

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING, HELD ON THE 21ST DAY OF JUNE 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:

Derek France	Mayor
Ben Bumgarner	Mayor Pro Tem
Sandeep Sharma	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Jim Engel	Councilmember Place 4
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
Tiffany Bruce	Assistant Town Manager/Town Engineer
Lexin Murphy	Director of Planning Services

**A. CALL REGULAR MEETING TO ORDER**

Mayor France 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 France 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 name and address</b>	<b>Subject (as written on the form)</b>
1.	Yvette Elliott, 1309 Homestead	All Together Flower Mound
2.	Warner Watkins, 2800 London Ln	All Together Flower Mound
3.	Patrick Martin, 4700 Oak Springs Dr	Councilmember Martin
4.	Patsy Mizeur, 1821 Castle Ct	Code of Ordinances/Ethics

**E. PRESENTATIONS**

1. Proclamation for National Parks and Recreation Month

Mayor France recited the above referenced proclamation and presented it to Chuck Jennings, Director of Parks and Recreation.

**F. ANNOUNCEMENTS**

Councilmember Martin announced it's her 30<sup>th</sup> wedding anniversary and extended well wishes to her spouse that was in the audience. Several members of Council offered congratulations to Ann and Patrick.

Councilmember Engel announced the Voices of Flower Mound concert is scheduled for June 27.

Mayor Pro Tem Bumgarner offered a reminder to use caution when walking pets outside during the extreme heat conditions.

Mayor France announced he will be placing his cell phone in a basket during the Council meeting in the interest of focusing on the meeting. He encouraged members of Council to do the same. He also announced that Carter Blood Care needs donors.

**G. TOWN MANAGER'S REPORT**

Ms. Wallace provided an update on the following items:

1. Capital improvement projects
  - Several projects have been pushed out due to materials shortages, weather, and labor
  - FM 2499 @ Waketon signal
  - Forest Vista Drive reconstruction project
  - Pink Evening Primrose trail connection
2. Economic Development projects
  - New or coming soon businesses
3. All Together Flower Mound focus group
  - Background information
  - What is All Together Flower Mound

and she responded to the following questions from Council:

- Cost associated with option 4

There was Council consensus to carry forward the discussion to the Strategic Planning Session.

**H. FUTURE AGENDA ITEMS**

There were no future agenda item request.

**I. COORDINATION OF CALENDARS**

Mayor France announced the following upcoming meeting dates:

1. A strategic planning session is scheduled for 4:00 p.m., Thursday, July 15.
2. A regular meeting is scheduled for Monday, July 19.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a special meeting of the Town Council held on June 15, 2021.
2. Consider approval of a resolution casting the Town of Flower Mound's vote to appoint Brandon Barth as a member of the Board of Managers of the Denco Area 9-1-1 Emergency Communications District for a two-year term beginning October 1, 2021.

**RESOLUTION NO. 17-21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CASTING THE TOWN OF FLOWER MOUND'S VOTE TO APPOINT BRANDON BARTH AS A MEMBER OF THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

3. Consider approval of Central Fire Station north section roof replacement from damage of April 28, 2021, storm.
4. Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article VI, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Swimming Pool and Spa Code, 2018 edition, and local amendments thereto and authorize the Mayor to execute same on behalf of the Town.

**ORDINANCE NO. 26-21**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE VI, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL SWIMMING POOL AND SPA CODE*, 2018 EDITION, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL BE THE BOARD OF APPEALS FOR PURPOSES SET OUT HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

5. Consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article V, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the National Electrical Code, 2020 edition, and local amendments thereto and authorize the Mayor to execute same on behalf of the Town.

**ORDINANCE NO. 27-21**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," THROUGH THE AMENDMENT OF ARTICLE V, ENTITLED "ELECTRICAL CODE," BY ADOPTING THE 2020 EDITION OF THE *NATIONAL ELECTRICAL CODE* THROUGH THE AMENDMENT OF SECTION 14-131, ENTITLED "*NATIONAL ELECTRICAL CODE ADOPTED*," BY AMENDING SECTION 14-132, ENTITLED "AMENDMENTS TO THE *NATIONAL ELECTRICAL CODE*," AND BY AMENDING SECTION 14-138, ENTITLED "BOARD OF APPEALS"; PROVIDING THIS ORDINANCE IS**

**CUMULATIVE OF ALL ORDINANCES AND REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

6. 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 and amended by Resolution No. 02-21 and Resolution No. 07-21.

**RESOLUTION NO. 18-21**

**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, 2020, AND ENDING SEPTEMBER 30, 2021, AS ADOPTED BY RESOLUTION NO. 19-20 AND AMENDED BY RESOLUTION NO. 02-21 AND NO. 07-21; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

7. 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, No. 09-21 and No. 18-21 for adjustments to the General Fund.

**ORDINANCE NO. 28-21**

**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, NO. 09-21 AND NO. 18-21, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL 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.**

8. Consider approval of a Professional Services Agreement with Plummer Associates, Inc., for the development of the Wastewater Treatment Plant (WWTP) Master Plan in the amount of \$298,389.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of a Professional Services Agreement with RJN Group, Inc., to provide professional engineering services for the Inflow/Infiltration/Evaluation & Repair project, in the amount of \$244,261.80; and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of a Construction Agreement with Parkscape Construction, Inc. for the Pink Evening Primrose Trail Connection (Bridge & Trail from Gaston Park to Timber Trails Park) project, in the amount of \$534,610.15; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of a Construction Agreement with Jeske Construction Company for the Edgefield Trail Reconstruction (Wood Creek Drive to Timber Valley Drive) project, in the amount of \$833,040.00; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of an Interlocal Agreement provided through the Harris County Department of Education with Basic IDIQ, for the demolition of a Communication Building and a Natatorium Building, in the amount of \$595,519.32; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Bumgarner moved to approve by consent Items 1 – 12, as presented in the agenda caption. Councilmember Engel 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: MARTIN, ENGEL, BUMGARNER, SHARMA, SCHIESTEL**

**NAYS: NONE**

**K. REGULAR ITEMS**

Mayor France opened items 13 and 14 at the same time.

13. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, General Obligation Refunding Bonds, Series 2021, 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.

**Staff Presentation**

Ms. Wallace and John Martin, Hilltop Securities, provided background information regarding items 13 and 14 and she, or Mr. Martin, responded to the following questions from Council:

- Cost of issuance
- Is staff concerned with the lack of materials that could impact the price (item 14)

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

**ORDINANCE NO. 29-21**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF “TOWN OF FLOWER MOUND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED TOWN OFFICIAL.**

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

14. Consider approval of an ordinance authorizing the issuance of the Town of Flower Mound, Texas, Certificates of Obligation, Series 2021, for the purpose of paying for waterworks and sewer system improvements, 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.

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

**ORDINANCE NO. 30-21**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF “TOWN OF FLOWER MOUND, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2021”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE TOWN’S WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION; DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID CERTIFICATES TO AN AUTHORIZED TOWN OFFICIAL; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: MARTIN, ENGEL, BUMARNER, SHARMA, SCHIESTEL**

**NAYS: NONE**

15. Public Hearing to consider an ordinance granting Specific Use Permit No. 467 (SUP21-0001– Lakeside Crossing Building 4 (Jesse James Fit)) to permit a health club or athletic club use. The property is generally located south of Lakeside Parkway along and between International Parkway and Northwood Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its June 14, 2021, meeting.)

Mayor France opened the Public Hearing at 7:13 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.

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/ Comments Only</b>
Kay Simms, 724 Red Oak Dr, Lewisville	None	None
Andrew Simms, 724 Red Oak Dr, Lewisville*		
Jesse James Leyra (applicant), 103 Ranney Dr, Highland Village		
Tiffany Leyra, 103 Ranney Dr, Highland Village		

*\*indicated do not wish to speak on public comment form*

Mayor France closed the Public Hearing at 7:16 p.m.

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- SUP concept site plan
- Site photos
- Approved elevations, landscape plan, concept phasing
- Proposed SUP conditions

and she, or the applicant, responded to questions or comments from Council regarding:

- SMARTGrowth and traffic analysis
- Hours of operation
- Outdoor activities
- Clarification regarding permitting concerns that were mentioned at the Planning & Zoning Commission meeting

Councilmember Martin moved to approve as presented, and with an amendment to extend the business hours from 5:00 a.m. to 7:30 p.m. seven days a week. Mayor Pro Tem Bumgarner seconded the motion.

**ORDINANCE NO. 31-21**

**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. 467 (SUP-467) FOR A HEALTH CLUB OR ATHLETIC CLUB USE ON CERTAIN PROPERTY DESCRIBED AS 1.284 ACRES OF LAND AND BEING ALL OF LOT 4, BLOCK A, OF LAKESIDE CROSSING AND ZONED PLANNED DEVELOPMENT NO. 153 (PD-153) WITH BOTH RESIDENTIAL AND NON-RESIDENTIAL USES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

16. Consideration and approval of an ordinance increasing the residential homestead ad valorem (property) tax exemption.

**Staff Presentation**

Ms. Wallace provided background information and she responded to the following questions from Council:

- Is it possible to go bigger

There was Council discussion regarding:

- Future opportunity to adjust tax rate

- How the increase has impacted residential and not commercial

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

#### ORDINANCE NO. 32-21

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR A RESIDENTIAL HOMESTEAD AD VALOREM (PROPERTY) TAX EXEMPTION; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**L. BOARDS/COMMISSIONS (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.

There was some discussion about current vacancies and the board/commission application process.

**M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:42 p.m. on June 21, 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 8:14 p.m. on June 21, 2021, and no action was taken on the following items:

- a. Consultation with Attorney.
  1. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158
- 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.
- 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 economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.



O. **ADJOURN REGULAR MEETING**

Mayor France adjourned the meeting at 8:14 p.m. on Monday, June 21, 2021, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**



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**DEREK FRANCE, MAYOR**

**ATTEST:**



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**THERESA SCOTT, TOWN SECRETARY**