candidate nomination for appointment to the Denco Area 9-1-1 District Board of Managers.

**RESOLUTION NO. 13-21****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.**

3. Consider approval of a resolution of the Town of Flower Mound, Texas calling for a runoff election to be held on June 5, 2021, for the office of Mayor; establishing procedures for conduct of the election.

**RESOLUTION NO. 14-21****A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING FOR A RUN-OFF ELECTION TO BE HELD ON JUNE 5, 2021, FOR THE OFFICE OF MAYOR; ESTABLISHING PROCEDURES FOR CONDUCT OF THE ELECTION.**

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.
5. Consider acceptance of grant funds and execution of an Interlocal Cooperation Agreement with the North Central Texas Council of Governments for the 2020 Incident Management Equipment Purchase Call for Projects; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of the naming of the park property located on the 13.11 acre tract located within the Townlake Phase IV residential development as Trotter Park.
7. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the design phase services for the Range Wood Drive Drainage Improvements project, in the amount of \$189,000.00; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of a Professional Services Agreement with PROS Consulting, Inc., to provide a Tennis Center Feasibility Study, in the amount of \$49,950.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Sharma moved to approve by consent Items 1 – 8, 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: SHARMA, BUMGARNER, ENGEL, MARTIN****NAYS: NONE****ABSENT: PIERSON****K. REGULAR ITEMS**

9. Consider resignation of Councilmember Place 1, Jim Pierson.

**Staff Presentation**

Ms. Scott gave a presentation identifying options for Council consideration.

There was Council discussion regarding the three available options.

The majority of Council was acceptable to:

- the application process
- for it to begin sooner than later
- have an open application period where anyone can apply
- have it in an open format like how boards and commissions are handled

Ms. Scott indicated she will need Council feedback regarding the proposed interview dates, as well as on the application questions.

Councilmember Martin moved to accept the resignation of Councilmember, Place 1, Jim Pierson. Councilmember Sharma seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: MARTIN, ENGEL, BUMGARNER, SHARMA****NAYS: NONE****VACANT: PLACE 1**

10. Consider approval of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, LLC), at 300 Old Gerault Road, 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 Dec 7, 2020, Jan 4, Feb 1, March 1, April 5, and April 19, 2021, meetings.)

**Staff Presentation**

Mr. Walton gave a presentation identifying or noting:

- Niagara timeline
- HOA Improvements
- Additional costs since this item came to Town Council on December 7, 2020
- Cost benefit analysis
- Summary

and he or Ms. Wallace responded to questions from Council regarding:

- What would the payback period be for five years
- Clarification that the applicant is paying for all of the fees up front

John Walsh, TIG, 4015 University, Dallas, representing the applicant

Mr. Walsh responded to questions from Council regarding:

- HOA improvements as it relates to the gas line area and the possible impact

There was Council discussion regarding:

- How the cost has increased, but it's not outside of the approval
- How the applicant has been amenable to meet every request made by Council

Mayor Pro Tem Engel moved to approve as presented. Motion failed due to a lack of a second.

There was additional Council discussion regarding:

- The four items that added the cost was not in the original scope in December and the costs were added when they were in the middle of the approval process
- The applicant started the process and Council increased the fees so the Town changed the rules mid-stream
- How Niagara is a valued customer in town
- The property is challenged because of topography, location, pipelines, easements, etc.
- The Town will benefit financially even with the fee waivers
- 10 years is too long and should be lowered to 7 and closer to \$160,000 instead of \$171,849

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

**VOTE ON MOTION:**

*Motion passed*

**AYES: ENGEL, MARTIN, DIXON\***

**NAYS: SHARMA, BUMGARNER**

**VACANT: PLACE 1**

*\*Administrative Note: The Mayor votes in the event of a tie.*

11. 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.) (The Town Council moved to postpone this item to April 19, 2021 by a vote of 5 to 0 at its April 5, 2021, meeting.) (The Town Council moved to postpone this item to May 17, 2021 by a vote of 5 to 0 at its April 19, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Background information
- Land use and zoning
- Approved concept plan (original)
- Concept Phase I site plan
- Lot 8X hardscape plan, lighting plan, maintenance plan
- Redlined Ordinance language
- Next steps

and she or Ms. Bruce responded to questions from Council regarding:

- Have staff and the applicant worked out the differences regarding the landscaping
- Tree mitigation fees

Mayor Dixon opened the Public Hearing at 7:21. No one spoke. Mayor Dixon closed the Public Hearing at 7:21 p.m.

**Applicant Presentation**Tim Nystrom, Newstream

Mr. Nystrom responded to questions from Council regarding:

- If the applicant and staff are in alignment regarding the landscaping

Councilmember Sharma moved to approve as presented in the agenda caption with the additional condition that a new exhibit, approved by staff, highlighting the described areas identified in the development standards, be completed and attached to the final ordinance, and with a change to the reference of biannual to semiannual for the maintenance. Deputy Mayor Pro Tem Bumgarner seconded the motion.

**ORDINANCE NO. 22-21**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 25-17, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 153 (PD-153) ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 10.91 ACRES OF LAND AND BEING ALL OF LOT 1, BLOCK A; LOT 2, BLOCK A; LOT 3, BLOCK A; LOT 4, BLOCK A; LOT 5, BLOCK A; LOT 6, BLOCK A; LOT 7, BLOCK A; AND LOT 8X, BLOCK A, OF THE LAKESIDE CROSSING ADDITION BY MODIFYING DEVELOPMENT STANDARDS RELATED TO OPEN SPACE REQUIREMENTS AND PHASING; AND BY ADDING CONCEPT PHASING PLAN, CONCEPT PHASE 1 SITE PLAN, CONCEPT PHASE 1 LANDSCAPE PLAN, CONCEPT HARDSCAPE PLAN FOR LOT 8X, CONCEPT LIGHTING PLAN FOR LOT 8X; AND MAINTENANCE PLAN FOR LOT 8X; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:***Motion passed***AYES: MARTIN, ENGEL, BUMGARNER, SHARMA****NAYS: NONE****VACANT: PLACE 1**

12. Consider a request for a Site Plan (SP20-0022 – Argyle ISD Elementary School No. 3) to develop an elementary school, with a request for a deviation to computing parking and loading requirements pursuant to Section 82-73 of the Code of Ordinances, an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and an exception to Section IV.C.5. of the Town's Engineering Design Criteria requirement to provide a wet retention pond. The property is generally located east of Denton Creek Boulevard and south of Prairie Ridge Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 10, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Record plat
- Site plan
- Exception request
- Site photos

and she or Mr. Dalton responded to questions from Council regarding:

- Parking thresholds

### **Applicant Presentation**

Jeff Koehn, Argyle ISD Construction Manager

Mr. Koehn responded to question from Council regarding:

- Why they need the additional parking

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

### **VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**VACANT: PLACE 1**

13. Public Hearing to consider a Site Plan (SP21-0001 – Lakeside Center) with a request for an exception to 'Underground Utilities' pursuant to Section 82-377, Exceptions, of the Code of Ordinances. 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 by a vote of 6 to 0 at its May 10, 2021, meeting)

### **Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Aerial exhibit and associated exception request regarding overhead power lines
- Site photos
- Spectrum and CoServ exhibits

and she responded to questions from Council regarding:

- Future development of the adjacent property as it relates to power lines

Mayor Dixon opened the Public Hearing at 7:38 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:38 p.m.

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

**VOTE ON MOTION:***Motion passed***AYES: MARTIN, ENGEL, BUMGARNER, SHARMA****NAYS: NONE****VACANT: PLACE 1**

14. Public Hearing to consider an ordinance for rezoning (ZPD21-0001 – Brightstar PD-83 Amendment) to amend Planned Development No. 83 (PD-83) with non-residential uses to modify Exhibit C, Section C.8.h. “Parking Lot Landscaping”, and a request for a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances. The property is generally located north of Lakeside Parkway and east of Garden Ridge Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its April 26, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Proposed site plan and applicant’s request to amend the PD standards (parking islands and increased parking) specific to this site
- Site photos
- Proposed landscape plan, including additional landscaping beyond the Town’s requirement to address the changes

Mayor Dixon opened the Public Hearing at 7:45 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:45 p.m.

There was Council discussion regarding:

- How the proposal makes sense given the conditions

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

**ORDINANCE NO. 23-21**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 94-04, AS AMENDED, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 83 (PD-83) INCLUDING CERTAIN PROPERTY DESCRIBED AS 18.234 ACRES OF LAND SITUATED IN THE J. KNIGHT SURVEY, ABSTRACT NUMBER 722, DENTON COUNTY, TEXAS, AND IDENTIFIED AS LOT 2R, BLOCK B OF THE LAKESIDE RANCH BUSINESS PARK; BY AMENDING EXHIBIT C, SECTION C.8.h., “PARKING LOT LANDSCAPING”; AND BY APPROVING A DEVIATION TO THE REQUIRED PARKING STANDARDS PURSUANT TO SECTION 82-73 OF THE CODE OF ORDINANCES, IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; 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, BUMGARNER, ENGEL, MARTIN**

**NAYS: NONE**

**VACANT: PLACE 1**

**L. BOARDS/COMMISSIONS (Pre-Council Room)**

There was no discussion on the following item:

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

**M./N. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting. No action was taken on the following items:

- a. Consultation with Attorney.
  1. Consultation with Attorney regarding resignation and the filling of a vacancy in the office of Councilmember of the Town of Flower Mound.
- b. Discuss and deliberate options to fill the vacancy of a public officer in the office of Councilmember, Place 1.
- c. Discuss and consider election of Mayor Pro Tem and Deputy Mayor Pro Tem.
- d. 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.
- e. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.
- f. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

**O. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 7:46 p.m. on Monday, May 17, 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