

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 4TH DAY OF FEBRUARY 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
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
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Shane Jennings	Police Captain
Wendell Mitchell	Assistant Police Chief
Kendall Leonard	CID Captain

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 Mark Sherrill gave the invocation and Mayor Dixon led the pledges.

D. PRESENTATIONS

1. CoServ check presentation

Tracee Elrod presented the Town a check in the amount of \$80,438.57.

and Ms. Wallace responded to the following questions from Council:

- How does the Town make use of the funds from CoServ

2. Mid-year report on the school crossing guard services provided by All City Management Services (ACMS)

Captain Jennings gave a presentation identifying or noting:

- Activity for the first half of the school year, including staffing, shifts, or other concerns
- Accomplishments from the program (commendations and program goals)
- Program summary

and he responded to the following questions from Council:

- What is the availability of an app for the guards to allow them to check in and out
- Who does the public call if they have an issue with a crossing guard and how accessible is that contact information
- How long has the Town been using ACMS
- What were some of the concerns addressed initially and what were the results of those concerns
- Interest in seeing a direct contact for ACMS on the Town’s website
- Performance tracking options
- Does ACMS conduct an internal survey with their employees

3. Police Department response to citizen concern

Assistant Chief Mitchell provided background information regarding the police department’s response to a traffic concern reported by 9 year old James.

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.	Cathy Johns, 7709 Calypso Dr, Rowlett, TX	Leonard Johns Community Park
2.	Paul Stone, 4100 Broadway	Summit Club
3.	Mike Wallace, 2913 Trailwood Ln	Election – Town Council, Place 3
4.	Bryan Webb, 4112 High Rd	SB2 & HB2

F. ANNOUNCEMENTS

Councilmember Bryant had the following announcements:

- Recognized members of the Flower Mound Citizens Academy that are in the audience
- He also commented on the negative impacts of SB2/HB2.

Councilmember Engel had the following announcements:

- Announced that the Citizens Police Academy is soon to be accepting applications
- Comments about SB2/HB2.

Mayor Pro Tem Webb announced that he will not be running in the upcoming election.

Mayor Dixon pointed out it is election season and encouraged anyone that has interest in running, or for the candidates that are running, to contact him if they have any questions.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects:
 - Firewheel Drive paving update
 - Fire Station 7
 - Lake Forest Blvd paving
2. Economic Development projects:
 - New businesses that recently opened
 - Funimation business progress
3. Legislative update:
 - Ms. Wallace provided background information regarding the staff's approach to the Legislative session, including how bills are tracked.

H. FUTURE AGENDA ITEMS

1. There were no future agenda items requested.

I. COORDINATION OF CALENDARS

Mayor Dixon announced the following meeting dates:

1. A regular meeting is scheduled for Monday, February 18.
2. The work session for Thursday, February 21, has been canceled.

J. CONSENT ITEMS

Councilmember Engel pointed out two administrative errors. One was regarding the minutes and the second was the election item. He also noted that staff has made the appropriate corrections as applicable.

1. Consider approval of the minutes from a regular meeting of the Town Council held on January 7, 2019.
2. Consider approval of a resolution of the Town of Flower Mound, Texas calling for a general election to be held on May 4, 2019, for the offices of Town Council Place 1, and Town Council Place 3; establishing procedures for those elections; and providing an effective date.

RESOLUTION NO. 02-19

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE OFFICES OF TOWN COUNCIL PLACE 1, AND PLACE 3, ESTABLISHING PROCEDURES FOR THOSE ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

3. Consider approval for the purchase of desktop and laptop computers, ruggedized laptop computers and peripherals from Dell, in the amount of \$154,314.05.

4. Consider approval of an Interlocal Agreement with the Town of Double Oak for an Outdoor Warning Sirens Assistance Program.
5. Consider approval of a Fire Department Automatic Aid Agreement with the City of Highland Village.
6. Consider approval of a Professional Services Agreement with CP&Y, Inc., for the design phase services of the Red Bud Point Water Service Relocation project, for \$98,455.00; and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval of the construction agreement for Fire Station No. 7 to ECS Southwest, LLP., in the amount of \$85,926.00; and authorization for the Mayor to execute same on behalf of the Town.

Administrative Note: This agenda item is for the approval of the professional services agreement as referenced in the packet and not the construction agreement as noted in the agenda caption.

8. Consider approval of an agreement with Playground Solutions of Texas, Inc., for the purchase and installation of the Thrush Park West Playground (2018-19 Playground Replacements project), through the Texas Local Government Purchasing Cooperative, in the amount of \$228,060.45.

Councilmember Bryant moved to approve by consent Items 1 – 8. 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT

NAYS: NONE

K. REGULAR ITEMS

9. The first of two Public Hearings to review Chapter 50, Article III, "Offenses regarding Minors," Division 2, "Curfew."

Staff Presentation

Captain Leonard gave a presentation identifying or noting:

- Background information about how the program works

and he responded to the following questions from Council:

- Clarification regarding if any Council action is needed

There was Council discussion regarding:

- No comments or concerns from the citizens or staff so no need to change anything

Mayor Dixon opened the Public Hearing at 7:04 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:04 p.m.

10. Consider a request for a Site Plan (SP18-0019 - Goddard School at Flower Mound) to develop a daycare center 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. The property is generally located northwest corner of Flower Mound Road and Old Orchard Lane. (The Planning & Zoning Commission recommended approval by a vote of 6 to 0 at its January 14, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Site location
- Site photos
- Land use and zoning
- Approved concept plan
- Proposed landscape plan
- Proposed elevations

and she responded to the following questions from Council:

- How does the Town know that future development in Lewisville is going to match up with what the Town is doing with regard to the exception
- Clarification that the Town requests the driveway exception

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

VOTE ON MOTION:

Motion passed

AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA

NAYS: NONE

11. Consider a request for a Site Plan (SP18-0024 - Thirty-One Gifts) for an office warehouse building with a waiver to Section 94-63(3) of the Code of Ordinances requiring that each parking space be located within 50 feet of a tree. The property is generally located south of Spinks Road and west of Garden Ridge Boulevard. (The Planning & Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Site location
- Land use and zoning
- Site photos
- Proposed site plan
- Purpose for this item coming to Council
- Proposed landscape plan

and she responded to the following questions from Council:

- Will the proposed landscape plan address the landscaping holes

There was Council discussion regarding:

- The development means more employees than trucks as people working there are going to eat in Flower Mound and shop our retail stores

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

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

12. Public Hearing to consider a request for rezoning (ZPD18-0010 - Iron Den) from Industrial District-1 (I-1) and Agricultural District (A) to Planned Development District-170 (PD-170) with Campus Industrial District (CI) uses, and a Personal training studio. The property is generally located south of Spinks Road and west of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photos
- Conceptual site plan
- Conceptual landscape plan
- Existing design concepts
- P & Z discussion

and she responded to the following questions from Council:

- Clarification as to the type of facility (i.e. train the trainer type of facility)
- What would be the recourse for the Town should they not meet the requested requirements in one year because normally getting the Certificate of Occupancy is the reward for the job completed
- Are there any estimates associated with the improvement cost
- Clarification regarding the HVAC screening
- What is the expected hours of operation
- Will irrigation be included for the trees they are being asked to install

Mayor Dixon opened the Public Hearing at 7:24 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:24 p.m.

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

ORDINANCE NO. 02-19

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 5.17 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NUMBER 692, FROM INDUSTRIAL-1 DISTRICT (I-1) AND AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 170 (PD-170) WITH CAMPUS INDUSTRIAL DISTRICT (CI) USES AND A PERSONAL TRAINING STUDIO, 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: BRYANT, ENGEL, WEBB, FOREST, SHARMA

NAYS: NONE

13. Public Hearing to consider a request for rezoning (ZPD18-0013 - Home Depot Silveron Addition) to amend Planned Development District-31 (PD-31) with Campus Commercial uses that is subject to Specific Use Permit 245 (SUP-245) to amend Specific Use Permit 245 (SUP-245) to allow for truck rentals on site, and request certain modifications and exceptions to the Code of Ordinances as related to subject property. The property is generally located east of Long Prairie Road and south of Lakeside Parkway. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2019, meeting.)

Mayor Dixon announced that the applicant withdrew their request. This item was not heard.

Mayor Dixon opened items 14 and 15 at the same time.

14. Public Hearing to consider a request for rezoning (ZPD18-0009 - Lakeside Center) from Agricultural District (A) and a portion of Planned Development District No. 31 (PD-31) to Planned Development District No. 169 (PD-169) for both residential and non-residential uses, with certain modifications and exceptions to the Code of Ordinances, and with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2019, meeting).

Staff Presentation

Ms. Murphy gave a presentation for items 14 and 15 identifying or noting:

- General and detailed location
- Land use and zoning
- Site photos
- Lakeside Business District map
- Proposed open space
- Concept elevations
- Parking numbers
- Exceptions
- Modifications
- Comprehensive sign package
- Wall signs
- Leasing sign

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

- For the sign ordinance exception, how many tenants are anticipated for the building, and how will they be utilized by the building owner
- Does staff have any issues on their sign request, particularly given the amount and size

and there was Council discussion regarding:

- How the comprehensive sign package works
- Bringing in the natural light is a good component
- The design brings a lot of elements that are desired by council
- The project meets the vision for Lakeside (more office than residential)

Applicant Presentation

Randi Rivera, G & A/McAdams, 111 Hillside Dr, Lewisville

Ms. Rivera gave a presentation identifying or noting:

- Lakeside Center: site location, concept plan, open space, east elevations
- Pedestrian connection

Alex Brown, Realty Capital, 909 Lake Carolyn Pkwy, Irving, Tx

Mr. Brown gave a presentation identifying or noting:

- Class A office building examples
- Lakeside Center: Architectural design progression (concepts), materials, town home elevations, pre-leasing efforts, building signage examples, ingress – egress exhibit, conceptual garage design

and Ms. Rivera or Mr. Brown responded to questions from Council regarding:

- How will the signs be utilized by the tenants
- Could the parking garage be used for overflow parking, particularly after hours and on weekends
- Detention versus retention pond options
- Opportunities for trail connections

There was Council discussion regarding:

- What is presented is the first really big office building in Flower Mound and the exceptions requested represent the ground work for creating a new Class A office building
- Applicant is responding to a lot of things the Town wants: more parking, open space, and quality design
- The property fits the highest and best use
- The collection of partners on the project is impressive
- This project fits what is desired in the Lakeside area and it's in line with what the market seeks today
- Council has been working for a long time to get this product (since the time the roads were put in) and everyone has done a great job in making everything work and the end product is great, including the limited residential use

- The project will be unique and bring some notoriety to the Town and something everyone can be proud of
- The project could be described as meritorious urban design
- The expectation of the building filling up rapidly
- The building lays the ground work for something like it out west

Mayor Dixon opened the Public Hearing for items 14 and 15 at 8:08 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
Jeffrey Blasko, 1720 Milford	None	None
Jody Roach, 4975 Lusk Ln		
Paul Stone, 4100 Broadway		

Mayor Dixon closed the Public Hearing for items 14 and 15 at 8:15 p.m.

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

ORDINANCE NO. 03-19

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 10.05 ACRES OF LAND SITUATED IN THE J. N. TANNEHILL SURVEY, ABSTRACT NUMBER 1252, FROM AGRICULTURAL DISTRICT (A) AND A PORTION OF PLANNED DEVELOPMENT DISTRICT NO. 31 (PD-31) TO PLANNED DEVELOPMENT DISTRICT NO. 169 (PD-169) WITH BOTH NON-RESIDENTIAL AND 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT
NAYS: NONE**

15. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Lakeside Center. The property is generally located south of Lakeside Parkway along and between Long Prairie Road and Northwood Drive. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its November 6, 2018, meeting).

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

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

16. Public Hearing to consider a request for a Specific Use Permit No. 452 (SUP18-0001 - Tidal Wave Car Wash) to permit an automatic car wash, with an exception to Section 82-242, "Street buffer landscaping," of the Code of Ordinances, and a waiver to certain Architectural Standards in the Town's Urban Design Plan. The property is generally located south of Flower Mound Road and east of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 28, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photos
- Adjacency
- Exception and waiver request
- Conceptual site plan
- Conceptual elevations
- Car wash connectivity-public amenity

and she, Mr. Dalton, Mr. Russell, or Mr. Meredith responded to the following questions from Council, and some of which were after the public hearing:

- Is the use considered an automatic or regular car wash
- What was the intent regarding a car wash when the PD was created
- Clarification regarding the location of the amenity, and if the applicant will be providing access to the neighborhood that will align with a trail
- Clarification regarding the SUP process
- What are the self-service versus automatic car wash definitions
- If the type of car wash (automatic) presented is prohibited based on the PD 78 language
- Clarification regarding the process from when it was initially presented to P & Z
- Why was a self-service and full-service car wash identified in the PD, but an automatic car wash was not
- How did the prohibitions get put on the PD in 2004
- Clarification regarding the comments made about staff in relation to the notification process and the statement of staff being in support of the SUP

Applicant Presentation

Vaughn Miller, President and CEO of VCM Development, 1388 Dutch Hollow, Frisco, Tx

Mr. Miller gave a presentation identifying or noting:

- Background information about the site including ownership period and marketing efforts
- Citgo easement challenge
- Aspen, Co example and how it is similar to Flower Mound
- Landscape plan
- Park amenity for Edgewood, noting they were unable to contact the homeowners in Edgewood because they don't have an HOA set up yet
- Elevations for the shopping center next door
- Bank of America interest in having a neighboring tenant
- Conceptual rendering of Tidal Wave car wash
- Building elevations
- Tidal Wave is an environmentally friendly car wash
- Car wash trade area
- Sound noise levels
- Letter of support from Melanie Carr (Bakers Branch HOA) and Pierce Cauvin (Tealwood Oaks), and others.
- Letter of intent from retailer
- Hours of operation

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

- What was the vision 15 years ago for the whole property, and what was the plan for the easement at that time, and why didn't Bank of America go closer to the easement and leave the corner for retail
- What kind of retail was expected for the NE corner of the property
- What were the concerns at that time from free standing restaurants regarding the location
- If a drive thru car wash is truly considered an anchor for the center
- Clarification regarding the noise level calculations for the vacuums
- What is the purpose of the open glass
- How the vacuums don't create a tremendous amount of noise, it's the blowers that create more noise, so the reference of the noise being equivalent to street traffic is inaccurate
- The orientation of the building puts the noise towards the back and away from the street
- Clarification regarding the road cuts into the facility from Flower Mound Road
- What kind of traffic does the Bank of America draw
- Indicated they did meet with Tealwood Oaks in 2017 and addressed their concerns
- They are not bringing in new traffic and there are no U-turns allowed on Gerault
- 1,600 sf of landscaping is required and they are doing 18,000 sf
- Why not retail instead of a car wash on the site
- Elevation changes and concerns regarding light pollution
- What size will the trees be

Mayor Dixon opened the Public Hearing at 9:11 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
None.	Martin Rice, 908 Wood Duck Way	Paul Stone, 4100 Broadway
	Jeffrey Blasko, 1720 Milford	
	Stacey Langley, 800 Carter Ct	
	William Scott Langley, 800 Carter Ct	
	Nick Richardson, 328 Tealwood Cr	
	Royce Martin, 840 Tealwood Cr	
	Katie Miles, 836 Tealwood Cr	
	Rick Kenyon, 2009 Ring Teal Ln	
	Renee Doyle, 920 Drake Tr with donated time from: Angela Kenyon, 2009 Ring Teal Ln	
	Kalpana Salian, 2008 Canvasback Ln*	
	Laura Pryde, 905 Drake Tr*	
	Nick Richardson, 836 Tealwood Cr	
	Joe Cole, 1821 Edgewood Dr	

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

Mayor Dixon closed the Public Hearing at 9:50 p.m.

Councilmember Sharma moved to deny SUP18-0001 – Tidal Wave Car Wash as presented in the agenda caption. Councilmember Engel seconded the motion.

Council Deliberation

There was Council discussion regarding:

- A car wash is not the highest and best use for this property but it is ideal for a drive thru restaurant
- The car wash is not a true anchor
- Screening with walls and landscaping helps with the noise reduction
- While the easement is an issue it's not a new situation and developers have dealt with it in the past
- The believe that the overall intent of the PD was to prohibit a car wash
- Concerns about the street buffer being 9 – 25 feet
- Park amenity is a nice feature; however, there are concerns that it might not be used
- Concerns that the facility cannot survive on the traffic today and how a car wash is not a business that can be repurposed
- Appreciation for the retail portion of the project; however, tonight Council is voting on the car wash and not the retail component
- The role of Council is not to dictate what the market allows for the type of business, but to make sure it is best for Flower Mound
- Appreciation for the water recycling
- Appreciation for working with the HOA and the developer, but would have liked to seen more meetings with the residents
- The vacuum noise is a concern

- Hope that the applicant can bring in a restaurant or retailer that can attract people
- Banks are starting to automate many aspects of the business
- If the easement wasn't there it would already be a restaurant
- Council needs to look at the overall aspects of a project, including specifics, adjacency, as well as pros and cons.

VOTE ON MOTION:*Motion passed (to deny)***AYES: SHARMA, WEBB, ENGEL, BRYANT****NAYS: FOREST**

17. Discuss and consider previous Charter Review Commission recommendations and any proposed amendments to the Town Charter for a future election.
18. Discuss and consider proposed Charter Amendments and adopt an ordinance ordering a special election for May 4, 2019, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions and manner of holding such election; and providing for the posting and publication of notice.

Mayor Dixon opened items 17 and 18 at the same time.

Staff Presentation

Ms. Scott gave a presentation identifying or noting:

- Background information from the Jan 7th meeting
- Deadlines and cost
- Proposed ballot language

and Ms. Scott or Mr. Meredith responded to the following questions from Council:

- Legal aspects and the benefit of the mayor and councilmembers being compensated.

There was Council discussion regarding:

- A goal of streamlining the Town's regulations, including the Charter, and some of the amendments do just that
- Acceptable to compensation given the legal ramifications and protection it offers
- Some of the amendments address efficiency improvements
- Charter can only be amended every 2 years
- If there are any other areas of the Charter that need to be reviewed, such as other items previously discussed by past Charter Review Commissions, as well as integrating technology with electronic petitions
- Appreciation that the proposed amendments were already recommended by a Charter Review Commission
- Compensation options (per month versus per meeting)
- Importance of communicating to the voters the importance of the items, including clarity in the ballot language, as well as the associated benefit for the Town
- Anything the Town can do to protect the citizens servants of Flower Mound (Mayor/Town Council), it needs to be done
- People don't serve on Town Council because of the pay and it will not change who potentially runs because of the pay

- Interest in using the date of June 1, 2019 to allow for the protection aspect to start as soon as possible
- If anyone on Council has issues with accepting the compensation (if it is passed) there is always the option to donate the money elsewhere
- The residents of Flower Mound ultimately make the decision – Council is simply putting it on the ballot

Given the time constraints, and for clarification purposes, Ms. Scott requested Council vote on each proposed amendment separately.

Councilmember Bryant moved to approve Proposition A (Compensation):

Shall Section 3.04 of the Flower Mound Home Rule Charter be amended to authorize a monthly stipend of \$300 for the mayor and a monthly stipend of \$200 for each councilmember with an effective date of June 1, 2019?

Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT

NAYS: NONE

Councilmember Bryant moved to approve Proposition B (Publication of Ordinances):

Shall Section 3.07 of the Flower Mound Home Rule Charter be amended to remove the requirement that all ordinances adopted by the Town be published in the Town's official newspaper except those ordinances required to be published by law?

Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA

NAYS: NONE

Councilmember Bryant moved to approve Proposition C (Certification and Copies of the Budget):

Shall Section 9.10 of the Flower Mound Home Rule Charter be deleted in its entirety to remove the requirement that the Town budget be filed with various county and state agencies?

Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT

NAYS: NONE

Councilmember Bryant moved to approve Proposition D (Budget Appropriations):

Shall Section 9.14 of the Flower Mound Home Rule Charter be amended to allow transfer of funds between departments within the same fund without the requirement of a budget amendment?

Deputy Mayor Pro Tem Forest seconded the motion.

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

Councilmember Bryant moved to adopt an ordinance ordering a special election for May 4, 2019, to amend the Home Rule Charter of the Town of Flower Mound; designating the propositions and manner of holding such election; and providing for the posting and publication of notice. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 01-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT****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.

19. Discuss and consider appointment of Chair to the Tax Increment Reinvestment Zone (TIRZ).

Ms. Scott pointed out that Tax Code requires the Council to select a TIRZ Chair on an annual basis.

Deputy Mayor Pro Tem Forest moved to reappoint Paul Stone to serve as Chair of the Tax Increment Reinvestment Zone #1 (TIRZ), and with an expiration date of December 31, 2019. Councilmember Sharma seconded the motion.

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

The Town Council convened into a closed meeting at 11:15 p.m. on Monday, February 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 11:49 p.m. on Monday, February 4, 2019, to take action on the items as follows:

- a. Consultation with Attorney.
 - 1. All matters related to Cause No. 18-9622-431 EagleRidge Operating, LLC v. Town of Flower Mound and Cause No. DC-18-17756 Town of Flower Mound, Texas vs. Eagleridge Operating, LLC
 - 2. Cause No. CV-2019-00241 Elaine Wells v. Town of Flower Mound et al.

Councilmember Bryant moved to approve the retainer as discussed in executive session. Deputy Mayor Pro Tem Forest seconded the motion.

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

Motion passed

- 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 Sharma moved to authorize staff to purchase a necessary easement, in association with the Upper Timber Creek Interceptor Phase III & IV project, and to negotiate for the purchase of easements up to the settlement amount as discussed in executive session. Councilmember Bryant seconded the motion.

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

Motion passed

- 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 11:50 p.m. on Monday, February 4, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY