

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 8TH DAY OF SEPTEMBER 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 |
| Matthew Woods | Director of Environmental Services |
| Eric Greaser | Fire Chief |

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

Mayor Dixon gave the invocation and led the pledges.

D. PUBLIC COMMENT

No one spoke during public comment.

E. ANNOUNCEMENTS

Mayor Dixon and members of Council extended farewell messages to Town Manager, Jimmy Stathatos for his service.

Councilmember Engel reminded everyone that school is back in session and to be aware of school zones.

Deputy Mayor Pro Tem Forest announced a blood drive event on September 11th.

F. TOWN MANAGER'S REPORT

Mr. Stathatos provided an update on the following projects:

1. Capital improvement projects/Fire Station No. 7

Fire Chief Greaser provided a construction update on Fire Station No. 7.

2. Economic Development projects:

- Announced new or coming soon businesses

3. Farmer's Market regulations

Mr. Woods gave a presentation identifying or noting:

- Background information
- Farmers Market:
 - definition (by Ordinance)
 - permit
 - options

and he responded to the following questions from Council:

- What is the reasoning behind the 80/20 percentage requirement and what are the non-food type of items being sold
- What would be a reasonable temporary hold period
- Have there been any negative issues associated with the operations of the market

Matt Brown, Owner of Four Seasons Market

Mr. Brown responded to the following questions from Council:

- Why unable to get more food vendors
- Out of the 600 vendors how many are produce vendors

Council Discussion

There was Council discussion regarding:

- Possible temporary waiver of the 80/20 rule until the state order expires
- Possibility of changing it to a 60/40 rule instead
- Interest in allowing some flexibility for now and going forward
- Possibility of rebranding it as "The Market" instead of Farmers Market
- How appreciate where vendors don't compete with existing businesses

There was Council consensus to relax the 80/20 food/non-food requirement until the state order expires, and later revisit the overall business model of the Farmers Market.

4. Employee compensation FY20/21

Mr. Stathatos indicated that staff did not recommend any salary increases for the upcoming fiscal year because of COVID; however, Council asked for staff to present different compensation options.

Ms. Wallace presented five options for Council consideration and responded to the following questions or comments from Council:

- Property tax revenues and associated impact
- Reserve level

There was Council discussion regarding:

- Whether or not Council should or should not provide compensation to Town employees
- Possibility of using cash for CIP projects
- How there are too many variables to make any changes (i.e. property and sales tax revenue) at this time
- Possibility of a budget amendment down the road when more information is known
- How there are residents struggling and is it the best time to talk about giving raises

There was general consensus to not make any changes in the area of compensation; however, interest in having a future agenda item to revisit the topic in six months.

G. FUTURE AGENDA ITEMS

1. No future agenda items were requested.

H. COORDINATION OF CALENDARS

Mayor Dixon announced the following upcoming meetings:

1. Board and Commission interviews scheduled for September 15 & 17
2. A regular meeting is scheduled for Monday, September 21

J. CONSENT ITEMS

1. Consider approval of the minutes from a work session 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 13, 2020.
2. 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 17, 2020.
3. Consider approval of Contract No. 2020-84-A with POC Packing N Shipping Inc. for the monthly Utility Billing Bulletin in the amount of \$18,144; and authorization for the Mayor to execute on behalf of the Town.
4. Consider approval of the purchase of a new Chevrolet Tahoe Police Pursuit Vehicle, K-9 Application with Equipment (turn-key unit) per Town of Flower Mound Specifications and Vendor Quote from Holiday Chevrolet for Police Services in the amount of \$61,066.00.

5. Consider and approve annual update to the Riverwalk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.
6. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2019, and ending on September 30, 2020, as adopted by Ordinance No. 50-19 and amended by Ordinance No. 64-19 and No. 04-20 for adjustments to the General Fund, Stormwater Utility Fund, Community Development Block Grant Fund and COVID-19 Fund.

ORDINANCE NO. 23-20

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, 2019, AND ENDING ON SEPTEMBER 30, 2020, AS ADOPTED BY ORDINANCE NO. 50-19 AND AMENDED BY ORDINANCE NO. 64-19 and NO. 04-20, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, STORMWATER UTILITY 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.

7. Consider approval of the 2020 Lewisville Independent School District (LISD) for Contract with the Town of Flower Mound for law enforcement services.
8. Consider approval of a Change Order No. 1 for the construction of the Garden Ridge Boulevard Through Lane at FM 3040 & Peters Colony Road Roundabout projects, amending the contract with Reliable Paving, Inc., to provide for an increase to the contract in the amount of \$150,000.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of the purchase and installation of the 2019-20 Playground Replacements project, for Chinn Chapel Soccer Complex Playground, from Webuildfun, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$149,051.25.
10. Consider approval of an Advance Funding Agreement, for Voluntary Local Government Contributions to Transportation Improvement Projects, with the Texas Department of Transportation (TxDOT) to pay for work associated with the US 377 widening project, in the amount of \$345,204.51; and authorization for the Mayor to execute the same on behalf of the Town.
11. Consider approval of Amendment No. 4 to the Fiscal Year 2019-2020 Capital Improvement Program.
12. Consider approval of a Construction Agreement with Reliable Paving, Inc., for the Blue Ridge Trail Street Reconstruction project, in the amount of \$650,057.00; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, to provide construction materials engineering and testing, for the FM 2499 and Waketon Road Intersection Improvements project, in the amount of \$35,992.50; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 13, 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****K. REGULAR ITEMS**

14. Outdoor gatherings in excess of 10 people, in accordance with No. 5 of Executive Order GA-28.

Staff Presentation

Ms. Roy gave a presentation identifying or noting:

- Large outdoor gatherings background information
- Flower Mound events
- Considerations and options

Council Discussion

There was Council discussion regarding:

- Current process
- Importance of consistency
- The Denton County Health Department is the governing guidance
- How the public has the option to decide whether they wish to attend an event or not
- Indoor versus outdoor events
- How there needs to be a cap of some number
- Interest in the McKinney model

Mayor Dixon summarized that the direction is to have staff come up with a list of safety precautions that need to be met, have a staff committee review each application, and then provide a recommendation to the Mayor for final approval.

Mayor Dixon opened items 15 and 16 at the same time.

15. 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, and again on August 17, meeting.)
16. 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 on August 3, and again on August 17, meeting.)

Staff Presentation

Ms. Roy gave a presentation for items 15 and 16 identifying or noting:

- Site map
- Company background information
- Caddo incentive

and she responded to the following questions from Council:

- Clarification regarding the timing for completion

Mayor Dixon opened the Public Hearing for items 15 and 16 at 7:48 p.m. No one spoke. Mayor Dixon closed the Public Hearing for items 15 and 16 at 7:48 p.m.

Mayor Pro Tem Sharma moved to approve item 15 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 24-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL TAX ABATEMENT, WITHIN THE TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER

NAYS: NONE

Deputy Mayor Pro Tem Forest moved to approve item 16 as presented in the agenda caption. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

Mayor Dixon opened items 17 and 18 at the same time.

17. Public Hearing to consider a request for rezoning (Z20-0001 – Fieldcrest Road Residential) from Agricultural District (A) to Single-Family District-10 (SF-10), and consider adopting an ordinance for said amendment. The property is generally located on the south side of Fieldcrest Road south of Kales Lane. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its August 24, 2020, meeting.)
18. Consider a request for a Record Plat (RC20-0003 – Fieldcrest Addition) to create two residential lots with an exception to the grading criteria, regarding residential lot-to-lot drainage, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located on the south side of Fieldcrest Road south of Kales Lane. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its August 24, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation for items 17 and 18 identifying or noting:

- General and detailed location
- Land use and zoning
- Photos of site
- Zoning exhibit
- Proposed record plat
- Exception request
- Existing drainage area map
- Tree survey

and she, or Ms. Bruce, responded to the following questions from Council:

- Clarification regarding:
 - the drainage capacity and how it will be managed
 - the trees that are being impacted
 - driveway location
- What is the purpose in going lot to lot for the drainage

Applicant Presentation

Jason Kilpatrick, Ridinger Associates, 550 S Edmonds Ln, Lewisville

Mr. Kilpatrick responded to the following questions from Council:

- Clarification regarding the exception and what is triggering the need to change the existing condition

Mayor Dixon opened the Public Hearing (item 17) at 8:09 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 |
|---|---|---------------------------------------|
| Name inaudible and address not provided (no speaker card submitted) | None | None |

Mayor Dixon closed the Public Hearing for item 17 at 8:11 p.m.

Mayor Pro Tem Sharma moved to approve item 17 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

ORDINANCE NO. 25-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL TAX ABATEMENT, WITHIN THE TOWN OF FLOWER MOUND, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**

Mayor Pro Tem Sharma moved to approve item 18 as presented in the agenda caption. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE**

19. Consider approval of a recruitment agreement for services related to an executive search for the Town Manager and authorize the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Forest moved to approve as presented in the agenda caption, and with the firm of SGR. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE****L./M. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:12 p.m. on September 8, 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 9:00 p.m. on September 8, 2020, to take action on the items as follows:

- a. Consultation with Attorney.

1. Bradford Park Stormwater, Rippy Rd Improvements, including possible settlement related to same.

Councilmember Engel moved to approve the Bradford Park stormwater settlement as discussed in closed session. Councilmember Bumgarner seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**

2. Lakeside Crossing Chapter 380 agreement.

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.

No action taken.

c. Town Manager

See agenda item # 19.

d. Discuss and consider appointment of Interim Town Manager, including job duties and responsibilities, and all matters incident and related thereto.

Mayor Pro Tem Sharma moved to appoint Debra Wallace, Interim Town Manager, as per the discussion in closed session. Deputy Mayor Pro Tem Forest seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON

NAYS: NONE

e. 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.

N. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 9:02 p.m. on Monday, September 8, 2020, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY