

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF DECEMBER 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 6:00 p.m.

B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Ralph Holland gave the invocation and Mayor Dixon 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.	Amanda Austin, 650 S Edmonds, Lewisville	First Responders Bowl

E. ANNOUNCEMENTS

1. Deputy Mayor Pro Tem Forest reported on the turnout at Breakfast with Santa last Saturday
2. Councilmembers Engel and Bryant provided details about the December 8th Christmas Parade
3. Mayor Dixon announced that tonight is the last meeting in the current Town Hall

F. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update regarding the following project areas:

1. Capital improvement projects
 - Intersection improvements at Morriss Road and Valley Ridge
 - Windsor Drive roundabout connection
 - Town wide traffic counts and a level of service mapping
 - Major projects (DFW connector by 635 and Fairway Drive) that is outside of Flower Mound but having a major impact on the communityand he responded to the following questions from Council:
 - Were traffic counts done after Fairway Drive was closed to better understand the impact
2. Economic Development projects
 - Business openings or expansions

G. FUTURE AGENDA ITEMS

There were no request for future agenda items.

H. COORDINATION OF CALENDARS

Mayor Dixon announced that the next regular meeting is scheduled for Monday, December 17 and at the new Town Hall.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on November 19, 2018.
2. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2019 Independence Fest.
3. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

ORDINANCE NO. 37-18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of a resolution authorizing the adoption of the Program Year 2017 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RESOLUTION NO. 23-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM YEAR 2017 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of an Interlocal Cooperative Agreement with Denton County for the construction of Denton Creek Boulevard Bridge; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of a Reimbursement Agreement between the Town of Flower Mound and Red Rock Water Supply Corporation and authorize the Mayor to execute on same behalf of the Town.
7. Item 7 was moved from consent to regular items.
8. Ratify Right of Way (ROW) Purchase Agreement for Old Gerault Road Reconstruction project.

Councilmember Sharma moved to approve by consent Items 1 – 6; 8, 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****J. REGULAR ITEMS**

7. Consider approval of a Professional Services Agreement with Innovative Transportation Solutions, Inc. (ITS), to provide professional transportation services in the amount of \$75,000.00 annually, with a one year renewal option; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Bruce gave a presentation identifying or noting:

- Background information about services Transportation Solutions offers the Town

And she responded to the following questions from Council:

- How long has the Town used them or similar services
- Does it make sense to have someone on staff for the amount of money dedicated to these services

There was Council discussion regarding:

- How the Town benefits from having the expertise of John Polster with ITS involved in Town transportation projects

Councilmember Sharma moved to approve Item 7 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

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

9. 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.)(The Town Council postponed the item at its November 5, 2018, meeting.)
10. 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.)(The Town Council postponed the item at its November 5, 2018, meeting.)

Mayor Dixon opened items 9 and 10 at the same time. He pointed out that the property owner has requested the item be postponed to allow time to review the records in response to her Public Information Request. At the request of Mayor Dixon, Mr. Russell summarized the series of postponement request to date.

Bobby Dollak, Development Representative, G & A Consulting/McAdams, 111 Hillside Dr, Lewisville

Mr. Dollak summarized the communication that has occurred to date since the last time this item was postponed. He also clarified that the request is coming from the property owner and not the applicant.

and he responded to the following questions from Council:

- Have any changes been made to the application based on the feedback from the residents
- What information is needed at this point from the applicant

Ms. Scott summarized the information that was requested in the property owners formal Public Information Request (PIR).

Mr. Meredith or Mr. Russell responded to the following questions from Council:

- Is the Town legally required to delay the item
- Does any of the information requested in the PIR impact the application in any way

There was Council discussion as to whether or not to proceed in hearing this item or to postpone it, noting the following points:

- Concerns regarding the timing of the support petition submitted and received by the Town Secretary's Office today
- The requests for delays are just that and they don't make the case

- If the applicant thinks they need more time to come up with better ideas or solutions then there would be interest in delaying it
- Disappointed that there haven't been more meetings with the residents as that was the basis of the request since the last postponement

There was Council consensus to move forward in hearing the item.

Staff Presentation

Mr. Russell gave a presentation for items 9 and 10 identifying or noting:

- General and detailed location
- Land use and zoning
- Background information regarding the one year waiting period for a master plan amendment or change of zoning application
- Conceptual site plan
- History comparison of Tract 1
- Conceptual plan for Tract 2
- Pictures of the subject property (tract 1 and 2)
- Exceptions/modifications

and he responded to the following questions from Council:

- Clarification regarding the main changes since the last time this item was heard
- Clarification that Planning and Zoning recommended denial of both of the applications

Applicant Presentation

Bobby Dollak, G & A Consulting/McAdams, 111 Hillside Dr, Lewisville

Mr. Dollak gave a presentation identifying or noting:

- Site photos
- Land use plan
- 1171 & Flower Mound Road intersection
- Trade area
- CVS Property survey
- Conceptual site plan
- Balekian residence
- Pumpkin Patch and Christmas tree exhibit
- Remainder property
- Conceptual elevations

and he responded to the following questions from Council:

- Is there an estimate regarding the amount of traffic CVS would generate
- What drove Tom Thumb to come to that shopping center location

There was Council Discussion on the following points:

- How there would be a significant amount of traffic at this intersection if a CVS is operational along with the Pumpkin Patch
- The role of a Councilmember and the things that need to be considered:

- What is the benefit of the Town
- Are they meeting a need in the community
- Sales tax potential
- The biggest concern is not necessarily the CVS, but more about what happens after CVS should the property ever go dark
- Concerns regarding the waivers being requested and solely in the interest of saving the home there
- How the P & Z members recommended denial unanimously and that needs to be taken into consideration
- Not interested in seeing a church at the corner as there would be no tax base at that corner
- How it's not about voting for or against CVS - it's about whether or not retail is desired at this corner, including changing the zoning for the remaining lots to residential
- An understanding of the property owner's perspective and desire to sell her land
- An understanding of the adjacent property owner's concerns and how they bought their homes based on the Master Plan
- Past history with the property and the repeated times it has come to Council
- Council can't make the discussion personal and Jan is still our neighbor
- Analytically as things get built around this property the more and more it makes sense, however, the need might not be there today
- Growth is going to come to this area by natural processes

Mayor Dixon opened the Public Hearing for items 9 and 10 at 6:53 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
	Roy Plhak, 4720 Clydesdale Dr	
	Annette Plhak, 4720 Clydesdale Dr*	
	Jay Estabrook, 4706 Hampshire Dr	
	Sharon Gentry, 2750 Bob White Ln*	
	Willy Sullivan, 4701 Clydesdale	
	Donna Sullivan, 4701 Clydesdale	
	Wendy Bryan, 4704 Clydesdale	
		Paul Stone, 4100 Broadway
	Stacey Breeding, 4721 Amble Way	
	James Breeding, 4721 Amble Way	
	Dawn Bir, 4716 Clydesdale Dr	
	Mike Bir, 4716 Clydesdale Dr*	
	Kathy Blair, 5113 Forest Hill	
	Ronald Blair, 5113 Forest Hill*	
	Jesse Tiernan, 5113 Forest Hill Dr*	
	Lawrence Pruett, 4705 Clydesdale Dr*	
	Dorene Pruett, 4705 Clydesdale Dr*	
	Mark Wise, 4724 Amble Way*	

	Brad Durden, 3516 Dresage Ct*	
	Darla Durden, 3516 Dresage Ct*	
	Roxanne LeBlanc, 5104 Forest Hill Dr*	
	Katy Grote, 165 Double Oaks, Double Oak*	
	Judy Collins 1537 Simmons Rd*	
	Melissa Wilson, 3200 High Rd*	
	KC Walsh, 3525 High Rd*	
	Michael Waldron, 4112 Equestrian	

**indicated they do not wish to speak*

Mayor Dixon closed the Public Hearing at 7:25 p.m.

Item 9:

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

VOTE ON MOTION:

Motion failed

AYES: NONE

NAYS: FOREST, ENGEL, BRYANT, WEBB, SHARMA

Item 10:

Councilmember Sharma moved to deny Item 10 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion to deny passed.

AYES: SHARMA, WEBB, BRYANT, ENGEL, FOREST

NAYS: NONE

11. Consider approval of the purchase of a 2019 Pierce 107' Ascendant Ladder truck for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council of Governments (H-GAC) cooperative purchasing program, in the total amount of \$1,399,416.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Chief Greaser gave a presentation identifying or noting:

- ISO Background
- Why the ladder truck is needed

and he responded to the following questions from Council:

- Clarification regarding applications in Flower Mound where this type of apparatus would be used
- Which station would the truck be based at
- Is there a risk for a short fall given the time frame needed to obtain the equipment

Councilmember Bryant moved to approve item 11 as presented. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: FOREST, ENGEL, BRYANT, WEBB, SHARMA****NAYS: NONE****K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:59 p.m. on December 3, 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 8:47 p.m. on December 3, 2018, and no action was taken on the following items:

- a. Consultation with Attorney.
 1. All matters related to Cause No. 18-9622-431; EagleRidge Operating, LLC v. Town of Flower Mound, et al.; gas well inspection fees
- 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 economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

M. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 8:47 p.m. on December 3, 2018, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS*Steve Dixon*

STEVE DIXON, MAYOR**ATTEST:***Theresa Scott*

THERESA SCOTT, TOWN SECRETARY