

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING, AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING, HELD ON THE 16TH DAY OF DECEMBER 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
JP Walton*	Assistant to the Town Manager

**Attended part of the meeting*

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon 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 Russ McNamer gave the invocation and Mayor Dixon led the pledges.

D. PUBLIC COMMENT

There were no speakers.

E. PRESENTATIONS

1. Announcement and Presentation of 2019 Outstanding Citizenship Award(s)

Don McDaniel, Outstanding Citizenship Award Chair, presented the following awards:

Individual Category: Angie Cox

Group Category: Cross Timbers Rotary Club

Lifetime Achievement Award: Albert Picardi

2. Presentation and Discussion of the 2019 Resident Survey results

Mr. Walton gave a presentation identifying or noting:

- How the survey was conducted
- Results summary
 - Overall quality of life
 - Town services
 - Survey conclusions

F. ANNOUNCEMENTS

Mayor Dixon announced that the Town is in a friendly competition with Lewisville and Highland Village to raise money for the Salvation Army on Saturday, December 23rd from 11am – 8pm at Kroger (Cross Timbers @ FM 2499).

He also announced that the Town was recently recognized by the Government Finance Officers Association (GFOA) for excellence in the Comprehensive Annual Finance Report (CAFR).

Councilmember Pierson announced that the Seniors in Motion have published their 2020 event calendar and encouraged the seniors to take advantage of the programs offered.

Mayor Dixon and several members of Council extended well wishes for the Christmas holidays.

G. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
 - Traffic signal at Hwy 377 and Canyon Falls
 - Pink Evening Primrose trail connection
 - Gibson Grant log cabin
 - Fire station # 7
2. Economic Development projects
 - New business openings or coming soon
 - River Walk update (restaurant row)
 - Lakeside DFW condo tower
3. Cybersecurity incident closure

Ms. Wallace provided a report on a fraud incident the Town experienced, as well as the outcome.

H. FUTURE AGENDA ITEMS

1. No request for future agenda items.

I. COORDINATION OF CALENDARS

Mayor Dixon announced the following meeting dates and there was consensus to cancel the January 16th work session.

1. A regular meeting is scheduled for Monday, January 6, 2020.
2. Propose cancelling the work session scheduled for Thursday, January 16.
3. The regular meeting for Monday, January 20, has been canceled in observance of the Martin Luther King holiday.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on December 2, 2019.
2. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2018, and ending on September 30, 2019, as adopted by Ordinance No. 30-18 and amended by Ordinance No. 39-18 and Ordinance No. 25-19 for adjustments to the General Fund, Stormwater Utility Fund, Parks & Recreation Special Activities Fund and Hotel Occupancy Tax Fund.

ORDINANCE NO. 63-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019, AS ADOPTED BY ORDINANCE NO. 30-18 AND AMENDED BY ORDINANCE NO. 39-18 and 25-19, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, STORMWATER UTILITY FUND, PARKS AND RECREATION SPECIAL ACTIVITIES FUND AND HOTEL OCCUPANCY TAX FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2019, and ending on September 30, 2020, as adopted by Ordinance No. 50-19 for adjustments to the General Fund, Stormwater Utility Fund, Tree Preservation Fund and Vehicle and Equipment Replacement Fund.

ORDINANCE NO. 64-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020, AS ADOPTED BY ORDINANCE NO. 50-19, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL

FUND, STORMWATER UTILITY FUND, TREE PRESERVATION FUND, AND VEHICLE AND EQUIPMENT REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020, as adopted by Resolution No. 16-19.

RESOLUTION NO. 29-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AMENDING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AS ADOPTED BY RESOLUTION NO. 16-19; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

5. Consider approval of the Town Network Active Directory Upgrade in the amount of \$19,000.00
6. Consider approval of a contract with Blue Cross and Blue Shield of Texas in the amount of \$818,936 for reinsurance coverage for the Town's Group Health Plan.
7. Consider approval for the purchase and roll out service of desktop and laptop computers, ruggedized laptop computers and peripherals from Dell, in the amount of \$162,825.48
8. Consider approval of a Professional Services Agreement for monthly gas well pad site air monitoring by Modern Geosciences, LLC, in the amount of \$120,000.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of the purchase of five (5) new Dodge Durango Pursuit Vehicles with Equipment Installed per Town of Flower Mound Specifications and Vendor Quote from Grapevine Dodge Chrysler Jeep and Upfit Equipment/Installation Quotes with Specifications from Defender Supply for Police Services in the amount of \$180,879.00.
10. Consider approval of the purchase of two (2) 2020 Ford F150 Extended Cab Short Bed Pickup Trucks with options per Town of Flower Mound Specifications and Quote from Sam Pack's Five Star Ford, in the amount of \$56,918.00.
11. Consider approval of an amendment the professional services agreement for the restoration of the Gibson Grant Log House Project with McCoy Collaborative Preservation Architecture, PLLC., in the amount of \$116,005.00, for a total fixed fee of \$204,025.00; and authorization for the Mayor to execute the same on behalf of the Town.

12. Consider approval of a Professional Services Agreement with Halff Associates, Inc., for the design phase services associated with the Pink Evening Primrose Trail Connection (Bridge & Trail from Gaston Park to Timber Trails Park) project, in the amount of \$59,190.00; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for design phase services associated with the Stonehill Pump Station Discharge Valve Replacement & Stonehill Pump Station 10 MG Ground Storage Tank Rehabilitation project, in the amount of \$88,500.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc., for the design phase services associated with the Colonial Drive Reconstruction Phase II (Whitney Lane to Homestead Drive) project, in the amount of \$153,639.50; and authorization for the Mayor to execute same on behalf of the Town.
15. Consider approval of a Professional Services Agreement with Criado & Associates, Inc., for the design phase services associated with the Edgefield Trail Reconstruction (Wood Creek Drive to Timber Valley Drive) project, in the amount of \$92,748.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of the 2019 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 16, 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

K. REGULAR ITEMS

17. Public Hearing to consider an ordinance for rezoning (ZPD19-0009 - Windsor Professional Centre) to amend Planned Development District No. 92 (PD-92) with Office District (O) uses, to add the Health club or athletic club use as a permitted use for Lot 4, only. The property is generally located north of Windsor Centre Drive and west of Long Prairie Road. (The Planning and Zoning Commission recommended denial by a vote of 6 to 0 at its November 11, 2019, meeting.) (The Town Council moved on December 2, 2019, to postpone until the December 16, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Exhibit "B" Development Standards (permitted use applicant wishes to add)
- Site photos (access, adjacency)
- Approved site plan

and she responded to the following questions from Council:

- Does the occupancy of 6 include staff
- What can be done to address the parking ratio concerns for future applicants
- When this was presented to P & Z what was the number of people allowed based on the size of the center
- How many parking spaces are allowed by code for this type of use and is it the normal or shared model
- How large is the building overall and how many parking stalls were required/provided

Applicant Presentation

Karen and Lloyd Young

Mr. and Mrs. Young gave a presentation identifying or noting:

- The Exercise Coach concept
- Proposed location and photos of the site
- Site plan
- Zoning
- Community participation

and they responded to the following questions from Council:

- Did the owner of the building have discussions with neighboring businesses within the center; and if so, what information was conveyed to them regarding occupancy
- Clarification regarding the business classification as a wellness center as that's already permitted as a use
- Have they operated other businesses like this one

Mayor Dixon opened the Public Hearing at 7:07 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	Phillip Sterling, Property Owner, 4325 Windsor	Jennifer Davis, Property Manager at 4401 Long Prairie

Mayor Dixon closed the Public Hearing at 7:11 p.m.

Council Deliberation/Discussion

There was Council discussion or deliberation regarding:

- Parking concerns
- Possibly of sending the item back to P & Z for additional consideration
- How building uses change over time and that might create additional traffic flow that doesn't allow for enough parking
- There was Council direction for staff to review medical parking ratios to provide some guidance or update the ordinance to address situations where building uses change that might warrant higher parking ratios

- Possibility of agreements with neighboring businesses for parking

Mayor Pro Tem Sharma moved to deny ZPD19-009 – Windsor Professional Centre. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: PIERSON, ENGEL, SHARMA, BUMGARNER

NAYS: FOREST

18. Public Hearing to consider an ordinance granting Specific Use Permit No. 460 (SUP19-0009 – Jungle Castle) to permit an amusement and recreation (indoors) use. The property is generally located south of Flower Mound Road and west of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Approved site plan
- Photos of the site
- Approved landscape plan
- Approved elevations
- Proposed SUP Conditions

Applicant Presentation

Arana (only first name provided)

Arana gave a presentation identifying or noting:

- background information about the business operations
- picture of what the playground would look like
- No noise issues
- Safety is important
- Competition analysis
- Project revenue, cost, and profit

and she responded to the following questions from Council:

- Is the business a franchise

Mayor Dixon opened the Public Hearing at 7:36 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:36 p.m.

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

ORDINANCE NO. 65-19

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 APPROVING SPECIFIC USE PERMIT NO. 460 (SUP-460) FOR AN AMUSEMENT AND RECREATION (INDOORS) FACILITY ON CERTAIN PROPERTY DESCRIBED AS 4.34 ACRES OF LAND AND BEING ALL OF LOT 4RB, BLOCK A, OF THE FLOWER MOUND RETAIL CENTER ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 37 (PD-37) FOR RETAIL DISTRICT-2 (R-2) USES; 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE**

19. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0008 – Park Credit Update) by amending Chapter 90 entitled “Subdivisions,” of the Town's Code of Ordinances to clarify the requirements of the park credit option for parkland dedication within the Town of Flower Mound. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Previous discussion summary
- Proposed updates

and she responded to questions from Council regarding:

- Unusable land clarification

Mayor Dixon opened the Public Hearing at 7:44 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:44 p.m.

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

ORDINANCE NO. 66-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 90-443(d) “CHARACTER AND MINIMUM DEDICATION” OF DIVISION 8 AND SECTION 90-449 “PARK CREDIT OPTION” OF DIVISION 8 TO CLARIFY PARK STANDARD REQUIREMENTS WHEN USING THE PARK CREDIT OPTION FOR PARKLAND DEDICATION; 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: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

20. Public Hearing to consider an ordinance amending the General Ordinances and Land Development Regulations (LDR19-0009 – Fencing Update) by amending Chapter 14 entitled “Buildings and Building Regulations,” and Chapter 98 entitled “Zoning,” of the Town's Code of Ordinances to create clarifying definitions and standards for fences and walls within the Town of Flower Mound. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 9, 2019, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Previous discussion
- Proposed updates
- Examples (photos)

and she responded to the following questions or comments from Council:

- Clarification regarding:
 - fence height limitations on key lots (i.e. 4 feet)
 - the definition of established front yard
 - parallel fencing
- Is the fence height and visibility issue similar to what was experienced at Bella Strada
- Is there anything in the code that requires the subdivision markers to remain

Mayor Dixon opened the Public Hearing at 8:07 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:07 p.m.

Deputy Mayor Pro Tem Forest moved to approve as presented, with the understanding that staff would bring forward a future item to address subdivision markers. Mayor Pro Tem Sharma seconded the motion.

ORDINANCE NO. 67-19

AN ORDINANCE OF TOWN COUNCIL THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, “BUILDINGS AND BUILDING REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES, SECTION 14-513, “DEFINITIONS” TO ADD THE DEFINITION FOR A GLOBAL FENCE PERMIT, AND AMEND THE DEFINITION FOR PERIMETER FENCE; AMENDING SECTION 14-541, “ENUMERATION” PROVIDING ADDITIONAL STANDARDS; AMENDING CHAPTER 74, “GENERAL PROVISIONS” OF THE TOWN’S CODE OF ORDINANCES, SECTION 74-3, “DEFINITIONS” TO ADD A DEFINITION FOR ESTABLISHED FRONT YARD; AMENDING CHAPTER 98, “ZONING” OF THE TOWN'S CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, SECTION 98-1142, "FRONT YARD FENCE HEIGHT AND VISIBILITY" TO RENAME THE SECTION TO “FENCE HEIGHT AND VISIBILITY”,

AND AMENDING THE SECTION TO PROVIDE ADDITIONAL STANDARDS FOR KEY LOT FENCES, AND PROVIDE AN EXCEPTION FOR FENCE HEIGHT OR MATERIALS; AMENDING SECTION 98-1143, "PERIMETER AND OPEN SPACE WALLS AND FENCES", PROVIDING A REPLACEMENT OPTION FOR FENCES AND WALLS IN NEIGHBORHOODS WITHOUT AN ESTABLISHED HOA OR PLANNED DEVELOPMENT STANDARDS; AMENDING APPENDIX A, "FEE SCHEDULE", PROVIDING A FEE OF \$150.00 FOR A GLOBAL FENCE PERMIT; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE****M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:08 p.m. on December 16, 2019, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, and 551.087 for consultation with attorney, and to discuss matters relating to real property, and economic development negotiations, and reconvened into an open meeting at 8:43 p.m. on December 16, 2019, to take action on the items as follows:

a. Consultation with Attorney.

1. Short-term rental regulations
No action.

b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, cultural arts center, and/or other municipal purposes and all matters incident and related thereto.

Mayor Pro Tem Sharma moved to authorize staff to purchase the right of way property in association with the Peters Colony Road Roundabout project and to negotiate for the purchase of the right of way property up to the settlement amount described in the document and authorization of the Town Manager or his designee to close on the right of way property should a settlement be reached to pay all costs associated with said closing in addition to the purchase price of the right of way property and to execute all necessary documents at closing on behalf of the Town. Deputy Mayor Pro Tem Forest seconded the motion.

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

- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

No action.

O. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 8:44 p.m. on Monday, December 16, 2019, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY