

AGENDA

FLOWER MOUND TOWN COUNCIL REGULAR MEETING

2/1/2021

VIA VIDEOCONFERENCE

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 videoconference 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. 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.

D. ANNOUNCEMENTS

1. Announcements from council members

E. TOWN MANAGER'S REPORT

Update and discussion on:

1. Capital Improvement projects
2. Economic Development projects
3. Financial update
4. Furst Ranch

F. 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).

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G. COORDINATION OF CALENDARS

1. A virtual regular meeting is scheduled for Monday, February 15.
2. A virtual work session is scheduled for Thursday, February 18.
3. Consider cancelling the March 15 regular meeting and March 18 work session.

H. 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- Consider approval of the minutes from a regular meeting of the Town Council, and Town of Flower Mound Crime Control and Prevention District Special meeting held on January 4, 2021; a regular meeting and work session of the Town Council held on January 14, 2021; and special meetings of the Town Council held on January 21, and 25, 2021.
2. Call Election- Consider approval of a resolution calling for a general election to be held May 1, 2021, for the offices of Mayor and Town Council Place 4; establishing procedures for the election; and providing an effective date.
3. Computer Replacement Program- 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 \$145,140.23.
4. Trails Master Plan Project- Consider approval of a Professional Services Agreement with Halff Associates, Inc., for the design services associated with the Trails and Bikeways Master Plan project, in the amount of \$247,500.00; and authorization for the Mayor to execute same on behalf of the Town.
5. Morriss Water Line Ph II -Testing- Consider approval of a Professional Services Agreement with Alliance Geotechnical Group to provide construction materials engineering and testing, for the Morriss Road Water Lines Phase II (FM 1171 to Eaton) project, in the amount of \$22,187.50; and authorization for the Mayor to execute same on behalf of the Town.
6. Forest Vista Drive Reconstruction- Consider approval of Change Order No. 3 for the construction of the Forest Vista Drive Reconstruction Phase II (Morriss to Chancellor) project, amending the contract with Pavecon Public Works, LP, to provide for an increase to the contract in the amount of \$55,082.16; and authorization for the Mayor to execute same on behalf of the Town.

I. REGULAR ITEMS

7. Veterans Liaison Board- Consider approval of a resolution expanding the Veterans Liaison position, including member appointments.
8. Land Use Assumptions-Impact Fees- 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.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its January 4, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

Applicant requests to postpone items 9 – 12 to Feb. 15

- 9. 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. 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.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.)
- 10. TRP20-0021 - Niagara Conservation- Public Hearing to consider an application for a tree removal permit (TRP20-0021) for twenty-two (22) 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 to 3 at its November 4, 2020, meeting. The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.)
- 11. 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). (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.)
- 12. 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. (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding the above referenced Public Hearing items.

- 13. CTDI Chapter 380 Agreement- Public Hearing to consider approval of a Chapter 380 Agreement with Communications Test Design, Inc. for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

- 14. Refunding River Walk PID Bonds- Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Special Assessment Revenue Refunding Bonds, Series 2021 (River Walk Public Improvement District No. 1), establishing parameters for the sale and issuance of such bonds, delegating certain matters to an authorized official of the Town and resolving all matters incident and related thereto.

15. ZPD20-0009 - Lakeside Center- Public Hearing to consider an ordinance for rezoning (ZPD20-0009 – Lakeside Center) to amend Planned Development No. 169 (PD-169) with Campus Commercial uses for both residential and non-residential uses to modify approved development standards related to signage and to modify approved compatibility buffer exception along the southern property line. 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 January 25, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

16. SUP20-0008 - 1308 Oak Drive- Public Hearing to consider an ordinance granting Specific Use Permit No. 466 (SUP20-0010– 1308 Oak Drive Accessory Dwelling) to permit an accessory dwelling. The property is generally located north of Oak Drive and east of Fireside Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 o 0 at its January 25, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

17. SUP20-0010 - Arbor Crossing Retail- Public Hearing to consider an ordinance granting Specific Use Permit No. 464 (SUP20-0008– Arbor Crossing) to permit a retail, general (indoors) use with a request for a deviation to computing parking and loading requirements pursuant to Section 82-73 of the Code of Ordinances. The property is generally located south of Dixon Road and east of Long Prairie Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 25, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

18. LDR20-0005 - Development Fees- Public Hearing to consider an ordinance amending the Town’s Code of Ordinances (LDR20-0005 – Development Fees) by adding section 32-4 requiring permits and permit fees for site development construction, by amending various portions of Chapter 78, “Administration,” to add a new section 78-2 regarding inactive projects, to repeal section 78-124 in its entirety, and to add a new article VII regarding amendments to approved plans; and by amending Appendix A entitled “fee schedule,” to amend various fees related to land development within the town. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its December 14, 2020, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

19. Building Permit Fees- 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 revising various building permit fees.
20. Council Rules of Procedure- Discuss and consider modifying the Town Council Rules of Procedure, including the agenda setting policy.

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J. **BOARDS/COMMISSIONS** *(Bold text represents boards with vacancies)*

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: **Animal Services Board**, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

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.

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.

1. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs. The Town of Flower Mound and the Flower Mound Oil and Gas Board of Appeals.
2. Non-recruitment/non-solicitation clause.
3. Legal issues associated with municipal boundary adjustment/annexation and ESD service issues.

b. Interim Town Manager.

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 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.


e. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, Furst Ranch, 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 Town's website in accordance with GC Section 551.056 on the following date and time: January 29, 2021, at 2:15 p.m., at least 72 hours prior to the scheduled time of said meeting.



Theresa Scott, Town Secretary