

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF SEPTEMBER 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
Tammy Wilson	Exec Dir of Financial Services
Kay Wilkinson	Budget Officer
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Executive Director of Public Works

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:10 p.m.

B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Richard Plunk gave the invocation and Mayor Dixon led the pledges.

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.

	Speaker names and address	Subject (as written on the form)
1.	Daniel Bennett, 408 White Settlement, White Settlement	TAD Election Process
2.	Tracy Watson, 5404 Clear Creek	Budget considerations for Town employees
3.	Nancy Kleckner, 2608 Wisdom Creek	Tennis Center
4.	Don McDaniel, 3801 Hide A Way Ln	Blood Drive
5.	Brit Stock, 3701 Acton	Support of employees
6.	Paul Stone, 4100 Broadway	Budget
7.	Edward Horne, 2612 Winding path Way with donated time from: 1) Srinivasan Padmanabhan, 2808 Merryglen Ln 2) Luis Giner, 3052 Birch Leaf Place	2499/Chaparral Traffic Signal

	<ul style="list-style-type: none"> 3) Patricia Giner, 3052 Birch Leaf Place 4) Jaymin Kavaia, 2603 Merryglen Ln 5) Cesar J Miranda Hiraldo, 2629 Creekside Pl 6) Mary Helen Phillips-Feiler, 2701 Cypress Leaf Ln 7) Bill Sondericker, 2608 Long Prairie Rd 8) Vivek Goel, 2609 Leafsray Ln 9) Tracy Smith, 2701 Merryglen Ln 10) Manvinder Chopra, 2801 Merryglen Ln 11) Swati Rustaul, 2600 Creekside Pl 	
<p>8.</p>	<p>Mike Baldree, Flower Mound Professional Firefighter Association and Josh Acker, Flower Mound Police Association, 4150 Kirkpatrick Ln with donated time from*:</p> <ul style="list-style-type: none"> 1) Andrew Payne 2) Tim Grubb 3) Greg Cherry 4) Samuel Thrash 5) Brad Hutcheson 6) Troy Mills 7) Justin Pierce 8) John Wright 9) Jacob Ventrca 10) Tim Mackling 11) Wade Cannon 12) Gustavo Trujillo <p>*addresses omitted in accordance with the Public Information Act.</p>	<p>Budget</p>

E. PRESENTATIONS

- 1. Texas Police Chiefs Association Recognition Program Presentation

Chief Robert Crawford, Director, Region 8 Texas Police Chiefs Association, presented Chief Kancel and the Police Department with a re-recognition certificate for best practices.

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Forest stressed the importance of donating blood and encouraged everyone to come to the Sept. 11th blood drive at the YMCA from noon to 6 p.m.

Several councilmembers expressed condolences to the families of victims from the Odessa-Midland tragedy.

Councilmember Engel announced that the Town is accepting applications for boards and commissions and the deadline is September 6th.

Councilmember Pierson expressed appreciation for the many people who showed up to the meeting and the importance of people coming out to speak their minds in a civil and honorable manor.

Mayor Dixon expressed appreciation for everyone who showed up and expressed appreciation for all the Town employees.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
 - Traffic signal at Silveron and Lakeside Village (no bids received)
 - Red Bud Point 8 inch line (no bids received)
 - Peters Colony Park
2. Economic Development projects
 - New business openings
3. Explanation of 65th percentile (market adjustments)
 - Clarification as to what the 65th percentile means as it relates to market adjustments

and he responded to the following questions from Council:

- Clarification that it's not an across the board 65th percentile for all employees; however, more for public safety or other positions based on the market
- Clarification regarding TMRS and the 2:1 match

H. FUTURE AGENDA ITEMS

1. There were no future agenda item request.

I. COORDINATION OF CALENDARS

Mayor Dixon announced that the next regular Town Council meeting is scheduled for Monday, September 16, 2019.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting on August 19, 2019.
2. Consider approval of the purchase of a new Ford Transit Van with camera equipment per Vendor Specifications/Quotes from Silsbee Ford and CLS-Cues Equipment for Special Equipment for Public Works - Utility Line Maintenance Division in the amount of \$109,129.00.
3. Consider approval of a resolution accepting the STEP Comprehensive Grant from the Texas Department of Transportation, execution of an agreement with TxDOT, and authorization for Sgt. Steven Strickland to enter into an agreement on behalf of the Town.
4. Consider approval of the purchase and installation of a fire station alerting system in the amount of \$358,306.46.

5. Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article XII, "Construction within public Rights-Of-Way," Division 2, "Registration and Permit," Section 14-472, "Construction Permits," of the Code of Ordinances, of the Town of Flower Mound, Texas, by requiring permit fees for permits issued for construction in the public Rights-of-way.

ORDINANCE NO. 42-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XII, "CONSTRUCTION WITHIN PUBLIC RIGHTS-OF-WAY," DIVISION 2, "REGISTRATION AND PERMIT;" SECTION 14-472, "CONSTRUCTION PERMITS;" REQUIRING A PERMIT FEE FOR PERMITS ISSUED FOR CONSTRUCTION TO BE PERFORMED IN PUBLIC RIGHTS-OF-WAY; 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.

6. Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article XII, "Construction within public Rights-Of-Way," Division 5, "Network Nodes and Node support Poles;" section 14-507, "conformance with the Town's public rights-of-way ordinance," of the code of ordinances of The Town of Flower Mound, Texas.

ORDINANCE NO. 43-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XII, "CONSTRUCTION WITHIN PUBLIC RIGHTS-OF-WAY," DIVISION 5, "NETWORK NODES AND NODE SUPPORT POLES;" REQUIRING A PERMIT PURSUANT TO SECTION 284.152 OF THE TEXAS LOCAL GOVERNMENT CODE; REQUIRING A NONDISCRIMINATORY PERMIT FEE AS AUTHORIZED BY SECTION 284.156 OF THE TEXAS LOCAL GOVERNMENT CODE; 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.

7. Consider approval of an Ordinance amending Appendix A "Fee Schedule," referenced in Chapter 14, "Buildings and Building Regulations," Section 14-471, "Public Rights-of-Way Registration fee and Section 14-472 Construction (ROW) Permit fees," of the code of ordinances of The Town of Flower Mound, Texas, by adding a registration fee for rights-of-way contractors and a permit fee for right-of-way permits; and a new fee schedule to allow for notary services charges.

ORDINANCE NO. 44-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE FEE FOR REGISTRATION OF CONTRACTORS WORKING WITHIN TOWN RIGHTS-OF-WAY PURSUANT TO SECTION 14-471 OF THE TOWN CODE; ESTABLISHING A FEE FOR RIGHTS-OF-WAY CONSTRUCTION PERMITS PURSUANT TO SECTION 14-472 OF THE TOWN CODE; ESTABLISHING FEES FOR NOTARY SERVICES TO THE PUBLIC; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL

ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. Consider approval of an ordinance amending Chapter 34, "Environment," by creating Article X, "Fats, Oils, and Grease," of the Code of Ordinances of the Town of Flower Mound, Texas, to: regulate, capture and dispose of fats, oils, and grease; require installation and maintenance of traps or interceptors to prevent fats, oils, and grease from entering treatment works.

ORDINANCE NO. 45-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 34. - ENVIRONMENT OF THE CODE OF ORDINANCES BY CREATING ARTICLE X. - FATS, OILS, AND GREASE, TO REGULATE CAPTURE AND DISPOSAL OF FATS, OILS, AND GREASE; TO REQUIRE INSTALLATION AND MAINTENANCE OF TRAPS OR INTERCEPTORS TO PREVENT FATS, OILS, AND GREASE FROM ENTERING TREATMENT WORKS; SETTING A PENALTY FOR VIOLATIONS; 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.

9. Consider approval of the purchase of traffic signal heads and parts, in the estimated annual amount of \$125,000.00, from Consolidated Traffic Control, through the HGAC contract.

Deputy Mayor Pro Tem Forest moved to approve by consent Items 1 – 9, as presented in the agenda caption. Mayor Pro Tem 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

K. REGULAR ITEMS

10. Public Hearing (2 of 2) to consider a tax rate of \$0.4390 per \$100 assessed valuation.

Staff Presentation

At the request of Mayor Dixon, Mr. Meredith clarified as to whether or not the budget can be discussed in detail with respect to the tax rate item.

Ms. Wilkinson gave a presentation identifying or noting:

- Required budget and tax rate adoption language
- How Flower Mound compares
- 2019 Debt service and tax rate
- Recommended tax rate change
- Tax rate change impact
- Alternative recommendation
- Debt payments
- Next steps

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

- Clarification regarding the call date time frame as it relates to debt service

Council Discussion

There was Council discussion regarding:

- Support to keep the tax rate the same
- Preference to keep the tax rate the same and avoid taking on additional debt
- In favor of keeping the rate the way it is but keep from adding more debt
- Importance of being financially responsible and debt free
- Past down market conditions
- How the smartest thing for council to do is to maintain the tax rate
- Clarification that no action will be taken this evening
- The importance of being financially responsible and not getting in more debt or paying down debt
- Concerns regarding the discussions about lowering merit increases and cutting benefits to Town employees
- Interest in not having merit increases or compensation as part of the discussion at the next meeting

Mayor Dixon opened the Public Hearing at 7:10 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
Albert Picardi, 1525 Lindby	Patrick Martin, 4700 Oak Springs Dr	Jody Smith, 3705 Sarah Springs
Brit Stock, 3701 Acton		Carol Kohankie, 4312 Lauren Way
Joe Roach, 4993 Lusk Ln		
Jody Roach, 4975 Lusk Ln		
Paul Stone, 4100 Broadway		

Mayor Dixon closed the Public Hearing at 7:27 p.m.

Mayor Dixon made the following required announcement:

"The Town of Flower Mound's tax rate is scheduled for adoption on Monday, September 16, 2019, at 6:00 p.m., at a regular Town Council meeting, to be held in the Town of Flower Mound Council Chambers, located at 2121 Cross Timbers Road, Flower Mound, Texas 75028."

L. BOARDS/COMMISSIONS (Pre-Council 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.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:40 p.m. on September 3, 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 7:59 p.m. on September 3, 2019, and no action was taken on the following items

- a. Consultation with Attorney.
 1. Dockless Scooters
- b. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural arts center, 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 7:59 p.m. on Tuesday, September 3, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY