

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 12<sup>TH</sup> DAY OF MAY 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
Sandeep Sharma	Councilmember Place 2
Ann Martin	Councilmember Place 5

and with the following members absent:

Jim Pierson	Councilmember Place 1
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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
Tiffany Bruce	Assistant Town Manager/Town Engineer
Brian Waltenburg	Assistant Director of Engineering

**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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Bryan Webb, 4112 High Rd	Summit Club 1 <sup>st</sup> Annual Smoke Fest

**E. ANNOUNCEMENTS**

Mayor Dixon announced that the Town Council received an email from Councilmember Jim Pierson informing of his resignation effective immediately.

Mr. Meredith outlined the process for accepting the resignation, as well as next steps in relation to the vacancy created as a result of the resignation.

Councilmembers Martin and Sharma expressed appreciation for the Parks staff and volunteers for the Art in the Park event.

Councilmember Martin announced that May 9 – 15 is National Police Week and thanked all law enforcement officers and their families for their service and sacrifice and encouraged residents and business owners to do the same.

Mayor Pro Tem Engel announced that the Flower Mound High School Girl's Water Polo team took state.

Councilmember Sharma announced that May is Asian/Pacific American Heritage Month and he would like the Town to pay tribute to the generations of Asians and Pacific Islanders who have contributed to America's history and future.

**F. ELECTION CANVASS**

1. Consider approval of an ordinance canvassing returns and declaring results of a general election held May 1, 2021, for the purpose of electing Council Member Place 4, and providing an effective date.

Councilmember Sharma moved to approve as presented in the agenda caption. Councilmember Martin seconded the motion.

**ORDINANCE NO. 21-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF A GENERAL ELECTION HELD MAY 1, 2021, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER PLACE 4, OF THE TOWN OF FLOWER MOUND, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, BUMGARNER, ENGEL, MARTIN**

**NAYS: NONE**

**ABSENT: PIERSON**

**G. OATH OF OFFICE FOR NEWLY ELECTED OFFICIAL**

1. Administer Oath of Office to newly elected official and issue Certificate of Election.

**H. ANNOUNCEMENT FROM NEWLY ELECTED COUNCIL MEMBER, JIM ENGEL**

Mayor Pro Tem Engel provided remarks regarding his time on Council and outlined some of the accomplishments in the last three years.

**I. CLOSED MEETING**

The Town Council to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, sections 551.074 to discuss matters relating to personnel as follows:

- a. Discuss and consider election of Mayor Pro Tem and Deputy Mayor Pro Tem

The Town Council did not convene into closed session for this item, therefore, no action taken.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on April 19, 2021.
2. Consider approval of the purchase of a Road Rescue, Type 1 Ambulance for the Fire and Emergency Services department from Siddons- Martin Emergency group, through Buy Board Contract #570-18, in the total amount of \$438,847.00; and authorization for the Mayor to execute same on behalf of the Town.
3. Consider approval for the CIPP rehabilitation of the existing sanitary sewer main related to the Timber Creek Trunk Line (Morriss Road to Rawlings Street) project, from Insituform Technologies, LLC, utilizing The Local Government Purchasing Cooperative Contract #635-21 administered through Buyboard, in the amount of \$775,773.25; and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of Amendment No. 3 to the Fiscal Year 2020-2021 Capital Improvement Program.
5. Consider approval of an ordinance vacating and abandoning the northern 2.25 feet of the existing 12.5 foot utility easement located along the southern property line of Lot 16, Block 2, of the Brandywine at Wellington subdivision, which lot is more commonly known as 4109 Napa Court.

**ORDINANCE NO. 20-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE NORTHERN 2.25 FEET OF THE EXISTING 12.5-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTHERN PROPERTY LINE OF LOT 16, BLOCK 2, OF THE BRANDYWINE AT WELLINGTON ADDITION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, WHICH LOT IS MORE COMMONLY KNOWN AS 4109 NAPA COURT, FLOWER MOUND, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; REQUIRING A HOLD HARMLESS AGREEMENT; AUTHORIZING THE TOWN SECRETARY TO FILE THE QUITCLAIM DEED AND HOLD HARMLESS AGREEMENT IN THE DEED RECORDS OF DENTON COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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:**

**AYES: MARTIN, ENGEL, BUMGARNER, SHARMA**

**NAYS: NONE**

**ABSENT: PIERSON**

*Motion passed*

**K. REGULAR ITEMS**

6. Consider approval of a Construction Agreement with Ed Bell Construction Company for the Waketon Road (Cross Timbers Drive to 1,350 feet east of Chinn Chapel) project, in the amount of \$4,335,111.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Waltenburg gave a presentation identifying or noting:

- Background information regarding the project
- Phase outline
- Verified bid results
- Project responsibilities (Flower Mound and Double Oak)
- Project schedule and phasing
- Traffic control

and he responded to comments/questions from Council regarding:

- Traffic control during construction

Councilmember Sharma moved to approve as presented. Mayor Pro Tem Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, ENGEL, MARTIN**

**NAYS: BUMGARNER**

**ABSENT: PIERSON**

**L. CLOSED/OPEN MEETING**

**The Town Council convened into a closed meeting at 6:32 p.m. on May 12, 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 7:24 p.m. on May 12, 2021, and no action was taken on the following items:**

- a. Consultation with Attorney.

The Town Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Town Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

1. Legal issues associated with municipal boundary adjustment/annexation and ESD service issues
2. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158

- b. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.
- 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.

**M. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 7:24 p.m. on Wednesday, May 12, 2021, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

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**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**