

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 1ST DAY OF OCTOBER 2018, 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.

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
Chuck Russell	Town Planner
Bob Pegg	Engineering Manager

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 Richard Plunk gave the invocation and Mayor Dixon led the pledges.

D. PRESENTATIONS

1. Special Recognition of German Exchange Students

Anja Jarboe, German Teacher, Marcus High School, provided background information about the exchange student program and Mayor Dixon presented each of the German exchange students with a Certificate of Recognition.

2. Check Presentation from Atmos for the purchase of an Underwater Remotely Controlled Vehicle

Jan Rugg, Manager, Public Affairs, Atmos Energy, presented Brandon Barth, Emergency Management Officer, with a check in the amount of \$11,000 for an underwater remotely controlled vehicle.

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.	Ben Tienor, 3609 Jennifer Dr	Liberty Park Development
2.	Barbara Etter, 4404 Trotter	Not identified
3.	Beth Dilley, 3100 Sagebrush Dr	Agenda item 10
4.	Bryan Webb, 4112 High Rd	Agenda item 10
5.	Alton Bowman, 6524 Orchard Dr	Agenda item 10
6.	Sweetie Bowman, 6524 Orchard Dr	Agenda item 10
7.	Nancy Wright, 2309 Dove Meadow Dr with donated time from: • Julie Kluthe, 2328 Whitman Ln	Agenda item 10
8.	Samantha Wood, 1605 Mistletoe Dr	Agenda item 15 (Sunset Point)

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Forest announced that the Outstanding Citizenship Award committee will soon be reviewing nominations for this prestigious award.

Councilmember Bryant announced that tomorrow is National Night Out and he stressed the importance of this event. He also announced that the Fire Department Open House is this Saturday.

Mayor Pro Tem announced Food Truck Fest scheduled for October 7th.

Councilmember Sharma announced that tomorrow is International Non-Violence Day. He also reported having learned about a Green Advisory Board from the City of Irving where they are doing “green” education programs for businesses and indicated there is an opportunity for collaboration with the Town.

Mayor Dixon congratulated the Flower Mound police officers that participated in the Chamber of Commerce Clay Shoot event. He also reported on a positive experience a citizen had with the Town’s Fire Department.

G. TOWN MANAGER’S REPORT

Mr. Stathatos reported on the following projects:

1. Capital improvement projects
 - Skillern Road widening
 - And he responded to questions from Council regarding:
 - Whether the road will be completely shut down from Skillern to Flower Mound Road or will there be limited mobility
 - Traffic signal at 377 @ Canyon Falls

2. Economic Development projects

- Nektar juice bar now open
- Novel Coffee Roasters (new name – previously Trio Craft Coffee)
- Highlighted the following businesses that are celebrating their one year anniversary:
 - Courtyard Marriott
 - State Draft House
 - Local Pint
 - Mena's restaurant

H. FUTURE AGENDA ITEMS

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

I. COORDINATION OF CALENDARS

Mayor Dixon announced that the next Town Council regular meeting is scheduled for Monday, October 15, 2018 and confirmed attendance by members of Council.

Ms. Scott also asked for feedback on the dates of 10/29 and 10/30 for the purpose of providing Council with an overview of the equipment at the new town hall.

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 held on September 17, 2018.
2. Consider approval of the minutes from a regular meeting of the Town Council held on September 18, 2018, and September 20, 2018.
3. For the Parks Board consider appointing Mr. Mark Mayer from Place 8 (alternate) to Place 6 (regular) and Mr. Daniel Cummings from Place 6 (regular) to Place 8 (alternate).
4. Consider approval for a carrier agnostic cell phone boosting system for the new Town Hall.
5. Consider approval of an agreement with Axon Enterprise, Inc., to purchase body worn camera products; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of the award of Bid No. 2018-124-B, to Bean Electric Inc., for the construction of the US 377 at Canyon Falls Drive – Traffic Signal Construction project, in the amount of \$85,082.55; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of the Professional Services Agreement with Mesa Design Associates, Inc., for the design services associated with the Canyon Falls Park project, in the amount of \$149,500.00; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of the Professional Services Agreement with Studio Outside Landscape Architecture, LLC., for the design services associated with the Rheudasil Park Improvements project, in the amount of \$136,700.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of the purchase of pavement marking services, in the estimated annual amount of \$300,000.00, from Stripe-A-Zone, through a City of Grand Prairie contract.

Councilmember Bryant moved to approve by consent Items 1 – 9, as presented in the agenda caption. Mayor Pro Tem Webb 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: FOREST, ENGEL, BRYANT, WEBB, SHARMA

NAYS: NONE

K. REGULAR ITEMS

10. Consider approval of a Cultural Arts Master Plan for the Town.

Staff Presentation

Ms. Ridnour provided background information about the process that led to the creation of the Cultural Arts Master Plan, which included a timeline, goals for the cultural arts plan, and the hiring of The Cultural Planning Group (CPG).

The Town Council recessed at 6:55 p.m. due to technical difficulties and reconvened at 7:00 p.m.

Ron Miller, Chair, Cultural Arts Commission

Mr. Miller provided background information on the Cultural Arts Commission and the work that went into the creation of the Cultural Arts Master Plan.

Consultant Presentation

Martin Cohen, Cultural Planning Group

Mr. Cohen gave a presentation identifying or noting:

- Review of planning process
- Process overview
- Key findings

- Plan development
- Overarching goals

Council Discussion:

- How it would have been nice to see a graphic that better describes the plan
- Somewhat concerned about the capital outlay
- Support for the implementation plan and importance of framing out what is actually needed for the Town
- Appreciation for everyone involved that worked on the plan
- Whether the Cultural Arts Plan is a want or a need for the Town
- How a “yes” vote does mean that dollars will need to be spent and Council will need to be responsible in making those decisions at that time
- Government’s role in the area of the arts
- How this is just one step in a larger plan
- Given the limited budget there would need to be a community partnership, and especially with local artist groups
- How cultural arts improves the quality of life
- If approved, Council will need to find ways to fund it and adjust priorities

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

VOTE ON MOTION:

Motion passed

AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST

NAYS: NONE

11. Public Hearing to consider a request for rezoning (ZPD17-0003 - NEM Senior Living) from Retail District-1 (R-1) to Planned Development District No. 154 (PD-154) with age-restricted, high-density residential use, and with certain modifications and exceptions to the Code of Ordinances, and to 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 south of Rippy Road and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its September 24, 2018, meeting.)

Staff Presentation

Mr. Russell provided background information about the item and indicated the request is to open the item and then postpone it to October 15th because the development agreement needs some additional work.

Mayor Pro Tem Webb moved to postpone this item, which includes the public hearing to consider a request for rezoning (ZPD17-0003 – NEM Senior Living), to the October 15, 2018, Town Council meeting. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion to postpone passed.

AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA

NAYS: NONE

Mayor Dixon opened items 12, 13, and 14 at the same time.

12. Public Hearing to consider a request for rezoning (ZPD18-0006 – Townlake East) from Agricultural District (A) to Planned Development District No. 166 (PD-166) for a cluster development with certain modifications and exceptions to the Code of Ordinances and to consider adopting an ordinance providing for said amendment, and acceptance of 13.11 acres of Park Land Dedication and a Park Development Fee credit in the amount of \$77,728 for extensions of the Town's eight-foot-wide Hike and Bike Trail System. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 24, 2018, meeting.)

Staff Presentation

Mr. Russell gave a presentation for items 12, 13, and 14 identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of the subject property
- Cross Timbers Conservation District overview
- Open space plan
- Concept plan
- Hardscape plan
- Specimen tree removal request
- Variance request as it relates to the gas well pad
- Subdivision overlay
- Record plat for Magnolia Park and stub out connection

Applicant Presentation

Mike Boswell, Director of Land Development, Toll Brothers

Mr. Boswell gave a presentation identifying or noting:

- Explanation and requirements within the Cross Timbers District area plan
- Townlake history east of Flower Mound Road
- Townlake application today includes the cluster development option
- Setbacks proposal
- Concept plan
- Variance request
- Open space plan
- Specimen tree removal request
- Landscape buffer
- Trail connectivity of the site
- Townlake East milestones (notifications and time line)

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

- Clarification that the pad site access is off of Flower Mound Road and not within the subdivision

- Trail plans within the development
- Is the future of the gas well known
- Will there be access within the 400’ surrounding the gas well
- What does “maintained” mean for the 400’ surrounding the gas well and who will maintain it
- Clarification that the variance approval by the Oil and Gas Board of Appeals was final and that no action from Council is necessary
- Clarification on the agricultural zoning as well as any requirement for a wall
- Roadway connection plans

Mr. Meredith provided an explanation as it relates to discretionary options for Council consideration.

Council Discussion

There was Council discussion regarding:

- Concerns regarding the potential use of Magnolia during construction and if language should be added in the PD that prevents thru traffic during construction
- How Council is not voting on a tennis center tonight and the vote is about zoning and how to handle that part of it
- Acknowledgement for the request of a tennis center from those who spoke
- How it is a rare occurrence where the Town gets 13.11 acres given to the Town, and interest in seeing that use be a tennis center in the future
- Will be getting 100 trees, losing 5, but all 5 will be mitigated on the property

Mayor Dixon opened the Public Hearing for items 12 and 13 at 7:53 p.m. Public comment was heard for companion item 14 at this same time.

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
Jim Linker, 2504 Cross Haven Dr (14)	Amy Canava, 4600 Darlington Dr (12 & 14)	None
Cale Balusek, 3705 Hillsdale Dr (14)		
Tom Hayden, 4213 Huntwick Ln (14) with donated time from: <ul style="list-style-type: none"> • Mandy Rhodes, 6501 Red Bud Dr • Katie Mayer, 3612 Burlington Dr 		
Nancy Kleckner, 2608 Wisdom Creek Dr (12) With donated time from: <ul style="list-style-type: none"> • Lauren Dignam, 5204 Seville Ln 		
Nancy Ramey, 3412 W Windsor Dr (14)*		
Tanya Balusek, 3705 Hillside*		
Tina Hennessey, 2100 Paradise Ln*		

*indicated did not wish to speak but would like to record their support (item 14)

Mayor Dixon closed the Public Hearing for items 12 and 13 at 8:25 p.m.

For item 12 Councilmember Bryant moved to approve a request for rezoning (ZPD18-0006 – Townlake East) from Agricultural District (A) to Planned Development District No. 166 (PD-166) for a cluster development with certain modifications and exceptions to the Code of Ordinances, and adopt an ordinance providing for said amendment, and acceptance of 13.11 acres of Park Land Dedication and a Park Development Fee credit in the amount of \$77,728 for extensions of the Town's eight-foot-wide Hike and Bike Trail System; and with the requirement of no construction thru traffic during construction through Magnolia Parkway. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 32-18

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 89.925 ACRES OF LAND SITUATED IN THE J. MALONE SURVEY, ABSTRACT NUMBER 857, AND THE M.E.P. & P.R.R. SURVEY, ABSTRACT NO. 935, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 166 (PD-166) FOR SINGLE FAMILY RESIDENTIAL USES WITH CLUSTER DEVELOPMENT STANDARDS IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING 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, WEBB, BRYANT, ENGEL, FOREST

NAYS: NONE

13. Public Hearing to consider an application for a tree removal permit for five (5) specimen trees on property proposed for development as Townlake East. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its August 7, 2018 meeting).

Mayor Pro Tem Webb moved to approve item 13 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA

NAYS: NONE

14. Consider a request for a Development Plan (DP18-0005 - Townlake East) to develop a residential subdivision. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 24, 2018, meeting.)

Mayor Pro Tem Webb moved to approve item 14 as presented in the agenda caption. Councilmember Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST

NAYS: NONE

15. Consider a request for a Development Plan (DP18-0003 - Sunset Point at Twin Coves, previously Ridge Bluff Estates) to develop a residential subdivision, 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 west of Simmons Road and south of Holly Lane. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its September 24, 2018, meeting.)

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- General and detailed location of the subject property
- Land use and zoning
- Photos of the subject property
- Approved development plan
- Proposed development plan with the key points of
 - 2012 DA in effect
 - Automated fire sprinkler systems
 - Upland habitat fees
- Preliminary sanitary sewer plan
- Landscape plan

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

- Would there be an adjustment in the area of park fees since the calculations are from 2012
- What would be considered minor fill in for the steep slope areas (as noted in the letter of intent)

Applicant Presentation

Peter Edwards, Development Design Consultants

Mr. Edwards indicated he doesn't have a presentation; however, is available to answer any questions.

Mr. Edwards responded to the following questions from Council:

- What is different from the original plan as it relates to the emergency access to the Corp of Engineering land
- What is the need for the development to be gated

Council Discussion

- How this development was already approved once and some of the changes are outside of the applicant's control

Mayor Pro Tem Webb moved to approve a request for a Development Plan (DP18-0003 – Sunset Point at Twin Coves, previously Ridge Bluff Estates) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. Councilmember Bryant seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA****NAYS: NONE****L. BOARDS/COMMISSIONS (Executive Conference 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 did not convene into a closed meeting therefore no action was taken on the following items:

- 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 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. 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 8:56 p.m. on October 1, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY