

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 19TH DAY OF AUGUST 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
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
Kay Wilkinson	Budget Officer
Tammy Wilson	Executive Director of Financial Services
Jaime Jaco-Cooper	Senior Center Manager
Eric Greaser	Fire Chief
Jeff King	Assistant Fire Chief/Operations
Brian Waltenburg	Assistant Director of Engineering

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 Will Langstaff gave the invocation and Mayor Dixon led the pledges.

D. PRESENTATIONS

1. CoServ check presentation

Tracee Elrod, Manager of Community Support/Relations, CoServ, presented the Town with a check in the amount of \$95,491.56 for the CoServ Capital Credit Retirement.

2. Proclamation for National Senior Center Month

Ms. Jaco-Cooper provided background information about the senior program and Mayor Dixon recited and presented her with the Proclamation.

3. Presentation regarding Mutual Aid Services provided by the Town

Chief Greaser gave a presentation identifying or noting:

- Benefits of mutual aid to the Town
- Council strategic goals
- Types of aid
- Local and regional mutual aid
- Statute and legal parameters regarding providing mutual aid
- Reimbursements the Town has received relative to response and deployment by the Town

and he responded to the following questions from Council:

- Council interest in getting a copy of the presentation
- Suggestion to put the presentation on the Town’s website

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.	Mike Liles, 4325 Thames Ct	First Responders Appreciation Luncheon
2.	Don McDaniel, 3801 Hide A Way Ln	Blood Drive
3.	Kathy OKeefe, 3004 Oxford Ct	Just Breathe Program
4.	John Cashman, 2101 Lake Lugano	Bella Lago Park
5.	Joe G. Roach, 4993 Lusk Lane	Respect and Collaboration
6.	Steve Hafer, 2612 Stillwater Ct	Lakewood Park Modifications
7.	Michael Knapp, 2616 Stillwater Ct	Lakewood Park Modifications
8.	Scott Langley, 800 Carter Ct	Carter Bloodcare
9.	Paul Stone, 4100 Broadway	Various

F. ANNOUNCEMENTS

Councilmember Engel announced that the Town is accepting applications for Boards and Commissions as well as the Police Citizens Academy.

G. TOWN MANAGER’S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects

- No report

2. Economic Development projects
 - New business openings

H. FUTURE AGENDA ITEMS

1. There were no request for future agenda items.

I. COORDINATION OF CALENDARS

Mayor Dixon announced that the next Town Council regular meeting is scheduled for Tuesday, September 3.

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 August 5, 2019.
2. This item was moved from consent to regular items at the request of Councilmember Pierson.
3. Consider approval of an agreement with Armstrong Forensic Laboratory, Inc., for a forensic laboratory fee agreement for the purpose of submitting alleged controlled substances for analysis; and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval for a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$51,535.08, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.
5. Consider approval of Change Order No. 1 for the construction of Flower Mound Storage Warehouse project, amending the contract with MSB Constructors, Inc., to provide for an increase to the contract in the amount of \$71,882.57; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of an ordinance for a street name change for Long Prairie Road (100-800 block) to International Parkway (100-800 block) (The Transportation Commission recommended changing the street name by a vote of 4 to 3 at its August 13, 2019, meeting)

ORDINANCE NO. 40-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF A PORTION OF "LONG PRAIRIE ROAD" TO "INTERNATIONAL PARKWAY"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of a Construction Agreement with 3D Paving and Contracting, LLC, for the Grady Court Reconstruction project, in the amount of \$630,670.00; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of a Professional Services Agreement with HVJ North Texas – Chelliah Consultants, Inc. to provide construction materials engineering and testing, for the Grady Court Reconstruction project, in the amount of \$27,995.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of the minutes from a work session 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 August 15, 2019.

Mayor Pro Tem Sharma moved to approve by consent Items 1, 3 – 9, as presented in the agenda caption. Deputy Mayor Pro Tem Forest 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

K. REGULAR ITEMS

2. Approval to purchase firefighting and rescue equipment for the new Pierce Ascendant 107' Ladder Truck from Municipal Emergency Services in the amount of \$124,519.33.

Staff Presentation

Assistant Chief King gave a presentation summarizing the equipment purchase and he, or Ms. Wallace, responded to the following questions from Council:

- Clarification that the funds were already approved by a previous Council
- What is the process the Town goes through to make this type of purchase
- Whether another vendor besides Pierce is used given they are the Cadillac of equipment
- Whether purchasing used equipment is an option instead of buying new

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

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

Mayor Dixon opened items 10 – 13 at the same time.

10. Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020.

No action required on this item at this time.

11. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020.

No action required on this item at this time.

12. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020.

No action required on this item at this time.

13. Public Hearing (1 of 2) to consider a tax rate of \$0.4390 per \$100 assessed valuation.

Staff Presentation

Ms. Wallace gave a presentation for items 10 - 13 identifying or noting:

- Proposed budget
- Budget process
- Budget timeline
- How Flower Mound compares (benchmark cities)
- Required budget and tax rate adoption language
- Changes since proposed budget to Council
- Cultural arts feasibility study
- School crossing guards
- Proposed budget reductions recommended by staff
- Compensation/Benefits
- General Fund since the proposed budget, excluding the staff recommended reductions
- General Fund – revised, including the staff recommended reductions
- Prior year budgets
- Utility fund
- Water/Wastewater rates
- Stormwater utility fund
- Stormwater rates
- SWUS rates
- Special revenue funds
- Capital improvement program
- Projects in the areas of street, signals, stormwater, wastewater
- Crime control and prevention district budget
- Fire control prevention and emergency medical services district
- Next steps
- Response to the budget line items that were discussed for possible cuts at the last meeting

and she, Mr. Meredith, Mr. Waltenburg, Chief Kancel, Chief Greaser, or Mr. Stathatos responded to the following questions from Council:

- What are the future debt requirements
- Clarification regarding:
 - staff recommended reductions
 - the TML non-discretionary decision package (increase)
 - if Council is legally able to inquire about the Town's Performance Improvement Plan
 - the amount of public hearings needed as it relates to the budget
 - whether the next Council meeting will include a budget review discussion or will it just be on the tax rate
 - what are the building automations system upgrades (last two years)
 - \$12,000 for an air condition system at the Animal Services facility
 - \$250,000 for the Police and Courts including \$90,000 for the community room
 - various software licenses
 - renovation expenses as it relates to Fire Station # 1
 - step versus performance based increases (compensation); benefits
- Can the two million in CIP be prioritized, and particularly for ones that haven't started yet
- Whether the proposed calculations for the crossing guards is accurate

There was Council discussion regarding:

- Effective tax rate history
- Past history as it relates to the budget process
- The Town's performance in the last few years as it relates to what the budget dollars were used for
- Interest in deferring any items that are not needed now, including suggestions or questions about the following items for potential budget cuts:
 - Intern for Communications Department
 - Trail bollards removal
 - Use existing admins in MIS for EMS support services
 - Signal pole replacements
 - Whether a signal is needed at Chaparral at FM 2499
 - Whether there is a true benefit for the proposed signal at Forest Vista at Garden Ridge, including what is the possibility of a joint agreement with Lewisville given the border location
 - Chevy Tahoe
 - Wildland equipment (Fire Dept)
 - Additional records management personnel in police department
 - What is an acceptable number to give staff for the bottom line as a general number to accomplish objectives that have been set out
 - What is a license plate reader
 - Benefits of a police officer task force
 - Economic development rebate commitments
 - Step versus performance based increases (compensation)

Mayor Dixon opened the Public Hearing for items 10 – 13 at 7:52 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
Jeffrey Blasko, 1720 Milford Dr (13)	Jeffrey Blasko, 1720 Milford Dr (10)	Kevin Bryant, 3513 Castlewood
Brit Stock, 3701 Acton	Patrick Martin, 4700 Oak Springs Dr	Don McDaniel, 3801 Hide A Way Ln
	Adam Schiestel, 2205 Waterford Dr	Cathy Strathmann, 2612 Belmont
		Paul Stone, 4100 Broadway
		Bryan Webb, 4112 High Rd
		Janvier Werner, 2829 Bob White
		Scott Langley, 800 Carter Ct

Mayor Dixon closed the Public Hearing at 8:23 p.m.

Mayor Dixon made the following required announcement:

"The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 16, 2019, at 6:00 p.m., at a regular Town Council meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028."

14. Public Hearing to consider a request for a Master Plan Amendment (MPA19-0002 – Canyon Falls) to amend Section 1.0, Land Use Plan and Section 2.0, Area Plans, of the Master Plan by changing the current land use designation of Canyon Falls development within the Denton Creek District Area Plan from Medium Density Residential uses to Open Space and from Open Space to Medium Density Residential uses on certain tracts of land, located between and around Village 10B and Village 12. The property is generally located north of Cross Timbers Road and between Interstate 35W and U.S. 377, and consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and between Interstate 35W and U.S. 377. (The Planning and Zoning Commission recommended denial by a vote of 5 to 0 at its July 22, 2019, meeting.)
15. Public Hearing to consider a request for rezoning (ZPD19-0007 - Canyon Falls) to amend Planned Development District No. 98 (PD-98) to add additional lots by changing the zoning from Single-Family District-10 (SF-10) uses to Open Space and from Open Space to Single-Family District-10 (SF-10) on certain tracts of land located between and around Village 10B and Village 12, and to modify the minimum standards set forth in the Single-Family District-10 (SF-10) zoning district regulations by reducing certain front, side and rear yard setbacks, and consider adopting an ordinance for said amendment 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 Cross Timbers Road and between Interstate 35W and U.S. 377. (The Planning and Zoning Commission recommended approval/denial by a vote of 0 to 0 at its July 22, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation for items 14 and 15 identifying or noting:

- General and detailed site location
- Land use and zoning
- Photos of the site
- 2012 zoning exhibit
- Master plan exhibit

- Zoning exhibit
- Modifications

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

- Clarification regarding:
 - open space, including what was the original zoning plan
- entitlements area (map) and the associated request

Applicant Presentation

Jason Wight, Newland Communities, Project Manager, Canyon Falls

Mr. Wight gave a presentation identifying or noting:

- Current site and development agreement
- Fire station location
- MPA/ZPD area
- Impact on existing homes (current and proposed plan)
- Interlocal connection
- Open Space
- High/Medium Density Lots/Total approved lots

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

- Impact on area to the west (10B)
- Would there be a future tree removal request
- Originally the focus was the connection between 10B and 12 and not sure why there is a need to take additional land near the homes for the purpose of adding lots
- Did residents buy the lots adjacent to the tree area at a premium price
- Options that might allow for the trees to remain, such as going fifty or seventy-five feet to the west, particularly for the residents on Canyon Oak Court
- What development exist on the Argyle side, and if so, are they also being approached for zoning changes to build homes
- Impact of setbacks and J swing option
- Clarification regarding:
 - open space and trees (i.e. increase for Canyon Oak Court but decrease on Smoky Oak)
 - what the blue outline means on village 12 and what is being requested
 - village 10B is not there yet even though the roads are in
 - associated benefits to the Town for the development
 - future plans for the cul de sac if approved
 - the need for an exception to the setbacks, and was the previous development granted those same setback modifications

Mayor Dixon opened the Public Hearing for items 14 and 15 at 10:00 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	Maria Brown, 6709 Canyon Falls	None
	Debbie Farber, 10909 Falling Leaf*	
	Ken Farber, 10909 Falling Leaf	
	Joann Michaels, 10932 Falling Leaf*	
	Jeff Brown, 6709 Canyon Oak Ct	
	Alison Mosely, 10925 Smoky Oak Trail, Argyle	
	Brian Hargrove, 6713 Canyon Oak Court, Argyle	
	David Lopez, 11125 Smoky Oak Ct	

*submitted a public comment card; however, not available when called or opted not to speak

Mayor Dixon closed the Public Hearing for items 14 and 15 at 10:12 p.m.

Council Discussion

There was Council discussion regarding:

- Review the Master Plan amendment on its own merits and not focus on the fire station component

Item 14:

Councilmember Bumgarner moved to deny MPA19-0002 Canyon Falls. Councilmember Pierson seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: BUMGARNER, SHARMA, PIERSON

NAYS: FOREST, ENGEL

Item 15:

Mayor Pro Tem Sharma moved to deny ZPD19-0007 Canyon Falls. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

- Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0005 – Extended Stay Hotels) by amending Chapter 98 entitled “Zoning,” of the Town’s Code of Ordinances, to create or modify the definitions and define the standards for hotels and motels, extended stay hotels, and specific use permit automatic renewals. (The Planning and Zoning Commission recommended approval with modifications by a vote of 6 to 1 at its August 12, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Background/previous information
- Proposed definition updates
- New hotel criteria
- Additional criteria
- SUP process
- Questions from Planning and Zoning (P & Z) Commission
- P & Z amendments to the recommendation

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

- The legalities regarding the five year limitation for an extended stay hotel and what is the objective for that language
- Is there a difference in hotel tax for a regular hotel versus an extended stay hotel
- What options could be put in place to deter criminal activity
- Ability to consider each facility independently
- Clarification regarding what is being requested of Council
- Option of creating a units per acre criteria (i.e. 23 in Frisco)
- Clarification about the notification to the Town if there was a change in ownership
- Why would there be a notation in the Ordinance about checking out cooking appliances as opposed to spelling out the kitchenette component of the facility (i.e. stove, refrigerator, etc.)
- Possibility of putting a definition to a kitchenette, laundry
- Possibility of dictating an SUP process for all hotels

Council Discussion

There was Council discussion regarding:

- The need for certainty in the development word as it defines expectations
- Concerns regarding adding an SUP component for every hotel and the additional steps an applicant would need to go through

Mayor Dixon opened the Public Hearing at 11:25 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	Warner Watkins, 2800 London Ln

Mayor Dixon closed the Public Hearing at 11:28 p.m.

Deputy Mayor Pro Tem Forest moved that for LDR19-0005 (Extended Stay Hotels) have staff redefine the use of an extended stay hotel, and to include real definitions and the requirement for the applicant to come in for an SUP. Councilmember Bumgarner seconded the motion.

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

17. Consider approval of an ordinance amending the duties of the Judge of Municipal Court of Record to modify the number of reports to the Town Council required per year (On August 5, 2019, the Town Council voted to postpone this item to August 19, 2019, by a vote of 5 to 0).

Councilmember Engel moved to approve item 17 as written, and with a June report to be in person and additional reporting as deemed necessary by the judge. Mayor Pro Tem Sharma seconded the motion.

ORDINANCE NO. 41-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AMENDING THE DUTIES THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND TO MODIFY THE NUMBER OF REPORTS TO THE TOWN COUNCIL REQUIRED PER YEAR; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE****L. BOARDS/COMMISSIONS (Pre-Council Room)**

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.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 11:39 p.m. on August 19, 2019, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, and reconvened into an open meeting at 1:20 a.m. on August 20, 2019, and no action was taken on the following items:

- a. Consultation with Attorney.
 - 1. Regarding bills passed during 86th Texas Legislature
 - 2. Cause No. CV-2019-00241 Elaine Wells v. Town of Flower Mound et al. and regulation of short term rental properties.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural art center and/or other municipal purposes and all matters incident and related thereto.
- c. 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.
- d. Presiding Municipal Court Judge.
- e. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

O. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 1:20 a.m. on Tuesday, August 20, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY