

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20TH DAY OF MAY 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
Sandeep Sharma	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Ben Bumgarner	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
James Hoefert	Environmental Review Analysis

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:04 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. PRESENTATIONS

1. Veterans Liaison to report on upcoming events

Doug Brown, Veterans Liaison, announced the Town's upcoming Memorial Day event on May 27th.

2. Certificate of Achievement for Lauren Cox

Mayor Dixon presented Ms. Cox with a Certificate of Achievement for her various academic and athletic accomplishments.

3. Certificate of Achievement Flower Mound High School Boys' Soccer Team - State Champions

Mayor Dixon presented the team with a Certificate of Achievement for this accomplishment.

4. National Public Works Week Proclamation

Mayor Dixon recited and presented the Proclamation to Clay Riggs, Assistant Director of Public Works.

5. DFW Airport Noise Monitoring

Sandy Lancaster, Environmental Program Manager, Environmental Affairs, DFW Airport, gave a presentation identifying or noting:

- DFW overview
- DFW noise and engagement program elements
- Changes over time
- DFW's runway rehabilitation
- Summary

and she responded to questions from Council regarding:

- Installation of the noise monitoring equipment and time needed to gather data thereafter to understand the impact

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.	Mary Kay Walker, 3229 Oak Meadow	Senior Center
2.	Drew Korber, 3704 Polo Run Dr	Boy Scout service opportunity after storms

F. ANNOUNCEMENTS

Councilmember Bumgarner expressed concern for area cities being impacted by storms.

Mayor Pro Tem Sharma announced that Councilmember Jim Engel and Melody Ebby in the Economic Development Department will be graduating from the Chamber's Leadership Flower Mound program tomorrow.

Councilmember Pierson expressed appreciation for the warm welcome from members of Council and the community.

Mayor Dixon announced having received a Certificate of Recognition from State Representative Tan Parker for being named the safest city in Texas.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects:
 - FM 1171 @ River Walk new sidewalk and turn lanes with a June 5th bid opening
 - Library expansion ground breaking

and Ms. Bruce provided an update regarding the following project:

- FM 2499 at FM 3040 intersection improvements
2. Economic Development projects
 - New business openings
 3. Legislative updates

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

H. FUTURE AGENDA ITEMS

Councilmember Pierson expressed interest in understanding if the Police and Fire Department has received training regarding handling situations that involve people with special needs.

Councilmember Engel provided a statement of fact indicating that the police department does received this training.

Mayor Dixon pointed out that this will be discussed at the strategic planning session when both chiefs outline the work of their respective departments.

I. COORDINATION OF CALENDARS

A regular meeting is scheduled for Monday, June 3.

Discuss canceling the work session scheduled for Thursday, July 18.

Mayor Dixon announced that the next regular meeting is scheduled for June 3.

For the discussion regarding cancelling the work session, Ms. Scott pointed out that this is on the agenda given the July date conflicts with the TML Newly Elected Officials conference, which would mean two members of Council would be absent.

There was discussion about the possibility of cancelling the work session in August and Mr. Stathatos pointed out that the meeting is needed for the budget discussions; however, staff can meet with members of Council individually to go over any details regarding the budget.

After later receiving clarification from Councilmembers Bumgarner and Pierson that they plan to attend the July training, there was Council consensus to cancel the July work session.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 14, 2019.
2. Consider approval of the purchase and installation of fifteen (15) benches and fifteen (15) trash receptacles to be used along the parks and trails as a part of the ongoing Park and Trail Amenities project, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$34,955.00.
3. Consider a request to amend the Town's Code of Ordinances by amending Chapter 70: Utilities by replacing Article VI, entitled "Water Conservation;" in its entirety with a new Article VI, entitled "Water Conservation", and to consider adopting an ordinance for said amendment.
4. Consider approval of a Professional Services Agreement with Alan Plummer Associates, Inc., to provide contract construction management, associated with the Wastewater Treatment Plant Ultraviolet System Update project, in the amount of \$161,908.00; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 4, 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE****K. REGULAR ITEMS**

5. Public Hearing to consider a request for a Master Plan Amendment (MPA19-0001 – Senior Housing Overlay) to amend Section 1, Land Use Plan, by deleting the provisions related to Senior Housing, and consider adopting an ordinance providing for said amendment. (The Planning & Zoning Commission recommended denial by a vote of 7 to 0 at its May 13, 2019, meeting.)

Staff Presentation

Mr. Dalton gave a presentation identifying or noting background information, and he responded to questions from Council, and some of which were as a result of the public hearing, regarding:

- Timing as it relates to applications submitted prior to the sunset period
- Are there any applications in the pipeline now
- Clarification that the discussions for the area of Canyon Falls is out of the overlay
- How much property is available for development within the overlay
- Occupancy rates of the current senior facilities
- How many senior projects have been denied since the overlay began

There was Council discussion regarding:

- Background information regarding how rescinding the overlay came up for discussion

- Background information as to what the desire of Council was at the time the overlay was created
- Clarification that it was designed with independent or active living developments in mind, and not assisted living facilities
- Rescinding the overlay is not saying no to senior housing
- How the Town didn't really get "affordable" senior housing to date
- The difference between having the overlay and not having it

Mayor Dixon opened the Public Hearing at 6:56 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
Sharon Gentry, 2750 Bob White Ln	Heath Kendrick, 4320 Hillshire Ct	Jeffrey Blasko, 1720 Milford Dr
Adam Schiestel, 2205 Waterford Dr	Paul Stone, 4100 Broadway	
*Tim Runte, 3480 High Rd		
*Janvier Scott, 2829 Bob White		
*KC Walsh, 3525 High Rd		

**Indicated do not wish to speak.*

Mayor Dixon closed the Public Hearing at 7:12 p.m.

Councilmember Engel moved to approve as presented. Councilmember Pierson seconded the motion.

ORDINANCE NO. 20-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO DELETE PROVISIONS RELATED TO "SENIOR HOUSING" IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: BUMGARNER, SHARMA, ENGEL, PIERSON

NAYS: FOREST

Motion passed

For items 6 and 7 Mayor Dixon announced that the applicant has requested that both of these items be postponed; however, a date was not provided.

Ms. Murphy clarified the applicant's intent and Mr. Meredith pointed out the legal considerations.

6. Public Hearing to consider a request for a Master Plan Amendment (MPA18-0007-Highland Pointe Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Medium Density Residential to Retail uses, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)

Mayor Pro Tem Sharma moved to postpone item 6 to a future date contingent upon the applicant making such request. Deputy Mayor Pro Tem Forest seconded the motion.

Council Discussion

There was Council discussion regarding the possibility of setting a specific date as opposed to leaving it open-ended given there was no explanation by the applicant relative to what they are considering.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

7. Public Hearing to consider a request for rezoning (ZPD18-0011 - Highland Pointe Park) to amend Planned Development District No. 19 (PD-19) with Office District (O) uses to Planned Development District No. 19 (PD-19) with Retail District-2 (R-2) uses on certain tract of land, to add the conceptual plans and elevations, to modify the development standards, request an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property, and consider adopting an ordinance providing for said amendment. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road. (The Planning & Zoning Commission recommended approval by a vote of 7 to 0 at its May 13, 2019, meeting.)

Mayor Pro Tem Sharma moved to postpone item 7 to a future date contingent upon the applicant making such request. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Administrative note: there was not a public hearing for items 6 and 7 given Council action was taken to postpone the items.

Mayor Dixon opened items 8 and 9 at the same time.

8. Public Hearing to consider a request for rezoning (ZPD19-0005 - Windhaven Assisted Living) from Agricultural District (A) uses to Planned Development District-173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility, with certain exceptions and modifications to the Code of Ordinances, and consider adopting an ordinance providing for said amendment. The property is generally located south of Cross

Timbers Road and west of Auburn Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 2 at its May 13, 2019, meeting.)

9. Public Hearing to consider an application for a tree removal permit for nine (9) specimen trees on property proposed for development as Windhaven Assisted Living. The property is generally located south of Cross Timbers Road and west of Auburn Drive. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its March 5, 2019, meeting).

Staff Presentation

Ms. Murphy gave a presentation for items 8 and 9 identifying or noting:

- General location
- Land use and zoning
- Exceptions requested
- Conceptual landscape plan
- Site photos
- Conceptual elevations
- Specimen tree survey

and she, Mr. Dalton, Ms. Bruce, Mr. Greaser, Mr. Meredith, or Mr. Hoefert responded to the questions from Council regarding:

- Driveway spacing options as it relates to working around trees, including access from the Fire Department's standpoint
- How many other assisted living facilities are in Town
- How successful has the Town been when asking developers to save trees
- Legalities associated with denial of a tree removal and what are the options
- Clarification on the modifications and exceptions

Applicant Presentation

Trent Coots, 1519 Surveying and Engineering, Waco

Clint Lannen, Engineer, 1519 Surveying and Engineering, Waco

Ron Stewart, G & A/McAdams, 111 Hillside, Lewisville

Ed Sedeca, Property Owner, Windhaven

Mr. Coots gave a presentation identifying or noting:

- Requested modifications
- Southern property line fence
- Site photos
- Current design
- Town benefits

and various representatives (identified above) responded to questions from Council regarding:

- Clarification for the removal of some of the trees as they don't appear to be in the buildable area
- Grading options that might allow the tree to be saved
- Tree root system encroachment
- How important is the 6' versus 4' height for the fence
- Is there a market need for this type of facility
- How was the lot selected given the limitations and constraints on the site
- How many acres are on the lot
- What could be done to save tree #975 and #2968
- What is the age of tree #975
- Clarification that everything will be done to attempt to save the tree

There was Council discussion regarding:

- A desire to approve it and see it built; however, with a good faith effort to save some of those trees
- Interest in finding a way to save tree #2968 and opt for the 4 foot wall instead of the 6 foot to preserve the view

Mayor Dixon opened the Public Hearing for items 8 and 9 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
Adam Shear, 3712 Alberta Ln	*KC Walsh, 3525 High Rd	Jeffrey Blasko, 1720 Milford Dr
Austin Adams, 695 Timber Bend, Highland Village	*Tim Runte, 3420 High Rd	

**Indicated do not wish to speak.*

Mayor Dixon closed the Public Hearing for items 8 and 9 at 8:39 pm

Item 8:

Deputy Mayor Pro Tem Forest moved to approve as presented, including the modifications and exceptions. Councilmember Bumgarner seconded the motion.

Mayor Pro Tem Sharma requested the motion be amended to deny the 6' front wall and propose a 4' front wall instead. Deputy Mayor Pro Tem Forest did not accept the proposed amendment.

Original motion stands.

ORDINANCE NO. 21-19

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 4.364 ACRES OF LAND SITUATED IN THE PERRY MALONE

SURVEY, ABSTRACT NO. 836, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 173 (PD-173) WITH AGRICULTURAL DISTRICT (A) USES AND A NURSING OR CONGREGATE CARE FACILITY, 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**Item 9:*Motion 1 of 2:*

Mayor Pro Tem Sharma moved to approve item 9 as presented, excluding the removal of tree numbers 2968 and 975. Councilmember Engel seconded the motion.

Council Discussion

Mayor Dixon summarized the discussion and outlined what has been done historically regarding efforts to save trees.

VOTE ON MOTION:*Motion failed***AYES: SHARMA****NAYS: BUMGARNER, FOREST, ENGEL, PIERSON***Motion 2 of 2:*

Mayor Pro Tem Sharma moved to approve as presented, with the understanding the developer will attempt to save the trees and work with the Town's arborist, as well as the developer's arborist to take measures as described in the presentation. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**

10. Public Hearing to consider an application for a tree removal permit for ten (10) specimen trees on property proposed for development as Townlake Phase 4. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (The Environmental Conservation Commission recommended approval by a vote of 4-2-0 at its April 2, 2019, meeting).

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General location
- Specimen tree survey

and he responded to the following questions from Council:

- What allowances could the Town offer to save the trees

Applicant Presentation

Mike Boswell, Toll Brothers, Director of Land Development

Mr. Boswell gave a presentation identifying or noting:

- Background information
- Specimen tree survey

and he responded to questions from Council, some of which were as a result of the public hearing, and regarding:

- The likelihood of moving the road to save the trees
- Why couldn't Mark Twain Rd be routed a few feet to allow the trees to be saved

Mayor Dixon opened the Public Hearing at 9:30 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	Adam Schiestel, 2205 Waterford Dr	None
	*KC Walsh, 3525 High Rd	
	*Tim Runte, 3420 High Rd	

**Indicated do not wish to speak.*

Mayor Dixon closed the Public Hearing at 9:32 p.m.

Mayor Pro Tem Sharma moved to approve as presented; however, with the understanding that efforts be made to save the five trees identified in the letter of intent. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: FOREST, SHARMA, ENGEL

NAYS: BUMGARNER, PIERSON

L. BOARDS/COMMISSIONS (Pre-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.

No action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:51 p.m. on May 20, 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 10:47 p.m. on May 20, 2019, 2019, and 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 resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.
- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

O. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 10:47 p.m. on Monday, May 20, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY