

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 19TH DAY OF APRIL 2021, 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
Jim Engel	Mayor Pro Tem
Ben Bumgarner	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Sandeep Sharma	Councilmember Place 2
Ann Martin	Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Interim Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Assistant Town Manager/Town Engineer

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:00 p.m.

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

Chaplain Mike Liles 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 or stated)
1.	Tanner Wilson, 4925 Creekwood Dr	Ice Rink
2.	Si Simonson, 3104 Native Oak Dr	Veterans Liaison Board
3.	Kevin Bryant, 3513 Castlewood Ct	Veterans Liaison Board
4.	Paul Stone, 4100 Broadway	Veterans Liaison Board
5.	Patrick Martin, 4700 Oak Springs Dr	Veterans Liaison Board
6.	Warner Watkins, 2800 London Ln	Veterans Liaison Board

E. ANNOUNCEMENTS

Councilmember Martin announced its Patriot's Day and expressed appreciation for those that served our country.

Mayor Pro Tem Engel had the following announcements:

- Early and election day voting information
- Flower Mound High School girls' soccer team won the 6A state title
- Flower Mound/Marcus High School hockey club won state

Councilmember Sharma announced the May 8th Art in the Park Festival.

Mayor Dixon asked election judge Doug Brown to report on the curbside voting process.

F. TOWN MANAGER'S REPORT

Ms. Wallace provided an update on the following projects:

1. Capital improvement projects
 - Forest Vista reconstruction
 - Hound Mound parking
2. Economic Development projects
 - New, coming soon, or expanding businesses
3. Financial update
 - Sales tax and other revenue collected, projections, and expenditures

G. FUTURE AGENDA ITEMS

1. There were no future agenda item request.

H. COORDINATION OF CALENDARS

Mayor Dixon announced the following meeting dates:

- A regular meeting is scheduled for Wednesday, May 12 to canvass the election
- A regular meeting is scheduled for Monday, May 17

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 5, 2021.
2. Consider approval of the minutes from the Joint Town Council/Planning & Zoning Commission work session held on April 15, 2021.
3. 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 and amended by Ordinance No. 37-20 and No. 09-21 for adjustments to the General Fund, Community Development Block Grant Fund, and COVID-19 Fund.

ORDINANCE NO. 18-21

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, 2020, AND ENDING ON SEPTEMBER 30, 2021, AS ADOPTED BY ORDINANCE NO. 27-20 AND AMENDED BY ORDINANCE NO. 37-20 AND NO. 09-21, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, COMMUNITY DEVELOPMENT BLOCK GRANT FUND, AND COVID-19 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. Consider postponement to the May 17, 2021, Town Council meeting of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, LLC), at 300 Old Gerault Road, for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town. (The Town Council postponed this item at its December 7, 2020, and January 4, February 1, March 1, and April 5, 2021, meetings.)
5. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, to provide construction materials engineering and testing, for the Colonial Drive Reconstruction Phase II (Whitney Lane to Homestead Street) project, in the amount of \$40,353.50; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Sharma moved to approve by consent Items 1 – 5, as presented in the agenda caption. Deputy Mayor Pro Tem Bumgarner 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: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON****NAYS: NONE****J. REGULAR ITEMS**

6. Public Hearing to consider an ordinance granting Specific Use Permit No. 468 (SUP21-0002– 4408 Glen Oaks Drive Accessory Dwelling) to permit an accessory dwelling. The property is generally located north of Cross Timbers Road and east of Glen Oaks Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 12, 2021, meeting.)

Staff Presentation

- General and detailed location
- Land use and zoning
- Concept plan
- Photos of subject site
- Existing accessory dwelling regulations
- Primary dwelling
- Concept elevations

and she responded to questions from Council regarding:

- Future platting

Mayor Dixon opened the Public Hearing at 6:33 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 6:33 p.m.

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

ORDINANCE NO. 19-21

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. 468 (SUP-468) FOR AN ACCESSORY DWELLING ON CERTAIN PROPERTY DESCRIBED AS LOT 1R2, BLOCK A OF WILSON-FREEMAN ADDITION AND ZONED AGRICULTURAL DISTRICT (A); PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, MARTIN, ENGEL, BUMGARNER, SHARMA

NAYS: NONE

7. Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2021, in the principal amount not to exceed \$10,250,000, for the purpose of paying for Waterworks and Sewer system improvements.

Staff Presentation

Ms. Wallace provided background information as well as the purpose of the item.

John Martin, Hilltop Securities

Mr. Martin provided background information on the services provided by Hilltop Securities and responded to questions from Council regarding:

- Interest rates

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

RESOLUTION NO. 11-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

8. Public Hearing to consider an ordinance for rezoning (ZPD20-0006 – Lakeside Crossing) to amend Planned Development No. 153 (PD-153) with both residential and non-residential uses to modify approved development standards related to the phasing of this development. 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 with a modified motion by a vote of 4 to 2 at its March 22, 2021, meeting.) (The Town Council moved to postpone this item to April 19, 2021, by a vote of 5 to 0 at its April 5, 2021, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Background information
- General and detailed location
- Land use and zoning
- Approved concept plan and site plan, including the landscape plan
- Site photos
- Concept Phase I landscape plan
- Lot 8x hardscape plan, lighting plan
- Lot 8x landscape plan comparison
- Outstanding issues
- Comparison of natural area
- Proposed ordinance
- Additional tree mitigation
- Next steps

and she, Mr. Meredith, Mr. Dalton, or Ms. Bruce, responded to questions from Council regarding:

- Plan comparison
- Quality of existing site conditions
- Maintenance
- Detention pond
- Flooding concerns
- Possible next steps

Town Council recessed at 7:12 p.m. and reconvened at 7:17 p.m.

Applicant Presentation

Tim Nystrom, Newstream
Scott Minnis, McAdams

Mr. Nystrom outlined their plan for the natural areas, and he, or Mr. Minnis responded to questions from Council regarding:

- Clean up and maintenance plans for the natural area
- Detention pond

The applicant proposed to clean out a 12' x 12' area to represent what they mean by natural state.

Council Discussion

There was Council discussion regarding:

- Concessions for sidewalks
- Concerns regarding landscaping and maintenance
- Interest in having an ordinance that both the applicant and staff are comfortable with

Mayor Dixon opened the Public Hearing at 7:39 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:39 p.m.

Councilmember Pierson moved to postpone item 8 to the May 17, 2021 meeting. Councilmember Martin seconded the motion.

VOTE ON MOTION:

Motion passed (to postpone)

AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON

NAYS: NONE

L. BOARDS/COMMISSIONS(Pre-Council Room)

Administrative Note: This item was discussed in Jody Smith Hall and not the 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.

9. Discuss and consider amending resolution No. 05-21 that established the Veterans Liaison Board, including member appointments.

Staff Presentation

Ms. Scott provided background information regarding the item, and she, or Mr. Meredith responded to questions from Council regarding:

- Language clarification

Council Discussion

There was Council discussion regarding:

- Council has two choices:
 - 1) modify the requirements for serving on the board or
 - 2) remove Mr. France from the board and hold the position open or name a replacement
- Whether to keep the language as is or modify the language to allow for non-Veteran members to serve on the board, including whether the non-Veteran members should be restrictive to spouses or dependents or anyone with a sincere desire to work with Veterans
- Credentials verification

Councilmember Pierson moved to amend Resolution 05-21 to allow for one civilian member of the six members appointed by the majority vote of the Town Council to serve on the Veterans Liaison Board effective immediately. Deputy Mayor Pro Tem Bumgarner seconded the motion.

RESOLUTION NO. 12-21

A RESOLUTION TO MODIFY THE VETERANS LIAISON BOARD FOR THE TOWN OF FLOWER MOUND, AND TO REDEFINE THE MEMBER QUALIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, BUMGARNER

NAYS: MARTIN, SHARMA

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:23 p.m. on April 19, 2021, 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 8:46 p.m. on April 19, 2021, to take action on the items as follows:

- a. 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.

No action taken.

- b. Consultation with Attorney.

1. Legal issues associated with municipal boundary adjustment/annexation and ESD service issues.

No action taken.

- 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.

No action taken.

- 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.

No action taken.

O. **ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 8:46 p.m. on Monday, April 19, 2021, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY