

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4<sup>TH</sup> DAY OF NOVEMBER 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
Tiffany Bruce	Executive Director of Public Works
Andy Kancel	Police Chief
Justin Buck	Community Service Officer
Wendell Mitchel	Assistant Police Chief
Krissi Oden	Programs Coordinator
Chuck Jennings	Director of Parks and Recreation
James Hoefert	Environmental Review Analyst
Andrea Roy	Economic Development Director
Matt Hotelling	Traffic Engineer

**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 Packs 1225 and 392 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.	Randy Canivel, MSU; Brent Wallace, NCTC, 100 Parker Square	MSU & NCTC

2.	Dennis Haines, 2705 Brookwood Dr	Short term rental
3.	Lori Penner, 604 Crestbrook	Short term rental
4.	Cathy Holt, GM Bridlewood HOA	Air B & B's
5.	Brad Nicks, 2621 Brookwood Dr	Short term rental
6.	Mary Lou Yarter, 1108 Bur Oak Dr	Short term rental
7.	John Pittman, 2720 Bur Oak Dr	Item 33
8.	James Kavan, 1120 Bur Oak Dr	Short term rental property
9.	Sean Gaven, 1119 Bur Oak Dr	Short term rental regulations
10.	Stephanie Haines, 2705 Brookwood Dr	Short term rental
11.	Lee Hennigan, 2708 Brookwood	Short term rental

## **E. PRESENTATIONS**

1. 'National Night Out' neighborhood winner(s) award presentation

Chief Kancel provided background information about the National Night Out program and Officer Buck presented the 2019 block party award winners:

Large HOA - Lakeside  
 Small HOA - Lakemont  
 Private Party - Westchester Hillshire

and the National Night Out poster contest winners:

K – 1<sup>st</sup> – Lara Teng  
 2<sup>nd</sup> – 3<sup>rd</sup> – Derek Teng  
 4<sup>th</sup> – 5<sup>th</sup> – Stormy Smith

2. Proclamation to designate November as Arts Month in Flower Mound

Mayor Dixon recited the Proclamation for Arts Month and presented it to Krissy Oden, Cultural Arts Coordinator. She provided background information about Flower Mound arts programs and events.

## **F. ANNOUNCEMENTS**

Councilmember Bumgarner announced that November 5<sup>th</sup> is Election Day and he provided information about ballot items and where to vote.

Councilmember Engel announced that enrollment is now open for the Flower Mound Citizens Academy and he provided information about how to enroll.

Councilmember Pierson announced his experience with the recent Veterans Ceremony and expressed appreciation for all Veterans.

Mayor Dixon announced his experience at the Chamber's annual Fiesta event and extended his thanks to the Chamber staff for doing a great job in organizing it. He also announced that last Sunday was the groundbreaking for the new St. Phillips Church.

**G. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - 1171 @ Riverwalk improvements
  - Traffic signal at FM 2499 at Silveron
  - Lakeside Parkway northbound right turn lane
2. Economic Development projects
  - Businesses that recently opened or coming soon
3. DCTA Update

Mark Miller, Town appointed DCTA representative, gave a presentation identifying or noting:

- DCTA overview, including legislative changes
- System map
- Mobility-As-A-Service contracts
- Frisco Lyft program
- From Alliance Link to Lyft Zipzone
- Coppell Workforce Zone

and he responded to the following questions from Council, seeking clarification regarding:

- the board member structure
- Lyft services program that is run by area charitable organizations
- the partnership program with Lyft and what is the value

4. Transportation Model Update

Mr. Hotelling gave a presentation identifying or noting:

- Introduction
- Existing traffic counts
- Existing level of service (LOS) map
- Future traffic counts
- Future LOS
- Conclusions/Results

and he responded to the following questions from Council:

- A request for a copy of the presentation.

**H. FUTURE AGENDA ITEMS**

There were no request for future items.

**I. COORDINATION OF CALENDARS**

A regular meeting is scheduled for Monday, November 18.

Discuss and consider cancelling the work sessions for November 21 & December 19.

There were no objections to canceling the above referenced work sessions.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council on October 7, 2019; and a Town Council and Parks Board work session on October 17, 2019.
2. Consider approval of a resolution adopting the method for making written request for public information.

**RESOLUTION NO. 25-19****A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING THE METHOD FOR MAKING WRITTEN REQUEST FOR PUBLIC INFORMATION.**

3. Consider approval of a Contract for Services with Concentra Medical Centers to provide health assessments, fitness for duty assessments, alcohol and drug testing, injury medical treatment and case management, and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of an ordinance amending Chapter 18, "Businesses," Article III "Food and Food Establishments," by repealing Section 18-127, "Permit to allow dogs on food establishment outdoor patio," and amending Appendix A, "Fee Schedule," by removing the permit fee for Section 18-127, of the Code of Ordinances of the Town of Flower Mound, Texas.

**ORDINANCE NO. 52-19****AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY REPEALING SECTION 18-127 "PERMIT TO ALLOW DOGS ON FOOD ESTABLISHMENT OUTDOOR PATIO;" REPEALING THE FEE FOR A PERMIT TO ALLOW DOGS ON FOOD ESTABLISHMENT PATIOS; 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.**

5. Consider approval of a resolution accepting grant funds from the Department of Justice's Office of Justice Programs for the purchase of bulletproof vests for the Police Department as part of the FY 2019 Bulletproof Vest Partnership.

**RESOLUTION NO. 24-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF JUSTICE PROGRAMS FOR THE FISCAL YEAR 2019 BULLETPROOF VEST PARTNERSHIP PROGRAM; APPROVING THE PURCHASE OF BULLETPROOF VESTS FOR THE TOWN USING AWARDED GRANT FUNDS; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE BULLETPROOF VEST PARTNERSHIP PROGRAM.**

6. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of an Annual Maintenance Contract with Mass Notification Services, Inc for the Town's Outdoor Warning Siren System in the amount of \$18,055.00, and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of the purchase of emergency medical supplies and pharmaceuticals from Bound Tree Medical LLC, through the City of Cedar Hill Contract in the amount of \$105,000.00.
10. Consider approval of the purchase of Firefighter uniforms from Gall's LLC through the City of Frisco Cooperative Bid No. 1905-082 (TOFM No. 2019-168-I).
11. Consider approval of the purchase of forty-four sets of bunker gear from NAFECO, Inc. through BuyBoard Purchasing Contract No. 524-17 in the total amount of \$125,701.84. and authorization for the Mayor to approve same on behalf of the Town.
12. Consider approval of an agreement with Thomson Reuters, Inc., for a three-year fee agreement for a law enforcement database known as CLEAR; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of the purchase of one (1) new patrol boat and equipment for Police Services from Siddons-Martin, with funds from the awarded JAG police grant.
14. Consider approval of an increase to the annual purchase contract for asphalt overlay services from Reynolds Asphalt & Construction Company, through a City of Grand Prairie Contract (#16112) from an estimated total of \$350,000.00 to an estimated total of \$500,000.00.
15. Consider approval of a Professional Services Agreement with Wade Trim, Inc., for the design phase services associated with the Garden Ridge Phase II Water Line project, in the amount of \$94,103.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of a Professional Services Agreement with Wade Trim, Inc., for the design phase services associated with the Hillside Water Line Connection project, in the amount of \$36,420.00; and authorization for the Mayor to execute same on behalf of the Town.

17. Consider approval of a Construction Agreement with Roadway Solutions, Inc., for the FM 2499 at Silveron Traffic Signal project, in the amount of \$209,984.00; and authorization for the Mayor to execute same on behalf of the Town.
18. Consider approval of the purchase and installation of streetlights at the Forest Vista Elementary School from CoServ Electric, for work associated with the Roadway Amenities project, in the amount of \$55,909.26.
19. Consider approval of the purchase of new Traffic Signal Detection Equipment for the Traffic Detection Rehabilitation project, from Twincrest Technologies through the HGAC program, in the amount of \$120,500.00.
20. Consider adoption of the Town Council Strategic Plan for Fiscal Year 2019-2020.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 20, 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**

21. Consider approval of a resolution accepting grant funds from the Texas Historical Commission (THC), execution of an agreement with the THC, and authorization for the Mayor to execute said agreement on behalf of the Town.

**Staff Presentation**

Ms. Wallace provided background information about the project.

Mayor Dixon pointed out that staff can place items on consent if they have two commas if the situation is that the Town is receiving money. He indicated it's just if the Town is spending money that the two-comma rule applies.

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

**RESOLUTION NO. 22-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS HISTORICAL COMMISSION (THC); EXECUTION OF AN AGREEMENT WITH THE THC, AND AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

22. Public Hearing to consider recommendation of a conceptual master plan for Peters Colony Memorial Park, a 3.3 acre park located next to the Flower Mound Public Library.

**Staff Presentation**

Mr. Jennings gave a presentation identifying or noting:

- Background information
- Park Master Plan

Fred Walters, Mesa Design Group

Mr. Walters gave a presentation identifying or noting:

- What is a memorial?
- Mission statement
- Site analysis
- Previous Master Plan options
- Refined plan
- Master Plan
- Peters Colony Memorial Park Conceptual renderings
- Pavilion, hardscape and landscape
- Remembrance wall and water feature
- Park signage
- Site furnishings and lighting

and he responded to the following questions or comments from Council:

- Several members of Council expressed appreciation for the design presented, and particularly use of water walls
- What are the next steps
- Given it's a memorial park, what type of activities or events would be planned for the large lawn area identified in the concept plan (solemn versus celebration environment) and suggested possibly using "celebration" versus "memorial" in the name

Mayor Dixon opened the Public Hearing at 7:29 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Tom Marshall, 3200 Heatfield		
Mike Peterson, 3101 Heatfield Dr		

Mayor Dixon closed the Public Hearing at 7:31 p.m.

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

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

23. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Trailwood Phase 2. The property is generally located south of Cross Timbers Road and west of U.S. 377. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its October 1, 2019, meeting).

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Tree survey
- Specimen tree requested for removal (photo)
- Draft motion

Mayor Dixon opened the Public Hearing at 7:37 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:37 p.m.

Councilmember Bumgarner moved to approve as presented. 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 24 and 25 at the same time.

24. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Parkway Office Lakeside. The property is generally located south of Lakeside Parkway and east of Gerault Road. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its September 12, 2019, meeting).

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

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

25. Public Hearing for a request for rezoning (ZPD19-0006 – Parkway Office Lakeside) from Planned Development No. 83 (PD-83) with Campus Industrial District (CI) uses to Planned Development No. 174 (PD-174) with Campus Industrial District (CI) uses in compliance with the Campus Industrial land use designation within the Lakeside Business District Area Plan, including a Comprehensive Sign Package, with certain exceptions and modifications to the Code of Ordinances, with a request for a deviation to computing parking and loading requirements pursuant to Section 82-73 of the Code of Ordinances, and with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, and consider adopting an ordinance for said



amendment. The property is generally located south of Lakeside Parkway and east of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 14, 2019, meeting.)

### **Staff Presentation**

Ms. Murphy gave a presentation for items 24 and 25 identifying or noting:

- General and detailed location
- Land use and zoning
- Waivers/exceptions
- Modifications
- Comprehensive sign package
- Photograph of the site
- Conceptual site plan
- Landscape plan
- Conceptual elevations
- Specimen tree to be removed
- Feedback from the P & Z meeting

and she responded to the following questions from Council:

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### **Applicant Presentation**

Bill Pounds, Architect, Parkway Construction

Mr. Pounds gave a presentation identifying or noting:

- Background information regarding the project and growth potential
- Aerial map of location
- Site plan - Phase I and II
- Landscape plan
- Building materials
- Phase I and II– exterior perspectives; elevations
- Line of sight - sectional study
- Sign illumination

and he responded to the following questions from Council:

- Is stucco a building material for phase II
- Appreciation for use of building materials
- What was the logic at the P & Z meeting for the question about how the sign would be illuminated
- For the number of employees, how many years will it be to reach the max parking
- Is there a warehouse component for the facility

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

**ORDINANCE NO. 53-19**

**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 7.833 ACRES OF LAND SITUATED IN THE J. TURNER SURVEY, ABSTRACT NO. 1251, FROM PLANNED DEVELOPMENT DISTRICT NO. 83 (PD-83) WITH CAMPUS INDUSTRIAL DISTRICT (CI) USES TO PLANNED DEVELOPMENT DISTRICT NO. 174 (PD-174) WITH CAMPUS INDUSTRIAL DISTRICT (CI) USES, 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; AND PROVIDING AN EFFECTIVE DATE.**

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

26. Public Hearing to consider a request for rezoning (ZPD19-0001-Whyburn Medical Offices) from Agricultural District (A) uses to Planned Development District-172 (PD-172) with Office District (O) uses, and with certain exceptions and modifications to the Code of Ordinances, and consider adopting an ordinance for said amendment. The property is generally located north of Waketon Road and west of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its October 14, 2019, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Aerial map of property
- Land use and zoning
- Exception request (street buffer landscaping)

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

- Where is the entrance point
- What happens to the existing overhead utilities (if the roadway moves over for a decal lane) and what is the impact to the Town
- What will happen to the existing wall
- If the pond is considered wet or dry
- Clarification regarding the types of trees that are planned for the right of way (i.e. small or large canopy trees) and concerns regarding the distance from the utility lines
- The possibility of adding more ornamental trees as a condition for granting the exception
- The 15 feet is a non-issue if the right amount of landscaping is in place

There was Council discussion regarding:

- The 15' is not an issue if there was a curved berm look or enough landscaping to make it aesthetically pleasing
- The overall visual canopy of trees and possible options to allow for a depth perception, such as a given amount of trees and to be placed in a staggered pattern

**Applicant Presentation**

James Bullington, B & B Construction

Mr. Bullington gave a presentation identifying or noting:

- Building rendering
- Building tenants planned

and he responded to the following questions from Council:

- Concerns regarding the change to the wall in the future
- Concerns regarding precedence being set for the reduced buffer (15 versus 25 feet)
- What would the impact be for the reduction of that row of parking that is proposed that warrants the request for the reduced buffer
- If the applicant were to provide the 25-foot buffer, where would the potential cuts be
- Clarification regarding what is planned for the area to the extreme right
- The possibility of sharing the parking lot with WinKids

Mayor Dixon opened the Public Hearing at 8:10 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
Wasim Haque, MD, 4101 Kirkpatrick Ln		

Mayor Dixon closed the Public Hearing at 8:12 p.m.

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

**ORDINANCE NO. 54-19**

**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 2.7389 ACRES OF LAND SITUATED IN THE EDWIN MARSH SURVEY, ABSTRACT NO. 834, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 172 (PD-172) WITH OFFICE DISTRICT (O) USES, 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; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHAMRA, ENGEL, PIERSON**

**NAYS: NONE**

27. Public Hearing to consider an ordinance granting Specific Use Permit No. 459 (SUP19-0008 – Flourish Birth and Wellness Center) to permit a hospital. The property is generally located south of Cross Timbers Road and west of Kirkpatrick Lane (4061 Kirkpatrick Lane). (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 28, 2019, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- Background information
- General and detailed location
- Land use and zoning
- Approved site plan
- Photos of the site, including adjacency
- Approved plat and site plan, including parking allocations
- Approved landscape plan
- Approved elevations

and she responded to the following questions or comments from Council:

- What are the adjacent business uses
- Clarification regarding the services provided at the facility

Mayor Dixon opened the Public Hearing at 8:28 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:28 p.m.

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

**ORDINANCE NO. 55-19**

**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 APPROVING SPECIFIC USE PERMIT NO. 459 (SUP-459) FOR A HOSPITAL ON CERTAIN PROPERTY DESCRIBED AS 0.46 ACRES OF LAND AND BEING ALL OF LOT 6R, BLOCK A, OF THE AMERICAN NATIONAL BUSINESS PARK ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 4 (PD-4) FOR RETAIL DISTRICT-2 (R-2) USES; 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: PIERSON, ENGEL, SHARMA, FOREST****NAYS: BUMGARNER**

28. Public Hearing to consider an ordinance granting a Specific Use Permit No. 458 (SUP19-0007 – Four40 Event Center at Parker Square) to permit an assembly hall. The property is generally located northwest of Cross Timbers Road and south of Timber Creek Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 28, 2019, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site plan
- Photos of the site
- Landscape plan
- Summary of discussion at P & Z
- Elevations

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

- Clarification regarding parking space needs, especially considering the recent application for a church in Parker Square, and should there be events that take place on the weekend

**Applicant Presentation**

Curtis Shore, Parker Square Assets 1, LLC, Michelle Yates, Property Manager

Mr. Shore responded to the following questions from Council:

- Clarification regarding the concept
- Would catering services be offered as well as AV equipment

Mayor Dixon opened the Public Hearing at 8:39 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:39 p.m.

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

**ORDINANCE NO. 56-19**

**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 APPROVING SPECIFIC USE PERMIT NO. 458 (SUP-458) FOR AN ASSEMBLY HALL ON CERTAIN PROPERTY DESCRIBED AS 0.3932 ACRES OF LAND AND BEING ALL OF LOT 6, BLOCK 1, OF THE PARKER SQUARE ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 24 (PD-24) FOR RETAIL DISTRICT-2 (R-2) AND OFFICE DISTRICT (O) USES; 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

Mayor Dixon indicated the applicant has requested to postpone items 29 and 30. Ms. Roy clarified that Council action would be to postpone indefinitely.

29. Public Hearing to consider an assignment of the Chapter 380 Agreement with Newstream Hotels & Resorts, LLC, (through Lakeside Crossing Land Partners, LP) and the Lakeside Parkway/Gerault Road Partnership Agreement (Daldav) for Lots 4 & 5, to BI 50 LLC, and authorization for the Mayor to execute same on behalf of the Town.
30. Public Hearing to consider an assignment of the Chapter 380 Agreement with Newstream Hotels & Resorts, LLC, (through Lakeside Crossing Land Partners, LP) and the Lakeside Parkway/Gerault Road Partnership Agreement (Daldav) for Lots 1, 2, 3, 6, 7, and 8x, to BI 43 LLC, and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Sharma moved to postpone items 29 and 30 indefinitely. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed (to postpone)*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

31. Public Hearing to consider approval of an Agreed Termination of a Chapter 380 Agreement, Release of Lien, and Promissory Note, between the Town of Flower Mound and Old Town Development LLC, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Project history
- Old Town Development
- Current request to make the transaction happen

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

- Clarification regarding pond maintenance
- What prompted the request
- Why wouldn't the obligations in the agreement go with the sale of the property
- What is the benefit for the Town with respect to maintaining the pond
- Deed of trust versus separate promissory note
- What would be the consequences if denied

and there was Council discussion regarding:

- Concerns regarding the promissory note risk

- How there is a certain value in removing the Town from the building and transferring the promissory note to two individuals
- Consideration of the termination agreement needs to be contingent upon the new owners assuming the maintenance of the pond (allowing the Town to get something in return, like when the agreement with Lakeside Crossing was redone)
- Unclear about the compelling reason to sell it
- Main concerns are regarding the subordination agreement and the responsibility and maintenance of the pond
- Possibility of putting funds in escrow and the timing would need to be before the sale

Mayor Dixon opened the Public Hearing at 9:16 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 9:16 p.m.

The direction provided to staff was to present the applicant with the options of putting the funds in escrow or take over the pond maintenance.

Deputy Mayor Pro Tem Forest moved to postpone item 31 to the November 18, 2019 Town Council meeting. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed (to postpone)*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

32. Public Hearing to consider approval of a resolution adopting an Economic Development Incentive Policy for the Town of Flower Mound, and providing for an effective date.

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Background information

Mayor Dixon opened the Public Hearing at 9:19 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 9:19 p.m.

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

**RESOLUTION NO. 23-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AN ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE TOWN OF FLOWER MOUND; MAKING FINDINGS RELATIVE THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

33. Discuss and provide direction on short-term rental regulations (LDR19-0006 – Short-Term Rentals). (The Planning and Zoning Commission tabled this item by a vote of 5 to 1 at its

October 14, 2019, meeting.)

Mayor Dixon stated that no action on this item will be taken by Council this evening. He added that based on Council's consultation with the Town Attorney on this matter, staff has been provided direction that will be presented to the Planning and Zoning Commission. He also pointed out that the P & Z recommendation is legally required prior to Council action being taken since it is a zoning item.

**L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 9:19 p.m. on November 4, 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 9:59 p.m. on November 4, 2019, to take action on the items as follows:

a. Consultation with Attorney.

1. River Walk development agreement
2. Short-term rental regulations

No action taken.

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.

No action taken.

c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

No action taken.

**N. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 9:59 p.m. on Monday, November 4, 2019, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Sandeep Sharma*

**SANDEEP SHARMA, MAYOR PRO TEM**

**ATTEST:**

*Theresa Scott*

**THERESA SCOTT, TOWN SECRETARY**