

THE 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 17TH 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
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Andrea Roy	Director of Economic Development
James Hoefert	Environmental Review Analysis
Kay Wilkinson	Budget Officer

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:01 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)
1.	Paul Stone, 4100 Broadway	Thank Jim Engel
2.	David Johnson, 3617 San Paula	Public participation
3.	Tanner Wilson, 4925 Creekwood Dr	Bringing an ice rink to Flower Mound and draft prospect Cross Hanas
4.	Brit Stock, 4005 Rothschild Dr	Thanks to Jimmy/Cross Timbers Rotary Duck Derby

E. ANNOUNCEMENTS

Councilmember Bumgarner announced that *Clear the Shelter* is underway and he provided details regarding the event.

F. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects
 - Morriss Rd @ Valley Ridge
 - Forest Vista Drive Reconstruction, Phase II
2. Economic Development projects:
 - Businesses that recently opened or coming soon
3. Financial Update

Ms. Wallace provided a financial update, particularly as it relates to sales tax revenue given the impact of COVID 19.

G. FUTURE AGENDA ITEMS

1. Councilmember Engel requested a future agenda item to talk about a possible change to the current allowed mix of 80% food to 20% non-food items for the Farmer's Market in the interest of getting them back open, as the owner indicated it was a factor in their closing. There was Council consensus to proceed with a future agenda item on the topic to discuss it, even if it's just a temporary exception.

H. COORDINATION OF CALENDARS

Mayor Dixon announced that the September 7th meeting has been cancelled due to the Labor Day holiday and the next meeting will be Tuesday, September 8th.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting on August 3, 2020.
2. Consider approval of a resolution calling for a general election to be held November 3, 2020, for the offices of Town Council Member Place 2 and Town Council Member Place 5; establishing procedures for those elections; and providing an effective date.

RESOLUTION NO. 12-20

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE OFFICES OF TOWN COUNCIL PLACE 2, AND PLACE 5, ESTABLISHING PROCEDURES FOR THOSE ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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.

RESOLUTION NO. 11-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE 2020-2024 CONSOLIDATED PLAN, PROGRAM YEAR 2020 ACTION PLAN, AND THE CITIZEN PARTICIPATION PLAN UNDER THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE PLANS ON BEHALF OF THE TOWN AND SUBMIT THEM TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

4. Consider approval of a Service Agreement for Demand Response Transit Service with SPAN, Inc., in an amount not-to-exceed \$51,278.64, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.
5. Consider approval of the engagement letter with Eide Bailly, L.L.P., to perform external auditing services for the fiscal year ending September 30, 2020; and authorization for the Mayor to execute same on behalf of the Town.
6. Moved to regular items.
7. Consider approval of a licensing agreement with TimeClock Plus.
8. Consider approval of a third amendment to a Tower/Ground Lease Agreement between the Town and AT&T located at 5701 Morriss Road.
9. Consider approval of the purchase of traffic signal cabinets, controllers, and traffic related products, in the estimated annual amount of \$100,000.00, from Cubic ITS, Incorporated, through the BuyBoard Cooperative Purchasing contract.

Deputy Mayor Pro Tem Forest moved to approve by consent Items 1-5; 7-9, as presented in the agenda caption. Mayor Pro Tem Sharma 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

6. Consider approval of a Consulting Agreement with Webb Management Services to conduct Phase II (Business Plan) of a feasibility study for a Cultural Arts Center.

Councilmember Pierson indicated he requested this item be pulled to have a discussion regarding if now is a good time to proceed with spending money for events, etc.

Ms. Roy provided background information regarding the item, including funding resources.

Councilmember Pierson moved to approve item 6, as presented in the agenda caption.
Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

Mayor Dixon opened items 10 – 12 at the same time.

10. Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021.
11. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021.
12. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021.

Staff Presentation

Ms. Wallace or Ms. Wilkinson gave a presentation identifying or noting:

- Budget process
- 2021 budget assumptions
- Timeline and next steps
- How Flower Mound compares (benchmark cities)
- Financial goals
- Financial policy update
- 2020 debt service and tax rate
- Strategic goals
- Changes since proposed budget published
- General Fund
- Prior year budgets
- Utility fund
- Water/Wastewater rates
- How Flower Mound compares (utility bill comparison – benchmark cities)
- Stormwater utility fund
- Special revenue funds
- Crime Control & Prevention District budget
- Fire Control Prevention & Emergency Medical Services District budget
- Reminder: next steps
- Capital Improvement Projects

Mayor Dixon opened the Public Hearing for items 10, 11, and 12 at 7:01 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Brit Stock, 4005 Rothschild	None	David Johnson, 3617 San Paula Dr

Mayor Dixon closed the Public Hearing for items 10, 11, and 12 at 7:05 p.m.

Administrative note: no action required on the budget items (10 – 12) at this time.

- Public Hearing to consider an application for a tree removal permit (TRP20-0014) for Lot 2, Block B of the Legends Addition subdivision. The property is located at 3755 Legends Path. (The Environmental Conservation Commission recommended denial by a vote of 5-1-0 at its August 4, 2020, meeting).

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Specimen tree survey
- Approved subdivision tree survey
- Photo of tree

and he, or Mr. Meredith, responded to questions from Council regarding:

- Has the lot always been there and identified as a specimen tree originally
- What has changed with respect to their ability to build something now
- Clarification whether the mitigation rules apply
- When was the application for the development originally submitted
- Clarification that the tree before Council was not part of the original request and the previous seven were granted for removal
- Was there ever a time when this lot could have had a home built on it
- How many trees were there initially on the site

Mr. Meredith clarified what should and should not be considered from a legal perspective.

Applicant Presentation

Ron Stewart, McAdams, 111 Hillside Dr, Lewisville

Mr. Stewart gave a presentation identifying or noting:

- Background information, including their letter of intent
- Project history
- Arborist report and staff recommendation (Lot 2, Block B)
- Tree photographs

and he responded to questions from Council regarding:

- Would the tree situation have been disclosed to subsequent owners

Mayor Dixon opened the Public Hearing at 7:25 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
None	Roger Glass, 603 Kenyon Ct	None

Mayor Dixon closed the Public Hearing at 7:29 p.m.

Council Discussion

There was Council discussion regarding:

- How it would have been easier to make a decision at the initial time of development
- How the applicant knew it was going to be a problem initially

Deputy Mayor Pro Tem Forest moved to deny item 13 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed (to deny)

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

14. Public Hearing to consider an ordinance for rezoning (ZPD20-0003 – Morriss Commons Lot 8) to amend Planned Development No. 84 (PD-84) with Retail District-2 uses, by adding new concept plans for Lot 8, Block 1, of the Morriss Commons Addition. The property is generally located west of Morriss Road and north of Flower Mound Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 10, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photographs
- Approved concept site plan, elevations, landscape plan
- Concept site plan

and she responded to questions from Council regarding:

- Clarification regarding if the amenity plaza is in conflict
- Are any other waivers or exceptions being requested from what was presented previously
- Has there been feedback from any other buildings/tenants

Mayor Dixon opened the Public Hearing at 7:52 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 7:52 p.m.

Deputy Mayor Pro Tem Forest moved to approve item 14 as presented. Councilmember Bumgarner seconded the motion.

ORDINANCE NO. 18-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 31-05, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 84 (PD-84) ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 1.782 ACRES OF LAND AND BEING ALL OF LOT 8, BLOCK 1, OF THE MORRIS COMMONS ADDITION; BY ADDING CONCEPTUAL SITE PLAN, CONCEPTUAL ELEVATIONS, AND CONCEPTUAL LANDSCAPE PLAN IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

15. Public Hearing to consider an ordinance for rezoning (ZPD20-0004 – Iron Den) to amend Planned Development No. 170 (PD-170) with Campus Industrial uses and personal training studio to modify development standards related to building permit submittal deadlines to make certain required site improvements. The property is generally located south of Spinks Road and west of Gerault Road. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 10, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- PD-170 approved concept plan, existing elevations
- Site photographs
- Deadline information

and she responded to questions from Council regarding:

- Can an exception be made for the rooftop equipment screening given it's been there so long
- What are the projections for the future façade improvements

Applicant Presentation

Joe Solinski, Iron Den, LLC

Mr. Solinski gave a presentation identifying or noting:

- Property history
- Photo of original condition of building when he bought it (2013), and 2020 condition
- Rooftop screen wall

- Proposed dates (for extension)

and he responded to the following questions from Council:

- Can the improvements with the trees on the empty lot be done sooner
- When was the building built
- When did the unit go on top of it

Mayor Dixon opened the Public Hearing at 8:06 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:06 p.m.

Council Discussion

There was Council discussion regarding:

- Interest in seeing some type of screening around the air condition unit
- Possibility of postponing the screening but introduce the landscaping buffer now for the vacant lot (Track 2) and tie it to a future application
- Clarification that the proposed motion:
 - extends the date to October 1st per the discussion from P & Z for both items for Track 1
 - Track 2 is based upon the application for that particular property

Mayor Pro Tem Sharma moved to approve as presented wherein considering the recommendation of the Planning and Zoning Commission for Track 1 for both the screening and the landscaping in the front and deferring the Track 2 requirement to the first development application on the property, and the work needs to be completed within 6 months of the application date. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 19-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 02-19, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 170 (PD-170) ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 5.158 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NUMBER 692; BY MODIFYING DEVELOPMENT STANDARDS RELATED TO BUILDING PERMIT SUBMITTAL DEADLINES TO MAKE CERTAIN REQUIRED SITE IMPROVEMENTS IN ACCORDANCE WITH SPECIFIC REQUIREMENTS STATED HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

16. Public Hearing to consider an ordinance granting Specific Use Permit No. 463 (SUP20-0005–Lakeside Crossing Building 5 (Smoothie King)) to permit a fast food restaurant with a drive-through window. 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 5 to 0 at its August 10, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Concept site plan
- Site photos
- Originally approved site plan, landscape plan, hardscape plan, elevations
- Proposed SUP conditions

Mayor Dixon opened the Public Hearing at 8:20 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:20 p.m.

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

ORDINANCE NO. 20-20

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. 463 (SUP-463) FOR A FAST FOOD RESTAURANT WITH A DRIVE-THROUGH WINDOW ON CERTAIN PROPERTY DESCRIBED AS 1.756 ACRES OF LAND AND BEING ALL OF LOT 5, BLOCK A, OF THE LAKESIDE CROSSING AND ZONED PLANNED DEVELOPMENT DISTRICT 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 HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

17. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0011 – Underground Utilities) by eliminating Section 90-423 entitled “Underground Utilities,” of the Town’s Code of Ordinances, and amending Chapter 82 entitled “Development Standards” by adding a new Article VII entitled “Underground Utilities” to create new definitions and standards for underground utilities within the Town of Flower Mound. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 10, 2020, meeting.)

Staff Presentation

Mr. Dalton gave a presentation identifying or noting:

- Executive summary
- History
- List of exceptions
- Feedback from providers
- Next steps

and he responded to the following questions from Council:

- Clarification regarding the utility provider authority
- Clarification regarding what the ordinance does and associated examples
- Small versus large development exceptions

Mayor Dixon opened the Public Hearing at 8:30 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:30 p.m.

Council Discussion

There was Council discussion regarding:

- How the Ordinance basically cleans up the code and clarifies expectations

Councilmember Bumgarner moved to approve item 17 as presented. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 21-20

AN ORDINANCE OF TOWN COUNCIL THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 90, "SUBDIVISIONS" OF THE TOWN'S CODE OF ORDINANCES, BY ELIMINATING SECTION 90-423 "UNDERGROUND UTILITIES;" AMENDING CHAPTER 82 "DEVELOPMNET STANDARDS" AND BY ADDING ARTICLE VII "UNDERGROUND UTILITIES;" PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

18. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0003 – Informational Sign Requirements) by amending Chapter 78 entitled "Administration" and Chapter 94 entitled "Trees," of the Town's Code of Ordinances to update the requirements and process for posting informational signs on subject properties. (The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its August 10, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- Previous discussion
- Examples
- Feedback from P & Z
- Proposed criteria
- Example ZPD
- Example Tree Removal Permit
- Application fees

and she responded to the following questions from Council:

- Clarification that the \$200 cost is per sign
- The need to address advanced posting of the sign as it relates to tree removals, and an associated reasonable lead time

- Interest in having signs for Master Plan amendments as well

Mayor Dixon opened the Public Hearing at 8:57 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:57 p.m.

Council Discussion

There was Council discussion regarding:

- Possibility of the logo color of green for the tree removal sign

Deputy Mayor Pro Tem Forest moved to approve as presented, and that tree removal signs must be posted 15 days prior to the Environmental Conservation Commission meeting. Mayor Pro Tem Sharma seconded the motion.

ORDINANCE NO. 22-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 78, "ADMINISTRATION," OF THE TOWN'S CODE OF ORDINANCES, SECTION 78-1, "APPLICATION FEES," TO CREATE STANDARDS FOR THE PAYMENT OF FEES IN RELATION TO DEVELOPMENT PROJECTS; AMENDING SECTION 78-152 "INFORMATIONAL SIGNS," TO UPDATE THE PROVISIONS GOVERNING THE CONTENT AND POSTING OF INFORMATIONAL SIGNS; AMENDING CHAPTER 94, "TREES," OF THE TOWN'S CODE OF ORDINANCES, SECTION 94-34, "TREE REMOVAL PERMITS," TO UPDATE THE PROVISIONS GOVERNING THE CONTENT AND POSTING OF TREE REMOVAL PERMIT SIGNS; AMENDING APPENDIX A, "FEE SCHEDULE," TO PROVIDE A FEE OF \$200.00 FOR A PUBLIC NOTICE SIGN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

19. Consider approval of a Construction Agreement with Quality Excavation, LLC, for the FM2499 and Waketon Road Intersection Improvements project, in the amount of \$1,136,463.60; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Wallace provided background information about the item and noted it's on the agenda because of the double comma rule.

Deputy Mayor Pro Tem Forest moved to approve item 19 as presented. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Mayor Dixon opened items 20 – 21 at the same time.

20. 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, and August 3, 2020, meeting.)
21. 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, and August 3, 2020, meeting.)

Councilmember Engel moved to postpone items 20 and 21 to September 8, 2020. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

K. BOARDS/COMMISSIONS

Discuss and consider Outstanding Citizenship Award program and selection criteria.

Ms. Scott gave a presentation identifying or noting:

- Background information
- Program purpose and criteria
- Nominations process
- Selection committee
- Selection process

and she responded to questions from Council regarding:

- How does the Town get the word out to the community

Council Discussion

There was Council discussion regarding:

- The current selection process

There was Council consensus to incorporate the following changes to the Outstanding Citizenship Award program:

- Increase the number of committee members to 9, with 3 of those individuals being external from a non-profit organization and appointed by Council for a one-year term;
- Rotate the individuals from the non-profit organizations to the extent possible;
- Utilize nonprofit organizations that are receiving community support funding from the Town and located in Flower Mound, in addition to the current nonprofits being used;
- Revise the application to capture demonstratable works of the nominee;
- Add a youth category.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:22 p.m. on August 17, 2020, 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 10:50 p.m. on August 17, 2020, to take action on the items as follows:

a. Consultation with Attorney.

1. Bradford Park Stormwater and Rippy Rd Improvements

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.

RESOLUTION NO. 13-20

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF OBTAINING FEE SIMPLE TITLE TO APPROXIMATELY 0.3715 ACRES OF PROPERTY LOCATED AT 4821 RIPPY ROAD, 0.2437 ACRES OF PROPERTY LOCATED AT 4841 RIPPY ROAD, AND 0.3024 ACRES OF PROPERTY LOCATED AT 4861 RIPPY ROAD, IN FLOWER MOUND, DENTON COUNTY, TEXAS, AS RIGHT-OF-WAY NECESSARY FOR CONSTRUCTION AND MAINTENANCE OF ROADWAY AND STORMWATER IMPROVEMENTS FOR RIPPY ROAD, AND FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.

VOTE ON MOTION:

AYES: BUMGARNER, FOREST, PIERSON

NAYS: SHARMA, ENGEL

Motion passed

- 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.

- d. Discuss and consider the recruitment process for a Town Manager and Interim Town Manager, and all matters incident and related thereto.

No action taken.

N. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 10:53 p.m. on Monday, August 17, 2020, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY