

AGENDA
FLOWER MOUND TOWN COUNCIL REGULAR MEETING
12/7/2020
VIA VIDEO CONFERENCE
6:00 P.M.

[CLICK HERE](#) FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING

An agenda information packet is available online at www.flower-mound.com/AgendaCenter

Effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow telephonic or video conference meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. The Town of Flower Mound Town Council meetings will be temporarily held via video conference. A recording of the meeting will be available the following day at <https://www.flower-mound.com/fmtv>, look for the "Town Council Archive" menu.

A. CALL MEETING TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

D. GENERAL PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972-874-6000 during business hours.

[CLICK HERE](#) to submit general public comments regarding issues or agenda items not indicated as a Public Hearing.

E. ANNOUNCEMENTS

1. Announcements from council members

F. TOWN MANAGER'S REPORT

Update and discussion on:

1. Capital Improvement projects
2. Economic Development projects

G. FUTURE AGENDA ITEMS

The purpose of this item is to allow the Mayor and members of Council an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of Council is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

H. COORDINATION OF CALENDARS

1. A work session is scheduled for Thursday, December 17.
2. The next regular meeting is scheduled for Monday, January 4.

I. CONSENT ITEMS

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any Councilmember by making such request prior to a motion and vote.

1. Minutes 11/16 & 11/19- Consider approval of the minutes from a regular meeting of the Town Council held on November 16, 2020, and approval of the minutes from a work session held on November 19, 2020.
2. Stop Loss Insurance- Consider approval of a contract with Blue Cross and Blue Shield in the amount of \$848,333.28 for reinsurance for the Town's Group Health Plan and authorization for the Mayor to execute same on behalf of the Town.
3. Employee Basic Life Insurance, ADD & LTD- Consider approval of the award of RFP No. 2021-3-A for Employee Basic Life Insurance & Accidental Death Insurance, Long Term Disability Insurance, Employee and Dependent Optional Life and Accidental Death Insurance to CIGNA Group Insurance in the estimated amount of \$107,485.74 and authorization for the Mayor to execute same on behalf of the Town.
4. HUD CDBG 2019 CAPER- Consider approval of a resolution authorizing the adoption of the Program Year 2019 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.
5. 4th FY 19-20 Budget Amendment- 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 and amended by Ordinance No. 64-19, No. 04-20 and No. 23-20 for adjustments to the General Fund, General Debt Service Fund and Grants Fund.
6. 1st Budget Amendment FY 20-21- Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2020, and ending on September 30, 2021, as adopted by Ordinance No. 27-20 for adjustments to the General Fund, Utility Fund, Tree Preservation Fund, Flower Mound Log Cabin Fund, IRS Equitable Sharing Fund, Grants Fund, Neighborhood Improvement Fund and Vehicle & Equipment Replacement Fund.
7. 1st Crime District Budget Amendment- 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, 2020, and ending on September 30, 2021, as adopted by Resolution No. 19-20.

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8. 2020 DOJ Bulletproof Vest Grant- Consider approval of a resolution accepting grant funds from the Department of Justice's Office of Justice Programs for the purchase of bulletproof vests for the Police Department as part of the FY 2020 Bulletproof Vest Partnership.
9. Interlocal Agreement-Fire Protection- Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.
10. Interlocal Agreement-EMS- Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.
11. Street Name Change- Consider approval of an ordinance for a street name change for the cul-de-sac immediately south of Cross Timbers Rd (FM 1171) and west of Pocahontas to Navajo Bluffs Court (9100 – 9200 block) (The Transportation Commission recommended to change the street name by a vote of 6 to 0 at its November 10, 2020, meeting)
12. High Road Water Line Change Order 1- Consider approval of Change Order No. 1 for the High Road Water Line Replacement Phase III project, amending the contract with Muniz Construction, Inc., in the amount of \$28,400.00; and authorization for the Mayor to execute same on behalf of the Town.
13. FM2499 Water Line Change Order 2- Consider approval of Change Order No. 2 for the construction of the FM2499 12-Inch Water Line Phase I (Dixon to South of FM1171) project, amending the contract with GRod Construction, LLC, to provide for an increase to the contract in the amount of \$36,230.00; and authorization for the Mayor to execute same on behalf of the Town.
14. WWTP Phase V Change Order 2- Consider approval of Change Order No. 2 to the construction agreement with Archer Western Construction, LLC, for the Wastewater Treatment Plant Rehabilitation Phase V, Solids Facility Improvements project, in the amount of \$53,826.88; and authorization for the Mayor to execute same on behalf of the Town.
15. Kirkpatrick Water Line Change Order 3- Consider approval of Change Order No. 3 for the construction of the Kirkpatrick Lane 12-Inch Water Line Phase II project, amending the contract with A&M Construction and Utilities, Inc., to provide for an increase to the contract in the amount of \$54,417.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Waketon Rd Drainage Design Amend 1- Consider approval of First Amendment to Professional Services Agreement for the East Waketon Road Drainage Improvements project, amending the agreement with Halff Associates, Inc. for an increase of \$55,000.00, and authorization for the Mayor to execute same on behalf of the Town.
17. Heritage Park Splash Pad Re-Surfacing- Consider approval of the purchase and installation of Life Floor splash pad safety surfacing by Inside Edge CIS LLC, for the Heritage Park Improvements project, in the amount of \$64,984.53.

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18. Canyon Falls Park Testing Award- Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, Inc., to provide testing services in the amount of \$44,206.50 for the Canyon Falls Park project.
19. Engineering Standards and Details Update- Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc., for the work associated with the Engineering Standards and Details Update project, in the amount of \$170,990.00; and authorization for the Mayor to execute same on behalf of the Town.
20. Big City Concrete Purchase Increase- Consider approval of an increase to the annual purchase contract for flex base material from Big City Crushed Concrete, through a City of Lewisville contract (19-27-A) from an estimated total of \$30,000.00 to an estimated total of \$50,000.00.
21. TxDOT Advance Funding Agreement- Consider approval of a resolution to approve an Advance Funding Agreement, for Voluntary Local Government Contributions to Landscape Improvement Projects, with the Texas Department of Transportation (TxDOT) to pay for work associated with the construction of landscaping activities to include planting and irrigation along FM 1171 from Long Prairie Road to North Garden Ridge Boulevard within the limits of the Town of Flower Mound, in the amount of \$90,000.00; and authorization for the Mayor to execute the same on behalf of the Town.
22. TxDOT Landscape Maintenance Agreement- Consider approval of a Landscape Maintenance Agreement with the State of Texas for the Town to maintain the Governor's Community Achievement Award grant project along FM 1171 between FM2499 and Garden Ridge Boulevard.
23. Youth Standards of Care- Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.
24. PSA - Modern Geosciences- 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.
25. TIRZ 2020 Annual Report- Consider approval of the 2020 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.
26. Purchase Water Flow Meters- Consider approval of the purchase of wastewater flow meter data loggers and components from Hach Company, a sole source provider, associated with the Inflow-Infiltration/Evaluation and Repair project, in the amount of \$96,609.40.
27. Lift Station Change Order 1- Consider approval of Change Order No. 1 for the Lift Station Improvements and Decommissioning Phase II project, amending the contract with Fort Worth Civil Constructors, LLC, in the amount of \$32,282.00; and authorization for the Mayor to execute same on behalf of the Town.

J. **REGULAR ITEMS**

28. ZPD20-0005 - Niagara Conservation- Public Hearing to consider an ordinance amending the zoning (ZPD20-0005 - Niagara Conservation) from an Agricultural (A) Zoning district to Planned Development District No.179 (PD-179) with Campus Industrial uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Planning and Zoning Commission recommended approval of the rezoning request and denial of the exception request to Section 82-376 of the Town Code that requires overhead utilities to be placed underground, by a vote of 6 to 0 at its November 9, 2020, meeting.)
29. Tree Removal- Niagara Conservation- Public Hearing to consider an application for a tree removal permit for twenty-five (25) specimen trees on property proposed for development as Niagara Conservation. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Environmental Conservation Commission recommended approval by a vote of 4-3-0 at its November 4, 2020, meeting).
30. Reinvestment Zone-300 Old Gerault Rd.- Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial tax abatement at 300 Old Gerault Road (Niagara Conservation, Inc., aka Deus, LLC).
31. Niagara Conserv. Ch 380 & Tax Abatement- Public Hearing to consider approval of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, LLC), for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.
32. DP20-0004 - Grace Park- Consider a request for a Development Plan (DP20-0004 – Grace Park) to develop a residential subdivision, with an exception to Section IV.C.5. of the Town's Engineering Design Criteria requirement to provide a wet retention pond, and an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its November 9, 2020, meeting.)
33. MPA20-0002 - Water Plan- Public Hearing to consider an ordinance amending Section 8.0 - Water Plan of the Master Plan (MPA20-0002 - Water Plan) to adopt amendments and additions to the 2009 Water Master Plan Update as a component of the Master Plan. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2020, meeting.)
34. MPA20-0003 - Wastewater Plan- Public Hearing to consider an ordinance amending Section 9.0 - Wastewater Plan of the Master Plan (MPA20-0003 - Wastewater Plan) to adopt amendments to the 2009 Wastewater Master Plan Update as a component of the Master Plan. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2020, meeting.)

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35. Land Use Assumptions & Impact Fee Update- Public Hearing to consider the approval of an ordinance adopting updated land use assumptions and updated capital improvements plans, and to update and amend certain provisions of Chapter 42, "Impact Fees," regarding the imposition of impact fees and amending Appendix A, "Fee Schedule", accordingly. (The CIAC recommended approval by a vote of 9 to 0 at its November 9, 2020, meeting.)

K. CLOSED MEETING

The Town Council to convene into closed meeting 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, as follows:

a. Consultation with Attorney.

1. Consultation with Attorney regarding legal issues associated with municipal boundary adjustment/annexation and ESD service issues.

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.

- b. Discuss and consider the recruitment process for the Town Manager, and all matters incident and related thereto.
- c. 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.
- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

L. RECONVENE TO REGULAR MEETING

The Town Council to reconvene into an open meeting to take any action deemed necessary as a result of the closed meeting.

M. ADJOURN MEETING

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: December 4, 2020, at 5:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

Theresa Scott, Town Secretary

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Theresa Scott, Town Secretary, at 972.874.6076.