

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 5TH DAY OF NOVEMBER 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 (subject to change)

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
Tiffany Bruce	Executive Director of Public Works

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

D. PRESENTATIONS

1. Presentation by Owens & Minor about “A Soldier’s Child Event”

Mr. David Smith, General Manager, Owens & Minor, provided background information about the Soldier’s Child Event and encouraged Flower Mound citizens and the Flower Mound Mayor/Town Council to participate in the gift wrapping on Saturday, November 17.

2. National Night Out neighborhood and poster contest winners

Officer Buck presented the various neighborhood winners with their neighborhood sign. He also announced the poster contest winners.

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

Mayor Dixon presented the November Arts Month Proclamation to Cultural Arts Commission members.

4. Recycling – 'Overcoming Today's Challenges' presented by Republic Services

Robert Sloan and Jeri Harwell, Republic Services

Mr. Sloan and Ms. Harwell gave a presentation identifying or noting:

- Changes taking place in recycling, particularly as it relates to China and new restrictions and what it means to the industry as a whole
- Next steps

and they responded to the following questions or comments from Council regarding:

- What educational information regarding what is and isn't considered recyclables is available for the public, including the schools
- What are the material processing centers opportunities

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.	Anuraq Sharma, 3604 (street name unclear)	Hindu Festival of Lights
2.	Paul Stone, 4100 Broadway	Community
3.	Bryan Webb, 4112 High Rd	Election
4.	Al Picardi, 1525 Lindby Dr	Mound Foundation

F. ANNOUNCEMENTS

Mayor Pro Tem Webb had the following announcements:

- Birthday wishes for his wife
- Wild About Flower Mound event at the Library on Nov 8
- Acknowledgement of the Town's positive business environment and the importance of getting involved

Councilmember Bryant had the following announcements:

- Expressed thanks to the Parks Department and their work on the Veterans Day Parade
- The Veterans flag relay is taking place this Friday
- Various recent accomplishments in area schools

Councilmember Engel had the following announcements:

- Various recent athletic accomplishments in area schools
- Success of the recent Art Party and noted there is a lot of talent in the community

Deputy Mayor Pro Tem Forest had the following announcements:

- Encouraged everyone to vote

Mayor Dixon had the following announcements:

- Thirty-One Gifts business coming to Flower Mound and what it means for the community
- Kudos to the Flower Mound Chamber of Commerce for another great Fiesta event
- Registration now open for the 2019 Flower Mound Citizens Academy

G. TOWN MANAGER'S REPORT

Mr. Stathatos gave an update on the following topics:

1. Capital improvement projects
 - Town Hall update
2. Economic Development projects
 - Thirty-One Gifts business coming to Flower Mound
 - Visio and Frontier Marketing companies new to Flower Mound
 - Two new leases coming to Lakeside, with the business name to be announced soon
 - Jerry's Car Wash soon to be opening
3. Public correspondence addressed to board members

Mr. Stathatos, Ms. Scott, and Mr. Dalton provided background information about the process previously used to distribute public email communication to board members, and summarized the new process.

There was some discussion as to whether or not that communication should or should not be included in the board agenda packet as it has been in the past.

There was consensus by a majority of Council members that going forward staff should continue with the new process of getting public email directly to board members, and to follow the same model of Town Council, where correspondence is not included in the packet.

H. FUTURE AGENDA ITEMS

1. Councilmember Bryant indicated he would like the Environmental Conservation Commission (ECC) to review landscaping requirements as it relates to Town properties such as right of ways and medians. In addition, he would like them to discuss ideas that would encourage HOA's to use more native grasses and drought tolerant plantings throughout the Town.

There was Council consensus to have a future agenda item in the Spring of next year to discuss it.

I. COORDINATION OF CALENDARS

Mayor Dixon announced:

- There will not be a work session on Thursday, November 15
- The next regular meeting is scheduled for Monday, November 19

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on October 15, 2018.
2. Consider approval of Town of Flower Mound EcoStruxure and AS-P upgrades including Inet Access Control.
3. Consider approval to award the installation of a Bi-Directional Antenna System for Public Safety Communications in the new Town Hall, to Crosspoint Communications LLC., in the amount of \$53,115.39.
4. Consider approval of the annual firefighter physical examinations with Huguley Memorial Medical Center through contract No. 2018-A in the total amount of \$52,520.00 and authorization for the Mayor to approve same on behalf of the Town.
5. Consider approval of the purchase of fifty sets of bunker gear from NAFECO, Inc. through BuyBoard Purchasing Contract No. 524-17 in the total amount of \$126,732.00 and authorization for the Mayor to approve same on behalf of the Town.
6. Consider approval of a Quote from Axon Enterprises, Inc. for the purchase of body worn camera products and authorization for the Mayor to execute same on behalf of the Town.
7. Consider acceptance of 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 2018 Bulletproof Vest Partnership.

RESOLUTION NO. 22-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2018 ACTION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE ACTION PLAN ON BEHALF OF THE TOWN AND SUBMIT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of Change Order No. 1 for the construction of the Lake Forest Boulevard Roadway Improvements and 12-Inch Waterline projects, amending the contract with Joe Funk Construction, Inc., to provide for an increase to the contract in the amount of \$38,393.65; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of a professional service agreement with Kimley Horn and Associates Inc., to provide surveying, design, and construction documents, for the Bakersfield Restroom and Concrete Walkway project, in the amount of \$55,300.00; and authorization for the Mayor to execute same on behalf of the Town.
10. Consider approval of Change Order No. 2 for the construction of the FM 2499 Roadway, Drainage, and Traffic Signal Improvements project, amending the contract with Mario Sinacola & Sons Excavating, Inc., to provide for an increase to the contract in the amount of \$40,037.60; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Webb moved to approve by consent Items 1 – 10, as presented in the agenda caption. Councilmember Sharma 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

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. The property is generally located south of Rippy Road and east of Long Prairie Road. (Planning and Zoning recommended approval by a vote of 5 to 1 at its September 24, 2018, meeting.) (The Town Council postponed the item at its October 1, 2018, meeting, and at its October 15, 2018, meeting.)

Staff Presentation

Mr. Dalton gave a presentation identifying or noting:

- General and detailed location
- Photos of the subject site
- Senior housing overlay map
- Concept Plan and Elevations
- Revisions since the P & Z meeting
- Exceptions
- Development Agreement
- Park Fees
- Discussion points at the P & Z meeting

Applicant Presentation

Bobby Dollak, G & A Consultants/McAdams, 111 Hillside Drive, Lewisville

Mr. Dollak gave a presentation identifying or noting:

- Map location
- NE Construction background information
- Concept Plan
- Courtyard area (approximately 183 units)
- 55+ senior living market
- Exceptions
- Trail map
- Elevations (4 stories)
- Adjacency

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

- Interest in having the developer build the bridge to Gaston Park and making the trail connection, as it would cost less for them to do it with all the available resources at the time of development than for the Town later on
- What is the need for the additional height for the project if it's going to remain four stories
- What was the cap on the units prior to the revision
- Will the trail planned be a dead end

Mayor Dixon opened the Public Hearing at 7:51 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
Ara Minassian, 115 Tanglewood Ln, Double Oak	None	None

Mayor Dixon closed the Public Hearing at 7:56 p.m.

There was Council discussion regarding:

- How this is the type of project Council was looking for when the senior overlay was brought forward (the need for active senior living)
- Some concerns regarding the bridge and trail connections and the park land dedication since it is a change
- Park fee reductions and how the developer is bringing forward amenities within the development that values around \$1 million
- Senior housing has been an issue in the Town a long time and this is a good step to get senior housing in the community
- The lack of the bridge (Gaston Park) is disappointing but hopefully the Town can get there in another way in the future

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

ORDINANCE NO. 35-18

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 9.149 ACRES OF LAND SITUATED IN THE C. CHACON SURVEY, ABSTRACT NO. 299, FROM RETAIL DISTRICT-1 (R-1) TO PLANNED DEVELOPMENT DISTRICT NO. 154 (PD-154) WITH AGE-RESTRICTED, HIGH-DENSITY RESIDENTIAL 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: WEBB, BRYANT, ENGEL, FOREST

NAYS: SHARMA

12. Public Hearing to consider a request for a Master Plan Amendment (MPA18-0004 – Balekian Addition / CVS) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Estate Residential to Retail use on approximately 2.48 acres of land within the Cross Timbers Protection Area, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and east of Lusk Lane. (Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its October 22, 2018, meeting.)
13. Public Hearing to consider a request for rezoning (ZPD18-0004 – Balekian Addition / CVS) from Agricultural District (A) to Planned Development District No. 164 (PD-164) with Single-Family Estate District (SF-E) and Retail District-1 (R-1) uses, with certain modifications and exceptions to the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and east of Lusk Lane. (Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its October 22, 2018, meeting.)

Mayor Dixon opened items 12 and 13 and announced that the applicant has requested to postpone this item. There was Council discussion as to whether or not to take action on the item itself and make a decision, or to postpone it.

There was Council Discussion regarding:

- How it is not uncommon for Council to table an item to allow a development to make modifications to a plan
- If the plan isn't changing the Council knows what the proposal is

and Mr. Meredith, Mr. Dalton, or Mr. Dollak (G & A Consultants/McAdams - applicant) responded to the following questions from Council:

- Legal options Council has in considering this project
- What is the end objective associated with the request to postpone

- Did the applicant have meetings with the neighbors
- Whether or not there was a substantial change submitted and whether the application would need to refile

The Public Hearing was not conducted for items 12 and 13 given the subsequent Council action to postpone until December 3, 2018; however, at the request of Mayor Dixon, the speaker cards that were submitted for this purpose are included below for the record.

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
	Willy Sullivan, 4701 Clydesdale	
	Jay Estabrook, 4700 Hampshire	
	Kris Wise, 4724 Amble Way	
	Roy Plhak, 4720 Clydesdale Dr	
	Lawrence Prvett, 4705 Clydesdale Dr	
	Carolyn Costanza, 4500 Saddlewood Dr	
	Dawn Bir, 4716 Clydesdale Dr	
	Kathy Blair, 5113 Forest Hill	
	Donna Sullivan, 4701 Clydesdale Dr	
	Larry Narrell, 4800 Fairbank Ln	
	Laura Blair, 5113 Forest Hill*	
	Jesse Turnan, 5113 Forest Hill*	
	Kevin Stoner, 4728 Amble Way*	
	Annette Plhak, 4720 Clydesdale Dr*	
	Nat Pope, 4720 Amble Way*	
	Dorene Pruet, 4705 Clydesdale Dr*	
	Michael Bir, 4716 Clydesdale Dr*	
	Ronald Blair, 5113 Forest Hill*	
	Ken Nunn, 4909 Kingswood	
	Yu-Luen May, 4720 Amble Way	
	Sydney Stagner, 5001 Joshua Dr	
	Corie Stagner, 5001 Johshua Dr	
	Katherine Grote, 165 Double Oaks, Double Oak	

*Do not wish to speak but to record their opposition

**Do not wish to speak but to record their support

Councilmember Bryant moved to postpone items 12 and 13, including the public hearing, to December 3, 2018. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, BRYANT, WEBB

NAYS: ENGEL, SHARMA

14. Consider approval to award Bid No. 2018-123-B, Flower Mound Central Fire Station Phase II, to Schmoldt Construction Inc., in the amount of \$1,457,000.00; and authorization for the Mayor to execute on behalf of the Town.

Staff Presentation

Ms. Wallace provided background information regarding the scope of work, including the two phases.

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

The Town Council convened into a closed meeting at 8:30 p.m. on November 5, 2018, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, and 551.087 for consultation with attorney, and to discuss matters relating to real property, and economic development negotiations, and reconvened into an open meeting at 8:41 p.m. on November 5, 2018, to take action on the items as follows:

- a. Consultation with Attorney.
 1. EagleRidge Operating application for variance, appeal of administrative interpretation of the gas well regulations and preemption determination appeal.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.

Councilmember Bryant moved to authorize staff to purchase the property in association with the FM 1171 and River Walk Drive intersection improvement project and to negotiate for the purchase of the property up to the settlement amounts as discussed in closed session; and authorize the Town Manager or his designee to close on the property should a settlement be reached and to pay all costs of said closing, in addition to the purchase price of the property, and to execute all necessary documents at closing on behalf of the Town. Mayor Pro Tem Webb seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA****NAYS: NONE**

- 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

O. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 8:42 p.m. on Monday, November 5, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY