

**AGENDA**

**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**

**3/1/2021**

**VIA VIDEOCONFERENCE**

**6:00 P.M.**

**[CLICK HERE](#) FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING**

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An agenda information packet is available online at [www.flower-mound.com/AgendaCenter](http://www.flower-mound.com/AgendaCenter)  
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Effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow telephonic or videoconference meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. The Town of Flower Mound Town Council meetings will be temporarily held via videoconference. A recording of the meeting will be available the following day at <https://www.flower-mound.com/fmtv>, look for the "Town Council Archive" menu.

Comments regarding any item on this agenda can be sent to the Mayor/Town Council by Emailing: [Towncouncil@flower-mound.com](mailto:Towncouncil@flower-mound.com) or leaving a recorded message by calling: 972.874.6005

**A. CALL MEETING TO ORDER**

**B. INVOCATION**

**C. GENERAL PUBLIC COMMENT**

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972.874.6000 during business hours.

[CLICK HERE](#) to submit general public comments regarding issues or agenda items not indicated as a Public Hearing.

**D. ANNOUNCEMENTS**

1. Announcements from the mayor and council members

**E. TOWN MANAGER'S REPORT**

Update and discussion on:

1. Capital Improvement projects
2. Economic Development projects
3. All Together Flower Mound

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### F. FUTURE AGENDA ITEMS

The purpose of this item is to allow the Mayor and members of Council an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of Council is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

### G. COORDINATION OF CALENDARS

1. A regular meeting is scheduled for Monday, April 5.
3. Consider a joint work session with the Planning & Zoning Commission on April 15 to include a presentation and discussion involving Furst Ranch.

### H. CONSENT ITEMS

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any Councilmember by making such request prior to a motion and vote.

1. Minutes 2/1- Consider approval of the minutes from a regular meeting of the Town Council held on February 1, 2021.
2. Voting Equipment- Consider approval of a resolution adopting a new voting system for Town elections (Denton County); and providing an effective date.
3. House Bill 1538- Consider approval of a resolution supporting House Bill 1538 relating to proposed amendments to the municipal sales and use tax for street maintenance; and providing an effective date.
4. Board Training Requirement- Consider approval of an ordinance requiring Town sponsored open government training for all boards, commissions, and committees.
5. Police Services - Lake Grapevine- Consider approval of the 2021 US Army Corps of Engineer (USACE) solicitation for contract with the Town of Flower Mound for law enforcement services at Lake Grapevine and authorize the Mayor to execute same.
6. PD HVAC Replacement- Consider approval to replace rooftop condenser at Police and Court Facility.
7. Microsoft Enterprise Agreement- Consider approval to renew the Town's three year Enterprise Enrollment Agreement with Microsoft to provide the town with licensing for Office 365 , Servers, Sharepoint, Advanced Threat Protection and Desktop Operating Systems from Software One in the amount of \$233,477.34.
8. Vehicle Purchase- Consider approval of the purchase of one 2022 International HV607 6x4 13/15 Yard Tandem Axle Dump Truck with Snow Plow Hitch, Hook-Ups, PTO, Hydraulics and Controls to Include Sand Spreader Controls and Hydraulics per Town of Flower Mound Specifications and Vendor Quote from Southwest International Trucks in the amount of \$116,979.71.
9. 2499@3040 Intersect Improv Design- Consider approval of a Professional Services Agreement with CP&Y, Inc., for the design phase services associated with the FM 2499 at FM 3040 Intersection Improvements project, in the amount of \$249,985.00; and authorization for the Mayor to execute same on behalf of the Town.
10. Morriss Rd Water Line Ph III Design- Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the design phase services associated with the Morriss Road Water Line Phase III (Eaton to Waketon) project, in the amount of \$222,600.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Concrete Replacement Services- Consider approval of an increase to the annual contract amount for Miscellaneous Concrete Replacement Services with F&F Concrete LLC., and Apex Concrete Construction Inc., contract 2018-50-A, from an

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estimated annual total of \$475,000.00 to an estimated annual total of \$745,000.00.

12. Wastewater Flow Meter- Consider approval of the purchase of wastewater flow meters and components from Hach Company, a sole source provider, associated with the Inflow-Infiltration/Evaluation and Repair project, in the amount of \$51,351.64.
13. Easement Abandonment - Brook Ln- Consider approval of an ordinance vacating and abandoning the eastern 2 feet of the existing 15-foot utility easement located along the eastern property line of Lot 1, Block 7, of the Woods at Lake Forest subdivision, which lot is more commonly known as 2033 Brook Lane.
14. Rheudasil Park Testing- Consider approval of a professional services agreement with Alliance Geotechnical Group, Inc., to provide testing services in the amount of \$40,545.00 for the Rheudasil Park Improvements project; and authorization for the Mayor to execute same on behalf of the Town.
15. CIP Amendment 2- Consider approval of Amendment No. 2 to the Fiscal Year 2020-2021 Capital Improvement Program.
16. Heritage Park Improvements- Consider approval of the purchase and installation of playground surfacing and shade structures at the Heritage Park Fort Wildflower playground, from Child's Play, Inc. in the amount of \$248,545.00.
17. CAFR 9/30/2020- Consider approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2020.
18. JPMorgan Chase Renewal- Consider approval of a resolution extending the bank depository agreement with JPMorgan Chase Bank, NA, for a two-year renewal period, declaring an effective date; and authorization for the Mayor to execute same on behalf of the Town.
19. Budget Amendment Employees- 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 for adjustments to the General Fund, Utility Fund, Stormwater Utility Fund, Tree Preservation Fund, and IRS Equitable Sharing Fund.
20. Budget Amendment Fire Control- Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution amending the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, as adopted by Resolution No. 18-20.
21. Budget Amendment Crime Control- 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.

I. **REGULAR ITEMS**

22. **Niagara - ZPD20-0005- Public Hearing** to consider an ordinance amending the zoning (ZPD20-0005 - Niagara Conservation) from an Agricultural (A) Zoning district to Planned Development District No.179 (PD-179) with Campus Industrial uses. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Planning and Zoning Commission recommended approval of the rezoning request and denial of the exception request to Section 82-376 of the Town Code that requires overhead utilities to be placed underground, by a vote of 6 to 0 at its November 9, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)
23. **Niagara - TRP20-0021- Public Hearing** to consider an application for a tree removal permit (TRP20-0021) for twenty-two (22) specimen trees on property proposed for development as Niagara Conservation. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Environmental Conservation Commission recommended approval by a vote of 4 to 3 at its November 4, 2020, meeting. (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, meeting.)
24. **Niagara - Reinvestment Zone- Public Hearing** to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial tax abatement at 300 Old Gerault Road (Niagara Conservation, Inc., aka Deus, LLC). (The Town Council moved to postpone this item by a vote of 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)
25. **Niagara - Ch 380 & Tax Abatement- Public Hearing** to consider approval of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, 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 4 to 1 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 1 at its February 1, 2021, Meeting.)

**[CLICK HERE](#)** to submit comments regarding the above referenced Public Hearing items.

26. **Land Use Assumptions - Impact Fees-** Consider the approval of an ordinance adopting updated land use assumptions and updated capital improvements plans, and to update and amend certain provisions of Chapter 42, "Impact Fees," regarding the imposition of impact fees and amending Appendix A, "Fee Schedule", accordingly. (The Capital Improvements Advisory Committee recommended approval by a vote of 9 to 0 at its November 9, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its December 7, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 5 to 0 at its January 4, 2021, meeting.) (The Town Council moved to postpone this item

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by a vote of 5 to 0 at its February 1, 2021, meeting.)

27. Grace Park TRP20-0025- Public Hearing to consider an application for a tree removal permit (TRP20-0025) for one (1) specimen tree on property proposed for development as Grace Park. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Environmental Conservation Commission recommended approval by a vote of 7-0 at its February 2, 2021, meeting).

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

28. River Walk Update- Update on the River Walk at Central Park.

Staff  
Request  
Postpone  
to April 5.

29. LDR20-0007 Regulated Uses Updates- Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0007 - Regulated Uses Updates) by amending Chapter 82 entitled "Development Standards," and Chapter 98 entitled "Zoning," of the Town's Code of Ordinances to amend and propose new regulated uses, definitions, and parking standards for the purpose of clarifying and updating certain sections to reflect current planning practices and uses. (The Planning and Zoning Commission recommended approval/denial by a vote of 5 to 1 at its February 22, 2021, meeting.)

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

30. Rheudasil Park - Const Award- Consider approval of a Construction Agreement with North Rock Construction, LLC., for the Rheudasil Park Improvements project, in the amount of \$2,460,731.85; and authorization for the Mayor to execute same on behalf of the Town.

### J. CLOSED MEETING

The Town Council to convene into closed meeting 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, as follows:

- a. Consultation with Attorney.

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.

1. Keystone Exploration, LTD. and EXPRO Engineering, Inc. vs. The Town of Flower Mound and the Flower Mound Oil and Gas Board of Appeals.
  2. Legal issues associated with municipal boundary adjustment/annexation and ESD service issues.
- 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 economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

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**K. RECONVENE TO REGULAR MEETING**

The Town Council to reconvene into an open meeting to take any action deemed necessary as a result of the closed meeting.

**L. ADJOURN MEETING**

I do hereby certify that the Notice of Meeting was posted on the Town's website in accordance with GC Section 551.056 on the following date and time: February 26, 2021, at 2:10 p.m., at least 72 hours prior to the scheduled time of said meeting.

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**Theresa Scott, Town Secretary**