

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 1ST DAY OF APRIL 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
Lexin Murphy	Director of Planning Services
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 Russ McNamer gave the invocation and Mayor Dixon led the pledges.

D. PRESENTATIONS

1. Recognition of the Flower Mound Citizens Academy – Class of 2019

Ms. Scott gave a presentation identifying or noting:

- Background information
- Program summary
- How to sign up for next year’s academy

and the class recited a pledge to be an ambassador of the Town. Mayor Dixon presented each participant with a graduation gift.

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.	Jane Bustos, 2833 Downing St	Windsor Extension Opposition
2.	Judy Boyce, 3028 Newcastle Ct	Windsor Road Extension
3.	Cecil Drewry, 2912 Windsor Dr	Windsor Connection
4.	Hank Reinsch, 4200 Thames Ct	Windsor Connection
5.	Jim Pierson, 3209 High Rd	Roundtable
6.	Pete Marcellus, 3016 Oxford Ct	Windsor/W. Windsor Connection
7.	Thomas Baker, 2920 Woodpark Dr	Children's Advocacy for Denton Co.
8.	Mary Kay Walker, 3229 Oak Meadow	Senior Center

Mayor Dixon provided statements of fact regarding the Windsor Road Extension in response to public comments.

F. ANNOUNCEMENTS

Councilmember Bryant reported on going to the Islamic Association of Lewisville for a *Together We Stand* event about love and togetherness. He stressed the importance of treating others with the same love and respect we want for ourselves.

Mayor Pro Tem Webb announced the Town's annual Easter Egg Hunt at Jake's Hilltop Park is scheduled for April 13th.

Deputy Mayor Pro Tem Forest announced an event the Summit Club participated in last Saturday – a Swim-A-Thon to end Polio.

Mayor Dixon and several members of Council announced their attendance at the grand opening and ribbon cutting for Heritage Park, Phase 4 on March 30th.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update in the following topics:

1. Capital improvement projects
 - Lake Forest Blvd
 - Skillern Road
2. Economic Development projects
 - Businesses that recently opened
3. Legislative Updates

Ms. Wallace provided an update on various bills circulating in the Texas Legislative Session.

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

- What is the likelihood of HB 2439/SB 1266 (construction materials) passing

4. Cellular Coverage

Mr. Dalton provided an update on cellular service, and gave a presentation identifying or noting new cellular projects that were recently approved.

He responded to the following questions from Council:

- What other carriers besides AT&T are coming forward
- What is the possibility of having a developer identify the type of coverage for new developments coming forward

H. FUTURE AGENDA ITEMS

1. Deputy Mayor Pro Tem Forest indicated that due to limited parking at The Hound Mound Dog Park, people are parking across the street at Garden Ridge, and pedestrian safety is a concern. He pointed out this will also be an issue with the addition of the disc golf course and players potentially crossing the road. He requested staff present options to improve pedestrian safety in that area.

There was Council consensus to have a future agenda item to discuss possible solutions.

I. COORDINATION OF CALENDARS

Mayor Dixon announced there is a regular meeting scheduled for Monday, April 15 and a joint work session with the Environmental Conservation Commission (ECC) is scheduled for Thursday, April 18.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on March 18, 2019.
2. Consider approval of an ordinance to reappoint Alternate Municipal Judge Stephanie Askew for the period of April 17, 2019, through April 16, 2021.

ORDINANCE NO. 08-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPOINTING AN ALTERNATE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider the authorization of new or reclassified position within the Planning Services Division.
4. Consider approval of the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2018.
5. Consider approval of the 2019 US Army Corps of Engineer (USACE) Solicitation No. W9126G19Q0023 for Contract with the Town of Flower Mound for law enforcement services at Lake Grapevine; and authorize the Mayor to execute same on behalf of the Town.

6. Consider approval of an ordinance vacating and abandoning approximately 139.7 feet by 30.4 feet (4,308 square feet) located at the southeast corner of a property addressed 206 Cherokee Path.

ORDINANCE NO. 10-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING A CERTAIN 4,308 SQUARE FEET OF RIGHT OF WAY LOCATED AT THE SOUTHEAST CORNER OF PROPERTY LOCATED IN THE ROSANNAH BAKER SURVEY, ABSTRACT NO. 49, TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, BEING DESCRIBED IN VOLUME 4811, PAGE 1408, DEED RECORDS, DENTON COUNTY, TEXAS, BEING MORE COMMONLY KNOWN AS 206 CHEROKEE PATH; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of emergency expenditures for the repair of the Hanover sanitary sewer main in the amount of \$63,259.24.
8. Consider approval of Proposal # 19-204_REV3, Flower Mound Central Fire Station Phase II Remodel from Schneider Electric Buildings in the amount of \$33,045.00.
9. Consider approval of Professional Services Agreement with Braun Intertec for Construction Materials and Testing for the Flower Mound Storage Warehouse in the amount of \$20,036.00.

Councilmember Bryant moved to approve by consent Items 1 – 9, 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: BRYANT, ENGEL, WEBB, FOREST, SHARMA

NAYS: NONE

K. REGULAR ITEMS

10. Public Hearing to consider a request for rezoning (ZPD18-0012 - Lisanti Cell Tower) to amend Planned Development-135 (PD-135) with Campus Industrial (CI) uses to allow development of a communication tower, to modify the development standards, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property including reduction of required landscaping, and consider adopting an ordinance providing for said amendment. The property is generally located south of Spinks Road and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 25, 2019, meeting.) (The Town Council moved to postpone this item on the March 4, 2019, meeting, at the applicants request.) (The Planning and

Zoning Commission recommended approval by a vote of 7 to 0 at its March 25, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location of the site
- Land use and zoning
- Site photos
- Typical landscape plan
- Proposed landscape plan
- Typical elevations
- Proposed elevations
- Proposed concept plan

Applicant Presentation

Bebb Francis, 112 E Pecan, San Antonio, Texas, Attorney for AC Towers
Jake Hamilton, Verizon, Director of Engineering

Mr. Francis gave a presentation identifying or noting:

- Demand for wireless
- Existing screening (landscaping)
- Pole simulations
- Alternative site analysis
- Verizon wireless service maps and the need to enhance coverage
- Federal Telecommunications Act
- World Health Organization and American Cancer Society feedback

and Mr. Francis or Mr. Hamilton responded to the following questions from Council:

- How long does it typically take to construct a tower
- Difference between the large and smaller towers
- Future needs as it relates to a macro site or small cells

Mayor Dixon opened the Public Hearing at 7:35 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 7:35 p.m.

Council Discussion

There was Council discussion regarding:

- Importance of improving cell coverage in the areas identified on the map (vicinity of the Lakeside Business District) as it's very underserved

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

ORDINANCE NO. 09-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 46-14, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 135 (PD-135) WITH CAMPUS INDUSTRIAL (CI) USES ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 24.05 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NUMBER 692, BY AMENDING THE PERMITTED USES TO ALLOW DEVELOPMENT OF A COMMUNICATION TOWER; 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT****NAYS: NONE****L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:41 p.m. on April 1, 2019, 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 8:51 p.m. on April 1, 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.

No action taken for items 1 or 2 above.

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.

O. **ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 8:51 p.m. on Monday, April 1, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY