

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 17<sup>TH</sup> DAY OF JUNE 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
Wayne Olson	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Executive Director of Public Works
Andrea Roy	Director of Economic Development
Chuck Jennings	Director of Parks and Recreation
Brian Waltenburg	Assistant Director of Engineering
Blake Hummel	Senior Project Engineer
Matt Hotelling	Traffic Engineer
John Habern	Parks, Trails & Landscape Specialist
Chuck Jennings	Director of Parks and Recreation

**A. CALL REGULAR MEETING TO ORDER**

Mayor Dixon, assisted by Mayor for the Day Audrey Weidner, called the regular meeting to order at 6:01 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. Certificate of Distinction - Audrey Weidner (Mayor for the Day)

Mayor Dixon presented Audrey Weidner with a Certificate of Distinction in recognition of her being Mayor for the Day.

2. Proclamation for National Parks and Recreation Month

Mr. Jennings introduced Parks and Recreation staff and provided background information about programs and services offered. Mayor Dixon recited the Proclamation and presented it to Mr. Jennings.

3. Presentation by Republic Services regarding current recycling market, impacts, challenges, and plan to address.

Jeri Harwell, Republic Services, Municipal Services Manager

Ms. Harwell gave a presentation identifying or noting:

- Changes in China regarding the acceptance of recycling
- Trends strain on existing model
- Recommended business model and durable recycling model
- Flower Mound recycle cost and request for the Town to bear ½ of the loss (\$1.58 per household)
- National survey regarding residential willingness to pay for recycling
- Testimonial of a resident
- Informing the public
- Public education (clean up the stream)
- Recycling simplified
- Measuring success
- Partners in recycling
- Interest in getting Council's okay to begin the auditing process

and she responded to the following questions from Council:

- Clarification regarding the cost to recycle
- Is recycling still practical
- What alternatives are on the horizon regarding trash disposal
- How many communities does Republic work with

and there was Council discussion regarding:

- If recycling continues to go up there may be push back on a national level regarding recycling and there may be an inability to recoup that cost
- Interest in getting reports where trends are being tracked

There was Council consensus to begin the auditing process as presented.

**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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Paul Stone, 4100 Broadway	Strategic Planning Session
2.	Michael McDonald, 1420 Lakeside Pkwy	Business in support of Lakeside Center Class A building

**F. ANNOUNCEMENTS**

Councilmember Bumgarner extended a belated Happy Father's Day to all dads.

Councilmember Engel reported on awards the Communication Department received at the Texas Association of Municipal Officers Conference.

**G. TOWN MANAGER'S REPORT**

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
  - Windsor Drive roundabout connection
  - Upper Timber Creek Interceptor
  - Morriss Road improvements
2. Economic Development projects
  - New business openings
3. Legislative updates

Ms. Wallace provided a final status update on the Texas legislative session.

4. Street name change for southern segment of Long Prairie Road (FM 2499)

Mr. Stathatos provided background information for the street name change proposal and how there is public interest in changing that segment of Long Prairie back to International Parkway.

and he responded to the following questions from Council:

- Clarification regarding what portion of Long Prairie
- What would the impact be on existing businesses
- What would the cost be to change the name

There was Council consensus to proceed with the process to initiate the name change, particularly if the focus is on attracting corporate businesses, including Class A.

**H. FUTURE AGENDA ITEMS**

1. Councilmember Engel pointed out that because of action taken by the Texas Legislature with respect to new limits on property tax revenues, the Town needs to look at ways to reduce expenses. He indicated interest in having a future agenda item to discuss the All City Management Services (ACMS) crossing guard contract.

Chief Kancel or Mr. Stathatos responded to the following questions from Council:

- Cost for the Town to run the crossing guard program
- Is there another company besides ACMS that could provide these services

Councilmember Engel pointed out that July 15<sup>th</sup> might be too late to include it as an agenda item given the required notification process, etc.

There was Council consensus to discuss the ACMS contract at the Strategic Planning Session.

Councilmember Bumgarner reported that there is interest by the Parks Board to discuss various topics.

Mayor Dixon pointed out the Parks Board has requested a joint work session with Council for the past couple of months and the Chair was told that Council will be talking about their input at the Strategic Planning Session.

**I. COORDINATION OF CALENDARS**

Mayor Dixon announced the following upcoming meetings:

- Strategic planning session scheduled for Friday, June 21
- A regular meeting scheduled for Monday, July 15

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on June 3, 2019.
2. Consider approval of Master License and Services Agreement with ionWave Technologies for the Town's e-procurement system; and authorization for the Mayor to execute same on behalf of the Town.
3. Item 3 moved from consent to regular.
4. Consider approval of an Interlocal Cooperative Agreement with Denton County for US 377 at Canyon Falls Drive signal project; and authorization for the Mayor to execute same on behalf of the Town.
5. Consider approval of Amendment No. 2 to Komatsu Architects for the Library Expansion project design, in the amount of \$34,396.00: and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of an Ordinance amending Appendix A "Fee Schedule," referenced in Chapter 14, "Buildings and Building Regulations," Section 14-1, "Building, plumbing, mechanical and electrical permit fees," of the Code of Ordinances of the Town of Flower Mound, Texas, by updating building permit fees based on job value.

**ORDINANCE NO. 23-19**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," REFERENCED IN CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," SECTION 14-1, ENTITLED "BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMIT FEES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, TO REVISE THE FEES RELATED TO THE ISSUANCE OF CERTAIN BUILDING PERMITS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of a TCEQ Settlement Agreement resulting from a discharge of chlorinated water into Stone Bend Creek on July 2, 2018; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Sharma moved to approve by consent Items 1 - 2; 4 - 7 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.

### **Council Discussion**

Councilmember Engel pointed out the typo on the contract for item 4 in that it referenced Precinct 1 and not Precinct 4.

Mayor Dixon stated that the correction has been made and the executed copy will reflect Precinct 4 and not Precinct 1.

#### **VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

### **K. REGULAR ITEMS**

3. Consider approval of Contract No. 2019-50-A with Print Team for the monthly Utility Billing Bulletin in the amount of \$14,600; and authorization for the Mayor to execute on behalf of the Town.

#### **Staff Presentation**

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

- What would happen if there were changes made based on direction at the SPS

Councilmember Pierson moved to approve Item 3 as presented in the agenda caption. Councilmember Bumgarner seconded the motion.

#### **VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

8. Consider approval of a Construction Agreement with Excel Aircraft LLC dba Excel Trenching, for the Upper Timber Interceptor Phase III & IV project, in the amount of \$4,922,134.90; and authorization for the Mayor to execute same on behalf of the Town.

#### **Staff Presentation**

Mr. Waltenburg gave a presentation identifying or noting:

- Project overview
- Costs and funding
- Purpose

and he responded to the following questions from Council:

- When was the condition of the collector discovered

Mayor Pro Tem Sharma moved to approve Item 8 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

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

9. Consider approval of the continuation of the Windsor Roundabout Connection project which includes extending Windsor Drive to West Windsor Drive. (The Transportation Commission recommended denial by a vote of 4 to 2 at its May 16, 2019, meeting.)

**Staff Presentation**

Mr. Waltenburg gave a presentation identifying or noting

- Project scope and layout
- Project timeline

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

- Clarification regarding the time line and projected cost of construction

and Mr. Hummel continued the presentation identifying or noting:

- Traffic study results
- Resident questions/concerns
- Flower Mound benefits
- Transportation Commission questions/concerns

and he, Mr. Waltenburg, Mr. Hotelling, or Chief Greaser responded to the following questions from Council:

- If the traffic numbers are based on the model
- Is the majority of the traffic change connected to the school or office timings
- Clarification regarding
  - school hours
  - the swings in the average daily trips and where it will really end up
  - input from the schools (Downing Middle and Flower Mound Elementary) and any associated benefits that the roundabout would offer
- If people are using the alley as a short cut, what are the enforcement options
- Route options (today and in the future if approved)
- What was the feedback from LISD
- If the connection is done would the coverage maps for Fire Station #1 and #4 be adjusted (given it would be faster to get from Bridlewood Station #4 to this area), and what would the impact be for the homes in the area
- Is there a new fire station coming on line at the River Walk
- What is the objective data to support it is a health and safety concern with respect to response times
- What is the ideal response time and is the Town within those standards
- What is the national emergency response time
- What is the distance from the school to the roundabout

and there was Council discussion regarding:

- Signage that the school has put in place regarding no right turn
- There are four houses that have a West Windsor address
- How the connection is about the health, safety, and welfare of the citizens

- How this situation is similar to the conversation about five years ago when the Mulberry connection was discussed - It was noted that the neighborhood at that time said they did not want it, and later they came forward and did want it
- How if the Town can improve its response time in saving a house from burning or someone’s life it’s worth it
- How there are a lot of unknowns about the use of the roundabout but the models appear to serve as a benefit for the community
- How when you move in to a community you accept the limitations and you learn to adjust your lifestyle to suit the community (i.e aware of emergency response times)
- Background information regarding the existing stub out and how it was designed that way in preparation for future development
- How the previous Council has already spent money toward making this connection
- The roundabout was planned in case there is a connection and it’s a perfect match up
- Consideration needs to be given to the students at the school and how the connection will allow for quicker emergency assistance
- Town leaders need to be looking at things like this that help mobility and safety
- People complain about a lot of traffic at peak hours on 2499 and 1171 and this is an opportunity where you can get a lot of people that don’t have to get on those roads to cross within the subdivision
- There was a similar connection in Lake Forest where people didn’t want it citing traffic, crime, and house values impacted, and none of those three things came true and now those same people are using the bridge to get to the park
- Concerns about maneuverability for the fire trucks (given there are cars parked alongside the road) and how the roundabout would not solve that so perhaps some signage can be put up too
- Would like staff to get input from the neighbors and the school relative to where signs are needed
- The back alley needs to be looked at by law enforcement if people are driving 30 mph through there

This item was not an official Public Hearing; however, Mayor Dixon treated it as such and opened the Public Hearing at 7:30 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Heath Kendrick, 4320 Hillshire Ct	Pauline Drewry, 2912 Windsor*	None
	Cecil Drewry, 2912 Windsor	

\*submitted a card but did not speak

Mayor Dixon closed the Public Hearing at 7:35 p.m.

Deputy Mayor Pro Tem Forest moved to approve as presented in the agenda caption, and including additional safety improvements such as road signs and flashers as the public works department deems necessary. Councilmember Sharma seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL****NAYS: PIERSON**

10. Public Hearing to consider approval of an amendment to the Chapter 380 Agreement between the Town of Flower Mound and FM 2499 Office Venture, LP, for the speculative office project located on a 10-acre tract on the west side of Long Prairie Road, between Lakeside Pkwy. and Silveron Blvd., amending Section 4.4 (Infrastructure Grant), and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Chapter 380 Agreement Background
- Purpose of the request
- Lakeside Center decel lane
- What the change entails

and she responded to the following questions from Council:

- Clarification regarding:
  - funding source of \$50,000
  - what does outside the boundary mean
  - is it a grant or a loan
- Whether someone from the Town verified whether the waste water element is needed or not

There was Council discussion regarding:

- How the decal lane helps to keep traffic moving

Mayor Pro Tem Sharma opened the Public Hearing at 9:07 p.m. No one spoke in support or opposition. Mayor Pro Tem Sharma closed the Public Hearing at 9:07 p.m.

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

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

11. Consider a request for a Site Plan (SP19-0003 - Lakeside Center) to develop office buildings and a parking structure with an exception to Section 98-147, Topographical slope protection, as authorized by Section 98-147(b) of the Code of Ordinances. 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 June 10, 2019, meeting)

### **Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location of the site
- Land use and zoning
- Exceptions request (topographical slope)
- Site plan/Landscape plan
- Traffic impact analysis

and she responded to the following questions from Council:

- Clarification that the area being looked at is just for the slope protection and around the pond
- Did the location of the detention pond change from what was initially presented

### **Applicant Presentation**

Scott Minnis, G & A Consultants/McAdams, 111 Hillside Dr, Lewisville, Tx

Mr. Minnis responded to the following questions from Council:

- Clarification regarding what the colors mean on the exception map
- Define what is meant by impact
- What type of pond (dry or wet/detention or retention)
- Will there be flooding issues for the surrounding property if the slope is taken away
- How will the water flow and what direction is it flowing now
- Is there an impact on the existing specimen trees

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

### **VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

12. Consider consent to an amended security agreement and collateral assignment of the Chapter 380 Agreement between the Town of Flower Mound and FM 2499 Office Venture, LLC, (converted to FM 2499 Office Venture, LP) to First United Bank and Trust Company, and authorization for the Mayor to execute same on behalf of the Town.

### **Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Background information (approvals and revisions)

and she responded to the following questions from Council:

- Clarification regarding:
  - nothing else is changing other than the amount and the assignment
  - the functionality of the agreement

- what are the consequences should the developer go into default

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

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

- Public Hearing to consider approval of a second amendment to the Chapter 380 Agreement between the Town of Flower Mound and Lakeside Crossing Land Partners, LP, amending Sections 3.1 (Construction of Improvements), 4.1 and 4.2 (Real Property and TPP Grants), and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Background and details
- Current request

and she responded to the following questions from Council:

- What form of the proof of contract for architectural services take

And there was Council discussion noting that this should be the last extension for this project.

Mayor Dixon opened the Public Hearing at 9:29 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 9:29 p.m.

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

**VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

- Consider a request for a Site Plan (SP19-0001 Lakeside Crossing Buildings 4 & 5, Phase 2) to develop two retail buildings. 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 5 to 1 at its June 10, 2019, meeting)

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

**Staff Presentation**

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

- General and detailed location

- Land use and zoning
- Site photographs
- Approved concept plan
- Special use permit exhibit
- Site plan
- Landscape plan
- Elevations
- Renderings

and she responded to the following questions from Council:

- Where is the Class A office in Lakeside in comparison to this location
- Request for a summary of the changes
- What is the elevation on the conceptual drawing
- What was the intent for the second story of the original concept

Mr. Stathatos pointed out there needs to be a discussion on square footage as well, particularly because the project includes an incentive agreement.

and there was Council discussion regarding:

- Vision for along FM 2499 (and not single story retail along the frontage)
- If the developer wants to do a single story building, they need to make it look like a two-story
- What is being presented is not part of the original concept plan
- How what is presented feels like a strip mall
- Traffic concerns
- The kind of retail is different with just a strip center versus those with an office component
- How this is one of those situations that differentiates the developer from Council
- If the conceptual plan is not an option the ball goes back in the developers court as to how they wish to proceed
- Options are to make it look like a two-story or build it for office
- The deal breaker is the perception of a one story use
- How the initial building looks like it's part of the neighborhood, but the new concept looks too much like a strip mall and it's not unique and different
- The initial conceptual elevation looks like it's multi-use

### **Applicant Presentation**

Troy Lewis, Newstream Construction, 311 S Oak St, Roanoke, TX

Mr. Lewis responded to the following questions from Council:

- What was the motivation for not doing two stories
- Where will the restaurants on the property will be located
- Is there a way to make the elevation appear to have two stories (more glass, etc.)
- What is the height variation from the back

Deputy Mayor Pro Tem Forest moved to postpone item 14 to July 15, 2019, including the public hearing. Councilmember Bumgarner seconded the motion.

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

15. Public Hearing to consider a request for a Specific Use Permit No. 457 (SUP19-0002 – Lakeside Crossing Building 5) to permit a pharmacy, and to consider adopting an ordinance providing for said amendment. 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 June 10, 2019, meeting)

Deputy Mayor Pro Tem Forest moved to postpone item 15 to July 15, 2019, including the public hearing. Councilmember Bumgarner seconded the motion.

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

16. Public Hearing to consider a request for rezoning (ZPD19-0002 – Stryker Parking Addition) to amend Planned Development 145 (PD-145) with Campus Industrial District (CI) uses, to modify the conceptual plans, and a request for a deviation to computing parking and loading requirements pursuant to Section 82-73 of the Code of Ordinances, and consider adopting an ordinance for said amendment. The property is generally located south of Lakeside Parkway and east of Lake Forest Boulevard. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 10, 2019, meeting)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photographs, including the area of focus for the improvements
- Conceptual landscape plan
- Approved landscape plan and proposed landscape plan

and she, or Ms. Roy, responded to the following questions from Council:

- Background information regarding the proposed incentive for the soccer field initially

**Applicant Presentation**

Dan Milner, Kimley-Horn, Dallas, TX

Mr. Milner responded to the following questions from Council:

- Are the employees aware they will be losing their soccer field
- Will what is planned be accommodating for future growth

and there was Council discussion about how Stryker is an outstanding partner in the community and pleased that they are doing well.

Mayor Dixon opened the Public Hearing at 10:12 p.m. No one spoke in support or opposition. Mayor Dixon closed the Public Hearing at 10:12 p.m.

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

### ORDINANCE NO. 24-19

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 02-16, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 145 (PD-145) ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 41.24 ACRES OF LAND SITUATED IN THE J. KNIGHT SURVEY, ABSTRACT NO. 692; BY AMENDING EXHIBIT "B," ENTITLED "DEVELOPMENT STANDARDS;" BY MODIFYING THE CONCEPTUAL SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN; IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

17. Consider approval of a Development Agreement with Contour Land Partners 11, LTD., for the reimbursement of Park Fees for park amenities constructed within the Magnolia Court development; and authorization for the Mayor to execute same on behalf of the Town

#### **Staff Presentation**

Mr. Habern gave a presentation identifying or noting:

- Correspondence from Bella Strata neighborhood (letter of support)
- Property details
- Lakewood proposal
- Town trail plan
- Magnolia court improvements request summary

and he, Mr. Dalton, Mr. Jennings, or Ms. Wallace, responded to the following questions from Council:

- Clarification regarding:
  - is the Town really just getting a 250' path through Bella Strata to connect the trail
  - public access and who benefits
  - will the HOA have concerns about the public access component
  - if the Town doesn't approve this, then the developer will need to pay park fees, and what is that amount
- where would someone park to access the trail if they don't live in the neighborhood
- has staff looked at the cost estimates and what is the verification process

**Applicant Presentation**

Heath Kendrick, 5301 Alfa Rd, Ste 24, Dallas, TX

Mr. Kendrick gave a presentation identifying or noting:

- Overall site
- Background information
- Improvements
- Character pictures to demonstrate what is anticipated for the area
- Park fees and what is being requested by the developer
- What is the cost just for the trail connection into Bella Strata

and he responded to the following questions from Council:

- What would happen if not approved

and there was Council discussion regarding:

- For the money it's not necessarily a terrible deal for the Town as it's nice amenity and will look nice as opposed to just a flat field out there
- Concerns regarding the \$138,000 price tag, and while the added features are nice, they don't seem to be a justified investment
- If \$138,000 is given back to them, that's \$138,000 the Town has to come up somewhere else for a park project

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

The motion failed due to lack of a second.

Councilmember Pierson moved to deny item 17 as presented. Councilmember Bumgarner seconded the motion.

**VOTE ON MOTION:**

*Motion passed (to deny)*

**AYES: PIERSON, ENGEL, SHARMA, BUMGARNER**

**NAYS: FOREST**

**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.

No action taken.

**M./N. CLOSED/OPEN MEETING**

The Town Council did not convene into a 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 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 10:49 p.m. on Monday, June 17, 2019, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

---

**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

---

**THERESA SCOTT, TOWN SECRETARY**