

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 3RD DAY OF AUGUST 2020, 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
Sandeep Sharma	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Ben Bumgarner	Councilmember Place 3
Jim Engel	Councilmember Place 4

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Brian Waltenburg	Assistant Director of Engineering
Jimmy Hoefert	Environmental Review Analyst
Clay Riggs	Assistant Director of Public Works

**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**

No one spoke.

**E. ANNOUNCEMENTS**

Deputy Mayor Pro Tem Forest indicated he appreciated that the Town is having a live meeting and encouraged everyone to stay safe.

Mayor Dixon and Councilmember Engel also encouraged everyone to practice precautionary measures around others and to stay safe.

**F. TOWN MANAGER'S REPORT**

Mr. Stathatos, Ms. Bruce, Mr. Waltenburg, or Mr. Hoefert provided background information and an update on the following capital improvement project:

1. Forest Vista Reconstruction, Phase II
  - a. Trees (site photos and condition)
  - b. Funding/expenses
  - c. Water line issue
  - d. Options outline

and they responded to the following questions or comments from Council:

- Clarification regarding the location of the water line
- What is the plan for replacing the existing trees that will be removed
- Resident communication

There was Council consensus that the project needs to move forward. Several members of Council expressed interest in adding decorative trees to replace those that are being removed or incorporate other landscaping.

Ms. Bruce or Mr. Riggs provided an update on the following capital improvement project:

2. Bradford Park stormwater and Rippy Rd improvements
  - a. Aerial map of properties and associated drainage

and they responded to the following questions or comments from Council:

- Clarification regarding the flow path and where does the most flooding occur
- What is the impact on other neighborhoods if flow is being redirected
- Would the temporary work transition to the final project

The Town Council convened into a closed meeting at 6:44 p.m. on August 3, 2020, pursuant to Texas Government Code Chapter, Section 551.072, to discuss matters relating to real property, including 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 and reconvened into an open meeting at 7:07 p.m. on August 3, 2020, and took no action.

3. Economic Development projects

He also provided an update on the Farmers Market. Mr. Stathatos gave a report identifying businesses that are now open or coming soon.

**G. FUTURE AGENDA ITEMS**

1. No request for future agenda items.

**H. COORDINATION OF CALENDARS**

Mayor Dixon announced the following upcoming meetings (1 & 2):

1. A budget work session is scheduled for Thursday, August 13
2. A regular meeting is scheduled for Monday, August 17
3. Discuss and consider Board & Commission interview process.

Ms. Scott outlined the current process used for boards and commission seats. There was Council consensus to process with a hybrid approach as discussed. Members of Council will provide feedback regarding additional questions they would like to include in the application.

4. Consider date options for the purpose of discussing the topic of permitted uses.

Ms. Scott noted the topic of permitted uses is from the Strategic Planning Session. She presented work session date options and there was consensus for the November 19<sup>th</sup> date.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on July 20, 2020.
2. Consider approval of an ordinance establishing the 2020 certified appraisal roll.

**ORDINANCE NO. 17-20**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2020 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

3. *This item moved to regular.*
4. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2020, and ending September 30, 2021.
5. *This item moved to regular.*
6. Consider proposing a maximum tax rate of \$0.436500 per \$100 valuation for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and scheduling August 17, 2020, public hearing on the budget, scheduling September 21, 2020, public hearing on the tax rate, and scheduling the September 21, 2020, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.

7. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 17, 2020, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 21, 2020, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.
8. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 17, 2020, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 21, 2020, to take action on the proposed budget; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.
9. Consider approval of Change Order No. 1 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 \$146,162.98; and authorization for the Mayor to execute same on behalf of the Town.
10. Consider approval of a Construction Agreement with NO-DIGTEC, LLC, for the Timber Creek Water Line Replacement Phase 1 project, in the amount of \$283,837.25; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of Crosspoint Communications proposal for providing and installing a Bi Directional Amplifier system to boost first responder radio equipment in the newly renovated and expanded Public Library in the amount of \$36,764.27.
12. Consider approval of Amendment No. 3 to the Fiscal Year 2019-2020 Capital Improvement Program.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 2; 4; 6 - 12, as presented in the agenda caption. Deputy Mayor Pro Tem Forest 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: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

**J. REGULAR ITEMS**

3. Consider approval of a resolution authorizing the adoption of the 2020-2024 Consolidated Plan, 2020 Action Plan, and Citizen Participation Plan for the Community Development Block Grant Program and authorizing the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

Ms. Wallace or Mr. Meredith responded to the following questions from Council:

- How did this correlate with the recently rescinded Fair Housing Program

*Administrative Note: Three attachments for this item were inadvertently omitted from the agenda packet. This item has been rescheduled to August 17, 2020.*

5. Consider accepting the submission of the notice of a no-new-revenue tax rate of \$0.434390 per \$100 assessed valuation and a voter-approval tax rate of \$0.458029 per \$100 assessed valuation for the fiscal year beginning October 1, 2020, and ending September 30, 2021.

Ms. Wallace provided background regarding this item and noted that the Town received revised numbers from the County on Saturday. She noted the new amounts for the no-new-revenue tax rate is \$0.426512 and \$ 0.45415 for the voter-approval tax rate.

Deputy Mayor Pro Forest moved to approve item 5 as presented; however, with the correction of the no-new-revenue tax rate of \$0.426512 and the voter-approval tax rate of \$0.45415. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

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

13. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial tax abatement at 2201 Spinks Road. (The Town Council moved to postpone this item by a vote of 5 to 0 at its July 20, 2020, meeting.) (The applicant has requested that the item be postponed until August 17, 2020)
14. Public Hearing to consider approval of a Tax Abatement and Chapter 380 Agreement with Caddo Holdings, 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 5 to 0 at its July 20, 2020, meeting.) (The applicant has requested that the item be postponed until August 17, 2020)

**Staff Presentation**

Mr. Stathatos noted the applicant is requesting the item be postponed to the August 17, 2020 meeting date.

Deputy Mayor Pro Tem Forest moved to postpone items 13 and 14, including the Public Hearings, to August 17, 2020. Councilmember Bumgarner seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

15. Public Hearing to consider a request for a Comprehensive Sign Package (CSP19-0001) for Service First. The property is generally located south of Justin Road and east of Stone Hill Farms Parkway. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its July 27, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Comprehensive Sign Package – site plan
- Sign exhibits (for over the bay doors)
- Site photos
- Timeline

and she responded to the following questions from Council:

- Clarification as to what is/not allowed for the signs
- Is there an issue with the color of the sign
- Would the CSP allow them to change the signs

Mr. Meredith responded to the following questions from Council:

- How the signage can be limited to either the automotive use or the applicant

**Applicant Presentation**Fred Finch, Chandler Signs

Mr. Finch responded to the following questions from Council:

- Clarification that the signs are being requested on the front of the building (above the windows) as well as the back of the bay areas

Mayor Dixon opened the Public Hearing at 7:40 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:40 p.m.

**Council Discussion**

There was Council discussion regarding:

- How the applicant might have received inaccurate guidance
- Interest in allowing it to be approved but as an automotive use only

Councilmember Bumgarner moved to approve CSP19-0001 Service First with the directive that such approval remains with what is currently on the Service First building. Councilmember Pierson seconded the motion.

**VOTE ON MOTION:**

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

*Motion passed*

**K./L. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:46 p.m. on August 3, 2020, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, and 551.087 for consultation with attorney, and to discuss matters relating to real property, and economic development negotiations, and reconvened into an open meeting at 8:17p.m. on August 3, 2020, to take action on the items as follows:

## a. Consultation with Attorney.

No action taken.

## 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.

Deputy Mayor Pro Tem Forest moved that the Town Council of the Town of Flower Mound authorize the use of the power of eminent domain to acquire in fee simple the right-of-way described in a Resolution, as presented, specifically:

- A 0.3715 acre parcel as permanent right-of-way, more fully described in Exhibit A to the Resolution;
- A 0.2437 acre parcel as permanent right-of-way, more fully described in Exhibit B to the Resolution; and
- A 0.3024 acre parcel as permanent right-of-way, more fully described in Exhibit C to the Resolution;

for public use in construction and maintenance of roadway and stormwater improvements for Rippy Road, and I further move to adopt a Resolution, as presented. The first record vote on this motion applies to all units of property to be condemned. Councilmember Pierson seconded the motion.

**VOTE ON MOTION:***Motion failed***AYES: FOREST, PIERSON****NAYS: BUMGARNER, SHARMA, ENGEL**

## c. 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.

**M. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 8:20 p.m. on August 3, 2020, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS***Steve Dixon***STEVE DIXON, MAYOR****ATTEST:***Theresa Scott***\_\_\_\_\_  
THERESA SCOTT, TOWN SECRETARY**