

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 16TH DAY OF SEPTEMBER 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
Tammy Wilson	Exec Dir of Financial Services
Kay Wilkinson	Budget Officer
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Clayton Riggs	Assistant Director of Public Works
Tom Vyles	Environmental Health Manager
Brian Waltenburg	Assistant Director of Engineering

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 Cub Scout Pack 295 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.

	Speaker names and address	Subject (as written on the form)
1.	Paul Stone, 4100 Broadway	Various – Budget and Politics
2.	Lori Walker, 4913 Kingswood	Announcement
3.	Warner Watkins, 2800 London Dr	Budget; 21 - support
4.	Kevin Bryant, 3513 Castlewood	21 – 24
5.	Robert Rawson, 1409 Basil Dr	Public comment; 21 - support

6.	James Rawson, 1313 Cilantro Dr	21 - support
7.	Bjorn Vandug, 2016 Barton Creek Ln	Council member experience and budget
8.	Sarah Vaught, 3624 Burlington Dr	Town staff
9.	Tim Whisenant, 2121 Helmsford	Town budget
10.	Dan Licardo, 4200 Broadway Ave	Public participation
11.	Don McDaniel, 3801 Hide A Way	Blood drive
12.	David Johnson, 3617 San Paula	Public comment
13.	Geany Glock, 1904 Stonehill Dr, Justin, Tx	2020 Census jobs
14.	Sharon Gentry, 2750 Bob White Ln	Public comment
15.	Jay Marks, 2105 Larkspur	Public comments
16.	Karen Rawson, 1409 Basil Dr*	21 – support
17.	Brit Stock, 3701 Acton With donated time from: 1. Alexis Grossman, 4100 Broadway 2. Beth Dilley, 3100 Sagebrush Dr	Budget
18.	Albert Picardi, 1525 Lindby	Public participation
19.	Bryan Webb, 4112 High Rd With donated time from: 1. Alison Olson, 4509 Ironwood Dr 2. Cherie Hadjian, 1624 Lansdale Dr 3. Pat Graves, 2104 Kings Forest 4. Doug Graves, 2104 Kings Forest	Budget and process

**Submitted a public comment form; however, indicated do not wish to speak*

E. PRESENTATIONS

1. Proclamation for United Way of Denton County, “LIVE UNITED Month”

Mayor Dixon recited the Proclamation and presented it to the following United Way representatives:

Rob Seay, United Way Board Member;
Gary Henderson, President and CEO United Way Denton County;
Teddy Yan, Director of Financial Initiatives

2. Recognition of the 2019 Food Safety Award of Excellence winners and National Food Safety Month

Mr. Vyles provided background information on the program and announced the winners:

- Fast Food: Pizza Hut, 2717 Cross Timbers Rd.
- Full Service: Pier 407 Seafood & Grill
- Hospital/ Assisted Living: Autumn Leaves
- Grocery Store: Tom Thumb, 2301 Justin Rd.

3. National Septic Smart Week Proclamation

Mayor Dixon recited the Proclamation and presented it to Mr. Vyles.

F. ANNOUNCEMENTS

Mayor Dixon provided a statement of fact regarding a criminal complaint that has been filed with the Denton County District Attorney's Office, which names several members of staff along with the entire 2018 Town Council. He reported that after reading the complaint and consulting with the Town Attorney, he felt compelled to state that the allegations are clearly baseless. Additional statements were also provided on the matter.

Councilmember Bumgarner had the following announcements:

- Thanks to the Summit Club for the blood drive and for Dan Licardo and his involvement
- Thanks to Troop 295 for being here
- Mayor Steve Dixon was awarded Best Mayor of Denton County

Councilmember Engel had the following announcements:

- Keep Flower Mound Trash Bash on Saturday, September 28
- On 10/5 there will be a Casino night at the Marriott Courtyard for the Flower Mound Citizen Police Academy Alumni Association to benefit the Police Department's Santa Cops program
- His thoughts regarding the criminal complaint

Councilmember Pierson had the following announcements:

- Shared his thoughts regarding the criminal complaint
- Reported on the LISD dignitary game at Marcus High School

G. TOWN MANAGER'S REPORT

Mr. Stathatos summarized the Town's financial position and provided an update on the following projects:

1. Capital improvement projects
 - Yucca and Churchill
 - Sidewalk links and ADA improvements
2. Economic Development projects
 - Hotel Indigo has submitted plans (Lakeside Crossing)
 - Economic score card is now on line

Mr. Dalton provided an update on the following project:

3. Small Cell Permits
 - Background information
 - Macro cell map (traditional cell towers – 21 sites), including photographs
 - Small cell poles
 - 112 permits to date (17 finalized and 95 in process)
 - pictures of sites
 - map of locations and providers

and he responded to the following questions from Council:

- What is the time frame for the proposed sites
- Is there a process that residents can be involved in to communicate the poor service in some areas of Town
- Do the towers present any type of safety concern as it relates to radiofrequency emissions

H. FUTURE AGENDA ITEMS

1. There were no items requested for a future agenda.

I. COORDINATION OF CALENDARS

Mayor Dixon announced the following upcoming meetings:

1. Board and Commission Interviews (9/17 & 9/19).
2. A regular meeting is scheduled for Monday, October 7.
3. A joint work session with Parks Board is scheduled for Thursday, October 17.

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 September 3, 2019.
2. Consider approval of a resolution adopting a new voting system for Town elections (Tarrant County); and providing an effective date.

RESOLUTION NO. 13-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING A NEW VOTING SYSTEM FOR TOWN ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

Item 3 moved from consent to regular items.

4. Consider and approve annual update to the River Walk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll
5. Consider approval of an ordinance adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

ORDINANCE NO. 46-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED

SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

6. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of Ordinances by amending Section 70-777 relative to the charges for the Stormwater Utility System fee.

ORDINANCE NO. 47-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

7. Consider approval of an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and wastewater service; providing a severability clause; providing for publication; and providing an effective date.

ORDINANCE NO. 48-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING THE CHARGES CONTAINED THEREIN FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER SERVICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of a resolution amending the financial policies of the Town of Flower Mound.

RESOLUTION NO. 14-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF AMENDED FINANCIAL POLICIES; AND PROVIDING AN EFFECTIVE DATE.

9. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

RESOLUTION NO. 15-19

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

10. Consider approval of the purchase of 18 sets of bunker gear for \$49,130.82 and 100 pairs of firefighting gloves for \$7,286.00 from NAFECO, Inc. through Buyboard Purchasing Contract # 514-17 in the total amount of \$56,416.82 and authorization for the Mayor to approve same on behalf of the town.
11. Consider approval of Change Order No. 2 for the Flower Mound Central Fire Station, Phase II project, amending the contract with Schmoltdt Construction, to provide for an increase to the contract in the amount of \$45,084.11; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of a Construction Manager at Risk Agreement for the restoration of the Gibson Grant Log Cabin Project with Phoenix I Restoration and Construction, Ltd., for a fixed fee of \$185,244.00; and authorization for the Mayor to execute the same on behalf of the Town.
13. Consider approval of Change Order No. 1 to North Rock Construction, LLC,. for the Bakersfield Rest Room and Concrete Walkways project, in the amount of \$89,818.03; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of Amendment No. 1 to the Professional Services Agreement with Alan Plummer Associates, Inc., to provide additional contract construction management and resident project representation services, associated with Wastewater Treatment Plant Rehabilitation Phase IV project for an increase of \$30,000.00; and authorization for the Mayor to execute same on behalf of the Town.
15. Consider approval of a Professional Services Agreement with ECS Southwest, LLP., to provide construction materials engineering and testing, for the Kirkpatrick Lane 12-Inch Water Line Phase II project, in the amount of \$47,170.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of a Construction Agreement with A&M Construction and Utilities, Inc., for the Kirkpatrick Lane 12-Inch Water Line Phase II project, in the amount of \$867,140.80; and authorization for the Mayor to execute same on behalf of the Town.
17. Consider approval of a Professional Services Agreement with ECS Southwest, LLP, to provide construction materials engineering and testing, for the FM2499 12-Inch Water Line Phase I project, in the amount of \$18,320.00; and authorization for the Mayor to execute same on behalf of the Town.
18. Consider approval of a Construction Agreement with GRod Construction, LLC., for the FM2499 12-Inch Water Line Phase I project, in the amount of \$859,092.30; and authorization for the Mayor to execute same on behalf of the Town.

Items 19-20 moved from consent to regular items.

Mayor Pro Tem Sharma moved to approve by consent Items 1, 2, 4 – 18, 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**

3. Consider approval of a Professional Services Agreement with Matrix Consulting Group, Inc. to conduct an assessment of the development review process, in the amount of \$34,800.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Engel recalled that a few meetings ago Council directed staff to look at development and permit fees, etc. He indicated that this might be a good opportunity to expand the scope since for a review of the Town's development and permitting fee structure.

There was Council consensus to proceed with a revised scope of work as discussed, and with the understanding that staff would come back with an amendment so as to not delay their going forward with what is currently outlined.

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

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

Mayor Dixon opened items 19 and 20 at the same time.

19. Consider approval of a Professional Services Agreement with Braun Intertec Corporation, to provide construction materials engineering and testing, for the Valley Ridge Blvd & Morriss Road Intersection Improvements and Windsor Drive Roundabout Connection projects, in the amount of \$30,182.00; and authorization for the Mayor to execute same on behalf of the Town.
20. Consider approval of a Construction Agreement with 2L Construction, LLC., for the Valley Ridge Blvd & Morriss Road Intersection Improvements and Windsor Drive Roundabout Connection projects, in the amount of \$613,413.50; and authorization for the Mayor to execute same on behalf of the Town.

Mr. Waltenburg responded to the following questions from Council:

- What stage is the Town in with these projects
- What is the investment so far

Deputy Mayor Pro Tem Forest moved to approve items 19 and 20 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:
AYES: FOREST, SHARMA, ENGEL
NAYS: BUMGARNER, PIERSON

Motion passed

Mayor Dixon opened Items 21-24 at the same time.

21. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and making appropriations for each fund and department.

Staff Presentation

Ms. Wallace gave a presentation for items 21 - 24 identifying or noting:

- Budget process
- Budget timeline
- How Flower Mound compares (Benchmark cities) in the areas of population, tax rate, debt tax rate, % of the tax rate used to pay debt, percentage of governmental outstanding debt, total debt per capita, direct and overlapping debt per capita, full time equivalent (FTE) per capita, unassigned fund balance and financial policy
- Strategic goals
- Financial goals
- Required budget and tax rate adoption language
- 2019 debt service and tax rate
- General fund
- Residential and commercial tax bill comparison
- Utility fund
- Water/Wastewater rates
- Stormwater utility fund
- SWUS Rates
- Special revenue funds
- Total CIP – general
- Streets projects
- Signal projects
- Parks projects
- Total CIP – Utility
- Water projects

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

- In your professional opinion, which of the tax rates would be best to serve our Town and why
- Clarification that the proposed tax rate is \$0.4390
- Clarification regarding a proposed motion for a different amount

and there was Council discussion regarding:

- How it was never about reducing compensation and how the discussion started about performance based increases
- Effective tax rate versus proposed tax rate and associated impacts

- Possibility of one half a percent reduction on the tax rate and acceptance of the proposed cuts presented by staff
- Possibility of \$0.4365 tax rate
- Appreciation for the work to date regarding the budget reductions
- Budget history (presentation by Councilmember Pierson)
- How there are sufficient cuts in the budget that the Town can live with

ORDINANCE NO. 49-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Deputy Mayor Pro Tem Forest moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and making appropriations for each fund and department. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

Deputy Mayor Pro Tem Forest moved to ratify the property tax revenue increase reflected in the FY 2019-2020 budget. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

22. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020.

RESOLUTION NO. 16-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Deputy Mayor Pro Tem Forest, acting as the Board of Directors for the Crime Control and Prevention District, moved to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020. Councilmember Bumgarner seconded the motion.

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

23. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020.

RESOLUTION NO. 17-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Deputy Mayor Pro Tem Forest, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, moved to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020. Councilmember Engel seconded the motion.

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

24. Consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2019.

Deputy Mayor Pro Tem Forest moved that the property tax rate be increased by the adoption of a tax rate of \$0.4390 per \$100 of assessed value, which is effectively a 2.77 percent increase in the tax rate; and moved to approve an ordinance adopting the 2019 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4390 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2019." No one seconded the motion.

Motion failed due to lack of a second

Mayor Pro Tem Sharma moved that the property tax rate be increased by the adoption of a tax rate of \$0.434 per \$100 of assessed value, which is effectively a 1.6 percent increase in the tax rate; and moved to approve an ordinance adopting the 2019 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and for each fiscal year thereafter until otherwise provided, at the rate of

\$0.434 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2019.” No one seconded the motion.

Motion failed due to lack of a second

ORDINANCE NO. 50-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4365 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2019; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2019 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilmember Engel moved that the property tax rate be increased by the adoption of a tax rate of \$0.4365 per \$100 of assessed value, which is effectively a 2.18 percent increase in the tax rate; and moved to approve an ordinance adopting the 2019 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4365 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2019.” Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

Mayor Dixon opened Items 25-26 at the same time.

25. Public Hearing to consider an application for a tree removal permit for one hundred seven (107) specimen trees on property proposed for development as Lakewood development. The property is generally located north of Long Prairie Road and east of Silveron Boulevard. Commission Member Naylor seconded the motion. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 5, 2019, meeting).

Councilmember Pierson moved to deny item 25 (Tree removal – Lakewood). Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: BUMGARNER, SHARMA, ENGEL, PIERSON

NAYS: FOREST

26. Public Hearing to consider a request for rezoning (ZPD17-0013 - Lakewood) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No.163 (PD-163) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan, including a Comprehensive Sign Package, and with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, and a waiver to the Architectural Standards in the Town's Urban Design Plan for roof pitch for certain buildings less than 15,000 square feet in size, a request for an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and with certain waivers, exceptions and modifications to the Code of Ordinances including but not limited to an exception to Section 98-147, "Topographical Slope Protection," and consider adopting an ordinance providing 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 Long Prairie Road and east of Silveron Boulevard. (The Planning and Zoning Commission recommended denial by a vote of 6 to 1 at its August 26, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation for items 25 and 26 identifying or noting:

- General location
- Detailed location
- Project proposal
- Waivers and exceptions requested
- Concept site plan
- Other environmental impacts
- Trees proposed to be removed
- Open space
- Comprehensive Sign Package request
- Modifications summary
- Campus Commercial uses by right
- Phasing

and she, or Ms. Bruce responded to the following questions from Council:

- Clarification regarding:
 - The amount of waivers/exceptions
 - What is the ratio of residential versus nonresidential square footage
- What is the level of service on FM 2499
- Do the other developments in the area with residential components meet the marketing needs
- How long is the pedestrian bridge and how close is the nearest public parking
- Would it be possible to put parking stalls around the park

Applicant Presentation

Kendra Stephenson, 3505 Yucca Dr, Portmanteau Consulting, representing the property owner and lead developer.

Mark Myer, TBG Partners

Alex Rathbun, Kimley-Horn, 13455 Noel Road, Dallas

Ms. Stephenson gave a presentation identifying or noting:

- Development partners
- Lakeside Business District aerial map
- Site analysis
- Site condition
- Existing entitlement
- The lake aerial view
- Lakewood addresses issues with existing mixed use projects and existing zoning
- Lakewood Master Plan
- Land use
- Regional trail system
- Artist rendering of lake area
- Linear park
- Preserved upland and open space
- Entertainment zone
- Commercial zone (3)
- Single family residential
- ECC approval
- Parks approval
- Staff comments and P & Z questions
- Lakewood meets applicable limited residential requirements
- Lakewood land use versus lakeside Business District Are mixed use project
- Exceptions, modifications, and unresolved items
- Elevation comparisons
- Typical retail elevations

and she, or Mr. Meyer, or Mr. Rathbun, responded to the following questions from Council, some of which were as a result of the public hearing:

- Clarification regarding the pitched roof exception, impact of the slope, open space
- Clarification regarding phasing
- What is the plan for the ponds adjacent to Long Prairie Road
- Traffic study results

Mayor Dixon opened the Public Hearing for items 25 and 26 at 10:30 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
Patsy Mizeur, 1821 Castle Ct	Adam Schiestel, 2205 Waterford Dr	None
	Judy Collins, 1537 Simmons Rd**	Tim Whisenant, 2121 Helmsford

	Sandy Fambrough, 4105 Spring Meadow Ln*	
	David McCarty, 1412 Stapleton*	
	Scott Langley, 800 Carter Ct*	
	Lori Pearson 5304 Singing Brook*	
	KC Walsh, 3525 High Rd*	

*submitted a speaker card but indicated did not wish to speak

**submitted a speaker card but was not available when called

Mayor Dixon closed the Public Hearing for items 25 and 26 at 10:34 p.m.

There was Council discussion regarding:

- How traffic issues on 2499 is not going to change
- How it's a good use of the property and there is a lot of open space
- Traffic concerns
- How people in Lakeside want a grocery store
- Aspects of the project that are nice
- Issues (residential density, commercial and single story buildings, parking)
- Too much stuff concentrated in one area
- Concerns regarding the number of exceptions being requested
- Market demands
- Concerns regarding the amount of residential
- Rather see the lake and the amenities (including the ponds across the front) activated, along with the retail and office building instead of a motel and retailers like Dollar Tree, etc.
- How traffic will continue to be an issue
- Urban versus suburban classification
- Recognize that a mixed use is needed; however, the amount of residential in the area should allow the development to be sustained
- Understanding that the property will be developed but concerns regarding the whole package

Mayor Pro Tem Sharma moved to deny item 26 (ZPD Lakewood PD-163). Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: PIERSON, ENGEL, SHARMA, BUMGARNER

NAYS: FOREST

27. Public Hearing to consider a request for Specific Use Permit No. 456 (SUP19-0001 - RaceTrac) to permit a convenience store with gasoline sales, 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, an exception to Section IV.C.5. of the Town's Engineering Design Criteria regarding the requirement for a wet detention pond, an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, a waiver to the Architectural Standards in the Town's Urban Design Plan regarding roof pitch and a deviation to the required parking standard pursuant to Section 82-73 of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment.. The property is generally located east of Long Prairie Road and south of Spinks Road. (The

Planning and Zoning Commission recommended denial by a vote of 4 to 3 at its September 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Land use and zoning
- Photos of the site
- Exceptions and waivers
- Landscape plan
- Exceptions: drive spacing
- Exception: wet pond
- Elevations
- Waiver: roof pitch
- Exception: franchise architecture
- Turning movements
- Comprehensive site plan
- Landscape plan

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

- Where are the fuel pipes within the property
- Are the parking standards different for restaurant versus a convenience store
- Is there a map of area convenience stores
- Since it's a right in only what is the objection to the other driveway
- Why aren't deceleration lanes an option

Applicant Presentation

Drew Cunningham, Race Trac Petroleum, Atlanta, GA

Mr. Cunningham gave a presentation identifying or noting:

- Company information
- The property (map)
- Summary of request
- Proposed site plan
- Proposed landscape plan
- Parking waiver
- Drive on Spinks
- Standard canopy
- Enhanced canopy
- Standard elevation
- Enhanced elevation
- Renderings
- Truck route concern; truck turn radius

and he responded to the following questions from Council:

- Traffic patterns as it relates to markets and overall flow
- Where are other RaceTrac locations nearby

- Does the spacing requirements work today at other Race Trac stores based on the truck standards

Mayor Dixon opened the Public Hearing at 11:26 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
Ron Crosby, 16741 Village Ln, Dallas, Tx	Tim Whisenant, 2120 Helmsford	None
	Sandy Fambrough, 4105 Spring Meadow Ln**	
	Scott Langley, 800 Carter Ct*	
	KC Walsh, 3525 High Rd*	
	David McCarty, 1412 Stapleton	
	Lori Pearson, 5304 Singing Brook	

*submitted a speaker card but indicated did not wish to speak

**submitted a speaker card but was not available when called

Mayor Dixon closed the Public Hearing at 11:32 p.m.

Council Discussion

There was Council discussion regarding:

- Emails received and traffic concerns regarding the proximity to areas where children travel
- 24 hour convenience station may result in high traffic numbers
- Concerns regarding traffic patterns, truck movements, and passage lanes are a bit tight
- Concerns that a lot is being compressed in small acreage
- Appreciation for the building design, patio
- How it will not be bringing in “new” sales tax to the Town and may hurt other businesses
- How the applicant states they have over 400 stores and the truck patterns work
- There is nothing on the site that precludes them from being there
- How proper signage can keep trucks from coming out on Spinks
- Even if there are 50 gas stations in the area it’s not Council’s job to make sure the market can handle the store
- The main issue has to do with safety

Deputy Mayor Pro Tem Forest moved to approve SUP19-0001 – RaceTrac SUP – 456 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:

AYES: FOREST

NAYS: PIERSON, ENGEL, SHARMA, BUMGARNER

Motion failed

Mayor Pro Tem Sharma moved to deny SUP19-0001 – RaceTrac SUP – 456. Councilmember Bumgarner seconded the motion.

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

Administrative Note: A super majority was required for this item due to the Planning and Zoning recommendation vote of denial.

28. Public Hearing to consider a request for rezoning (ZPD19-0010 – Parker Square CSP Building 700) to amend the Comprehensive Sign Standards within Planned Development District No. 24 (PD-24) by allowing certain attached office tenant signs for Building 700, and consider adopting an ordinance providing for said amendment. The property is located north of Cross Timbers Road at 700 Parker Square Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 1 at its September 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Site photos of the building subject to the request
- Proposed signs

Council Discussion

There was Council discussion regarding:

- How the new signage will be helpful for residents to navigate their way around the property

Mayor Dixon opened the Public Hearing at 11:50 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 11:50 p.m.

ORDINANCE NO. 51-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 80-03, WHICH AMENDED PLANNED DEVELOPMENT DISTRICT NO. 24 (PD-24) FOR (O) OFFICE DISTRICT AND (R-2) RETAIL DISTRICT-2 USES, BY AMENDING EXHIBIT "B" ON CERTAIN PROPERTY DESCRIBED AS LOT 4R, BLOCK 1, OF THE PARKER SQUARE ADDITION, BY ALLOWING CERTAIN ATTACHED TENNANT WALL SIGNS; 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.

Councilmember Bumgarner moved to approve as presented. Councilmember Engel seconded the motion.

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

29. Consider a request for a Site Plan (SP19-0017 – Valley Creek Church Parking Lot Expansion) to develop a parking lot addition with 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 south of Dixon Lane and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its September 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General location
- Land use and zoning
- Parking allowance for a church
- Deviation to exceed the allowable amount of parking (reason why it's coming before Council)
- Photos of the site
- Site plan
- Previously approved site plan
- Landscape plan

and she responded to the following questions from Council:

- Why is there a problem with going 20% over for parking
- Are they required to irrigate the islands

Council Discussion

There was Council discussion regarding:

- How it's great to see them doing so well that they need more spaces
- How there is never enough parking in a lot of places
- How there is an unlikelihood of something being along Dixon

Deputy Mayor Pro Tem Forest moved to approve item 29 (SP19-0017 – Valley Creek Church Parking) as presented. Mayor Pro Tem Sharma seconded the motion.

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

30. Consider approval to award Bid No. 2019-155-B to Archer Western Construction, LLC., for the Wastewater Treatment Plant Rehabilitation Phase V, Solids Facility Improvements, in the amount of \$9,199,060.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Riggs gave a presentation identifying or noting:

- Project description (demolition, installation)
- Construction time of 600 days
- Why is it needed
- Bid response
- Aerial of the treatment facility

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

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

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

- a. Consultation with Attorney.

Regulation of Short Term Rentals

- b. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural arts center, 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.

N. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 12:03 a.m. on Tuesday, September 17, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY