

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15<sup>TH</sup> 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
JP Walton	Assistant to the Town Manager
Christine Hastings	Animal Services Manager
Bob Pegg	Assistant Director of Engineering
Shane Jennings	Police Captain
Andy Kancel	Police Chief

**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 Mike Liles gave the invocation and Mayor Dixon led the pledges.

Mayor Dixon announced that Mr. Liles is soon to be retiring as an employee of the Town. He extended thanks for his many years of service to the Town.

**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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Jeffrey Blasko, 1720 Milford Dr With donated time from: Mike Miner, 1513 Fuqua Dr Nick Blasko, 1720 Milford Aricia Blasko, 1720 Milford Carol Owens, 1720 Milford	Agenda item 14
2.	Paul Stone, 4100 Broadway	Consent Item #7
3.	Mike Wallace, 2913 Trailwood Ln	Election
4.	Lauri Pistole, 6399 Morningstar Dr, #1017, The Colony	Thanks
5.	Jim Pierson, 3209 High Rd	Limited Residential; Fine Arts Ctr
6.	Cathy Strathmann, 2612 Belmont Ct	Item 13 & 14 (opposition)
7.	Katy Grote, 165 Double Oaks, Double Oak	Item 13 (opposition)
8.	Lisa Watrous, 2624 Virginia Pkwy	Performing arts building (opposition)
9.	Ann Martin, 4700 Oak Springs Dr	Item 14 (opposition)
10.	David Johnson, 3617 San Paula	Item 14 (opposition)
11.	Patrick Martin, 4700 Oak Springs Dr	Item 14 (opposition)
12.	Jenice Pizzuto, 2629 Desco Dr	TIRZ Lakeside Village (support)
13.	Carol Kohankie, 4312 Lauren Way	Performing Arts Center (Mary Webb)
14.	Peter Schwartz, 2617 Desco Dr Speaking on behalf of Curtis Frisbie, 2717 Desco Dr	TIRZ Lakeside Village (support)
15.	Kathy Frisbie, 2717 Desco Dr	TIRZ Lakeside Village (support)
16.	Bryan Webb, 4112 High Rd	TIRZ
17.	Don McDaniel, 3801 Hideaway Ct	TIRZ
18.	Hank Reinsch, 4200 Thames Ct	Windsor Drive Connection
19.	Tami Shinedling, 2004 Walden Blvd*	Item 14 (opposition)
20.	Cecil Drewry, 2912 Windsor Dr*	Windsor Dr Connect (opposition)
21.	Pauline Drewry, 2912 Windsor Dr*	Windsor Dr Connection (opposition)
22.	Sandy Fambrough, 4105 Spring Meadow Ln*	Item 14 (opposition)
23.	Pauline Drewry, 2912 Windsor Dr*	Windsor Dr (opposition)

\*submitted a comment form; however, indicated did not wish to speak

Mayor Dixon and/or Mr. Stathatos provided statements of fact in response to a public inquiry regarding next steps for the Windsor Drive connection road project.

#### **E. ANNOUNCEMENTS**

Councilmember Bryant reported having attended a Marcus/Flower Mound High School baseball game and fundraiser event, and he announced that the KFMB Trash Bash is scheduled for April 27<sup>th</sup>.

Councilmember Engel announced that Environmental Services will host an Earth Day event at the Flower Mound Library on April 22<sup>nd</sup> from 2 – 5pm

Mayor Pro Tem Webb announced the annual Easter Sunrise service on The Mound and encouraged everyone to come.

Councilmember Sharma announced upcoming election information, including the announcement of the new polling location of the CAC.

#### **F. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - Morriss Road improvements (3040 to Firewheel)
  - Pedestrian safety plans for the area by The Hound Mound Dog Park
2. Economic Development projects
  - New businesses coming to Flower Mound
3. Legislative Update

Ms. Wallace reported on the status of various bills in circulation within the Texas legislature
4. Other

Ms. Wallace announced plans for public art at Town Hall.

#### **G. FUTURE AGENDA ITEMS**

1. Councilmember Bryant indicated interest in bringing back the discussion about the senior overlay for the purpose of clarifying the direction given the super majority component.

Mr. Stathatos responded to the following questions from Council:

- Are there any conceptual projects in the works

There was Council consensus to not make any changes and allow the item to continue with the current plan to have it heard by Council in May.

2. Mayor Pro Tem Webb pointed out there are Master Plan Amendments (MPAs) and zoning items scheduled for May 6<sup>th</sup> and whether it's prudent to push those items to mid-May or June given the May 4<sup>th</sup> election, since it will be the last meeting for two council members.

There was Council consensus to have large projects such as MPA's with companion zoning cases moved from May 6<sup>th</sup> to a future date.

#### **H. COORDINATION OF CALENDARS**

Mayor Dixon announced there is a joint work session with the Environmental Conservation Commission (ECC) on Thursday, April 18 and the next regular meeting is Monday, May 6.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 1, 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. 11-19**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS SETTING THE COMPENSATION FOR THE 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 approval to fund replacement of virtual server hardware in the amount of \$49,804
4. Consider approval of Bid No. 2019-50-A Custodial Services to UBM Enterprise Inc. in the annual amount of \$203,060.00
5. *Moved from Consent to Regular*
6. Consider approval of Memo of Understanding between the Town of Flower Mound and the Town of Northlake to allow Flower Mound Animal Services to provide limited animal services for the Town of Northlake, and authorization for the Mayor to execute same on behalf of the Town.
7. *Moved from Consent to Regular*
8. Consider approval of Change Order No. 4, for the Heritage Park Phase IV project, in the amount of \$61,104.59; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of a Professional Services Agreement with ECS Southwest LLC, to provide construction materials engineering and testing, for the Morriss Road and 20" Water Line Improvements, in the amount of \$97,784.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Bryant moved to approve by consent Items 1-4; 6; 8-9, 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: SHARMA, FOREST, WEBB, ENGEL, BRYANT****NAYS: NONE****J. REGULAR ITEMS**

5. Consider approval of a contract with Sawko & Burroughs, P.C. for the collection of outstanding Class C misdemeanor capias warrants and delinquent municipal fines, utility bills and miscellaneous receivables, and authorization of Mayor to execute same on behalf of the Town.

Councilmember Bryant offered an explanation as to why he requested the item be pulled.

Ms. Wallace provided background information regarding this item, and responded to the following questions from Council:

- Success rate on recovery, and what is the standard in this industry
- Were there any other local organizations considered
- Clarification regarding the term of the contract
- How long has Sawko & Burroughs been doing these collections
- Why did the Town opt for the company with the lowest recovery rate

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

**VOTE ON MOTION:**

*Motion passed*

**AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA**

**NAYS: NONE**

7. Consider approval of an ordinance amending Chapter 6, Article I, "In General," to establish the definition of certain defined terms and amending Article V, "Dangerous Animals" in its entirety; providing this ordinance shall be cumulative of all ordinances; providing a penalty for violation of the code of ordinances of the Town of Flower Mound, Texas.

Mayor Pro Tem Webb offered an explanation as to why he requested the item be pulled.

Ms. Hastings gave a presentation identifying or noting:

- Article V – Dangerous animals
- Dangerous animal definitions
- Process
- Compliance requirements
- Summary

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

- Why wasn't there a recommendation from the Animal Services Board for this item, especially when you consider it's a process change at the shelter

and there was Council discussion regarding:

- Given the changes were legal in nature there wasn't a need to have the item come forward to the Animal Services Board

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

**ORDINANCE NO. 12-19**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY AMENDING CHAPTER 6, "ANIMALS," ARTICLE I, "IN GENERAL," TO ESTABLISH THE DEFINITION OF CERTAIN DEFINED TERMS AND AMENDING ARTICLE V, "DANGEROUS ANIMALS," IN ITS ENTIRETY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A**

**PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, FOREST, WEBB, ENGEL, BRYANT**

**NAYS: NONE**

10. Public Hearing to consider approval of an ordinance amending Chapter 90 of the Town's Land Development Regulations (LDR19-0003 – Park Credit Option), adding minimum park land dedication requirements for multi-family and senior housing uses; clarifying park development fee requirements; providing options for privately maintained and publicly accessible parks and open space; clarifying park land dedication and park development fee requirements for the (MU) mixed use district and (PD) planned development district; and deleting existing provisions in conflict therewith, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 8, 2019, meeting.)

**Staff Presentation**

Mr. Dalton gave a presentation identifying or noting:

- Council Direction
- Background information
- Concerns
- Park Board input
- P & Z discussion points
- Ordinance elements: formula, applicability, open space
- Summary table

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

- Have the citizens out west been contacted about the ordinance change
- Clarification regarding:
  - What constitutes a major change
  - Calculations, such as language dictating up to 100%
  - non usable open space credit
  - administrative approvals
  - timing
  - eligibility

and there was Council discussion regarding:

- For years Council has been working to streamline, consolidate, and condense ordinances to create a valid direction
- This agenda item clarifies the ordinance regarding credits
- How setting a cap for the credits would not allow flexibility
- Concerns that a development community may have the expectation that they can get to 100% and the position that puts staff in
- Whether or not to set a maximum percentage amount for the credits or have the flexibility to take it to 100%
- Whether or not a super majority should be put in place for an amount greater than 90%, for example
- The option of putting a statement in the ordinance that defines the type of development that would be eligible for 100%

- Possibility of allowing for a lesser credit (25%) for open space instead of up to 50%

Mayor Dixon opened the Public Hearing at 7:55 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
Mark Mayer, 3612 Burlington Dr	None	Jim Pierson, 3209 High Rd

Mayor Dixon closed the Public Hearing at 8:00 p.m.

Councilmember Bryant moved to approve as presented, including the addition of language in the Ordinance that would characterize the type of development that would warrant consideration for the 100% credit. Deputy Mayor Pro Tem Forest seconded the motion.

**ORDINANCE NO. 13-19**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 90-443(d) "CHARACTER AND MINIMUM DEDICATION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY ADDING MINIMUM PARK LAND DEDICATION REQUIRMENTS FOR MULTI-FAMILY AND SENIOR HOUSING USES; BY AMENDING SECTION 90-446(b) "PARK DEVELOPMENT FEES" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK DEVELOPMENT FEE REQUIREMENT; BY ADDING A NEW SECTION 90-449 "PARK CREDIT OPTION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE OPTIONS FOR PRIVATELY MAINTAINED AND PUBLICLY ACCESSIBLE PARKS AND OPEN SPACE; BY AMENDING SECTION 98-902(c) "DEVELOPMENT STANDARDS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING THE NOTE CONTAINED IN SECTION 3.0 OF TABLE 3; BY AMENDING SECTION 98-905(b) "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS FOR THE MU MIXED USE DISTRICT; BY AMENDING SECTION 98-905(b), SUBSECTIONS 1-3 "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY DELETING SAID SUBSECTIONS; BY ADDING A NEW SECTION 98-815, "PARK DEDICATION AND PARK DEVELOPMENT FEES" OF DIVISION 21, "PD PLANNED DEVELOPMENT DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK STANDARDS FOR PD PLANNED DEVELOPMENT DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES;**

**PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA**

**NAYS: NONE**

11. Public Hearing to consider a request for a Land Development Regulation Amendment (LDR19-0004 - Limited Residential Definition) to amend Chapter 98, Article III, Division 22, entitled "CC Campus Commercial District," of the Town's Code of Ordinances, to define the standards for Limited Residential development, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 8, 2019, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- Quick recap/background information
- Proposed location
- Residential development criteria
- Parking structures
- Open space
- Bonus provisions
- Planning & Zoning feedback

and she responded to the following questions from Council, some of which were as a result of the Public Hearing:

- Clarification regarding the open space calculations
- Building square foot calculations and parking garage equations
- Is there a building height limit
- Clarification of the "site" definition
- How is vertical density determined in high rises
- How the open space is determined

and there was Council discussion regarding:

- How the language has an "up to" amount so Council still has discretion
- Whether or not to leave the calculations for parking garages
- Public commercial use versus residential use/amenities
- Current development examples
- The original intent associated with having limited residential in Lakeside
- Because of the amount of residential in Lakeside, a reduction is worth considering
- How the market dictates the types of buildings
- How Parker Square is an example where limited residential over those businesses would have made it a gem of a property
- The objective of the limited residential definition and how it allows for a baseline to work with for applicants
- How ideally there would be no residential; however, there is also an understanding that some bending is needed
- How the new ordinance would be applicable to 50 or less acres remaining in Lakeside



- More residential equates to less commercial

Mayor Dixon opened the Public Hearing at 8:36 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	None	Jim Pierson, 3209 High Rd
		Bill Dahlstrom, 2323 Ross Ave, Ste 600, Dallas
		Jeffrey Blasko, 1720 Milford Dr
		Jim Wells, 14160 Dallas Pkwy, (represents Lakewood) (city name not provided)

Mayor Dixon closed the Public Hearing at 8:41 p.m.

Councilmember Bryant moved to approve as presented in the agenda caption, including the provisions for vested rights for existing applicants, and to add clarification language regarding leasing offices and exclusive amenities (meaning if the commercial is not open to the public that would be considered a residential use, along with an associated leasing office). Deputy Mayor Pro Tem Forest seconded the motion.

**ORDINANCE NO. 14-19**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING, DIVISION 22, "CC CAMPUS COMMERCIAL DISTRICT" OF ARTICLE III, "DISTRICT REGULATIONS" OF CHAPTER 98, "ZONING" OF THE CODE OF ORDINANCES BY AMENDING SECTION 98-848, "COMPLIANCE WITH AREA PLAN COMPONENTS," TO DEFINE STANDARDS FOR LIMITED RESIDENTIAL DEVELOPMENT WITHIN THE LAKESIDE BUSINESS DISTRICT; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: FOREST, WEBB, ENGEL, BRYANT**

**NAYS: SHARMA**

- Public Hearing to consider a request to amend the Land Development Regulations (LDR19-0002 – Drainage and Grading) by amending Chapter 32, entitled "Engineering Design Criteria and Construction Standards," of the Town's Code of Ordinances, and to consider adopting an ordinance providing for said amendment. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 8, 2019, meeting.)

**Staff Presentation**

Mr. Pegg gave a presentation identifying or noting:

- Agenda item outline
- Purpose
- 100 year event
- Issues identified
- Changes/staff recommendations
- P & Z Review/Feedback (March 25 work session and April 8 meeting)
- Survey results from benchmark cities (Does your city have standards for private drainage easements)
- Details (new requirements and exception process)

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

- Applicability (residential only)
- What kind of authority would the HOA have in a dispute situation
- How can past developments be addressed

Mayor Dixon opened the Public Hearing at 9:15 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 9:15 p.m.

Councilmember Sharma moved to approve as presented in the agenda caption. Councilmember Engel seconded the motion.

**ORDINANCE NO. 15-19**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE “ENGINEERING DESIGN CRITERIA AND CONSTRUCTION STANDARDS” ADOPTED PURSUANT TO CHAPTER 32 OF THE TOWN’S CODE OF ORDINANCES BY AMENDING CERTAIN PROVISIONS OF THE DESIGN CRITERIA AND CONSTRUCTION STANDARDS RELATED TO STORM WATER SYSTEM IMPROVEMENTS AND GENERAL SITE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA**

**NAYS: NONE**

*Motion passed*

13. Consider approval of a multi-year agreement with All City Management Services, and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Captain Jennings gave a presentation identifying or noting:

- Current year report
- Current school year update
- Program objectives
- Contract renewal components

and he, Chief Kancel, Mr. Stathatos, or Patricia Pole, Vice President of Operations, ACMS, responded to the following questions from Council regarding:

- Billing hours versus shifts
- Deficiencies in the number of guards at cross walks
- What is a “no guard” situation and how is that handled
- 60 days versus 90 days termination discrepancy in the contract
- Are crossing guards allowed to assist a child cross the road after their shift has ended (i.e. where a child would have stayed after school for a special program)
- Was an RFP conducted or is it a sole source situation
- Training period, including at what point can a guard be left alone at a site
- Was a survey conducted within ACMS and the guards
- How does the Town decide service levels (i.e. how many guards per crossing)
- What type of clothing is provided to the guards (i.e. uniforms, rain gear, etc.)
- Is there an anonymous employee hot line for the guards
- Communication options
- What are optional sites as referenced in the contract
- Clarification regarding the coverage charge for when police officers are used at crossing guard sites

There was Council discussion regarding:

- How there is room for improvement but believes the concerns brought up will be addressed
- Concerns regarding missing shifts, a report of a child injury at Vickery, and crossing guards being prohibited to speak to members of Council - because of these issues a multi-year contract extension should not be approved
- Interest in having the crossing guard program shifted back internally with the Police Dept.
- Interest in trusting the recommendation of the Police Department (the administrator of the program) as they’ve reviewed the numbers, received the calls, etc.
- Interest in the use of an app to check in at sites
- How it’s a matter of going by the data or subjective issues

Councilmember Bryant moved to approve as presented in the agenda caption, and for the revised agreement to include a penalty clause should the police department need to cover a site, and for a 90 day termination agreement. Deputy Mayor Pro Tem Forest seconded the motion.

Councilmember Sharma recommended an amendment to the motion for a one year term agreement. Councilmember Bryant declined the recommendation, as did Deputy Mayor Pro Tem Forest.

**VOTE ON MOTION:**

**AYES: FOREST, WEBB, BRYANT**

**NAYS: SHARMA, ENGEL**

*Motion passed*

Mayor Dixon reiterated that if any Flower Mound resident has an issue or concern with ACMS they need to contact the Police Department, and ACMS employees need to contact their employer. Additionally, members of Council need to report concerns to the Town Manager so the proper steps can be taken to resolve the issue.

He also pointed out that the Town has the option to cancel the contract at any time.

14. Discuss and consider authorizing the Mayor to issue a response to Sunset Legacy, LP and Lakeside Residences, LP regarding a Fine Arts Facility in Lakeside Village, in accordance with the terms outlined in the Third Amendment to Development Agreement for Lakeside DFW.

### **Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Developer agreement with Realty Capital and background information
- Town response as outlined in the letter addressed to the developer
- If a letter is given with a commitment date the right studies need to be done

There was Council discussion regarding:

- We're not saying no but not saying yes and the response allows Council time to do the studies
- Feedback from the community on the topic
- The Cultural Arts Master Plan dictates the interest in a Fine Arts Center
- Whether or not Lakeside is the correct location
- Whether or not a specific date needs to be included

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

### **VOTE ON MOTION:**

**AYES: BRYANT, ENGEL, WEBB, FOREST, SHARMA**

**NAYS: NONE**

*Motion passed*

### **K./L. CLOSED/OPEN MEETING**

The Town Council did not convene into closed meeting, therefore no action was taken on the following items.

- a. Consultation with Attorney.
- 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, hospitality projects, and performance related to certain incentive agreements.

**M. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 11:20 p.m. on Monday, April 15, 2019, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

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**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**