

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 5TH DAY OF DECEMBER 2022, 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
Sandeep Sharma	Mayor Pro Tem
Ann Martin	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Brian Taylor	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
James W. Childers	Town Manager
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Assistant Town Manager/Town Engineer
Lexin Murphy	Director of Planning Services
Clay Riggs	Director of Public Works
Lynda Bolitho	Director of Human Resources
Brennon Peltier	Park Development Manager
Chuck Jennings	Director of Parks and Recreation

A. CALL 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 Bradley Vinson gave the invocation and Mayor France led the pledges.

D. PRESENTATIONS

1. Announcement and Presentation of 2022 Outstanding Citizen Award(s)

LauraAnne Madl, Chair, Outstanding Citizen Award Committee

Ms. Madl announced the 2022 Outstanding Citizen Award Recipients:

- Individual: Jeff Fisher
- Youth: Rohan Ahuja
- Group: Flower Mound Police Academy Alumni Association

2. Presentation on Miracle League's Fall 2022 Season

Jeff Fisher, Executive Director, Miracle League of North Texas

Mr. Fisher gave a presentation identifying or noting:

- Background information about Miracle League
- Demographics
- Future plan

E. 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.	Gerald Robinson, 6920 Hidden Valley Rd	Rotary
2.	Tracy Black, 3009 Oak Meadow Dr	LED Ballpark Lights

F. ANNOUNCEMENTS

Councilmember Schiestel announced the two dates for the Christmas Concert performance by The Flower Mound Symphony Orchestra, the Trietsch Choir, and the Voices of Flower Mound.

Several members of Council reported on the Christmas Tree lighting and parade that took place last Saturday and expressed appreciation for everyone involved in making it a success.

Deputy Mayor Pro Tem Martin encouraged residents to check out the Friends of the Library Sale Cart.

G. TOWN MANAGER'S REPORT

Update and discussion on:

1. Capital improvement projects
No discussion.
2. Economic Development projects
No discussion.
3. Operational updates
No discussion.

H. FUTURE AGENDA ITEMS

1. Councilmember Engel requested a work session item to talk about how the Town can address and plan for filling possible future vacant space in the event the Kroger/Albertson's merger goes through.

There was Council consensus to discuss the topic.

2. Mayor France requested having a future discussion to have a more bottom line up front agenda packet (i.e., executive summary).

There was council consensus to discuss the topic.

I. COORDINATION OF CALENDARS

1. A work session is scheduled for Thursday, December 15.
Mayor France announced there will not be a December 15th work session.
2. A regular meeting is scheduled for Monday, December 19.
Mayor France confirmed that all members of Council plan to be at the December 19 meeting.

J. CONSENT ITEMS

1. Consider approval of the minutes from a work session of the Town Council held on November 17, 2022.
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 November 21, 2022.
3. Consider approval of a license and services agreement with Tyler Technologies for the purchase and installation of Municipal Justice court software system in the amount of \$203,930; and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of the purchase of Procore Technologies, Inc., Project Management Software from Carahsoft Technology Corp, through a Texas Department of Information Resources (DIR) contract, in the amount of \$37,179.35.
5. Consider approval of a resolution authorizing the adoption of the Program Year 2021 Consolidated Annual Performance & Evaluation Report (CAPER) for the Community Development Block Grant (CDBG); and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RESOLUTION NO. 20-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM YEAR 2021 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.

6. Consider a request to amend the Town's Code of Ordinances Appendix A, "Fee Schedule," Referenced in Chapter 70, "Utilities," Section 70-56(d), entitled "Water Meter Fee Schedule," by repealing all conflicting ordinances; providing a severability clause; and providing an effective date.

ORDINANCE NO. 57-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," REFERENCED IN CHAPTER 70, "UTILITIES," 70-56(d), ENTITLED "WATER METER FEE SCHEDULE," BY REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Consider approval of Change Order No. 1 for the Waketon Road project, amending the contract with Ed Bell Construction Company, to provide an increase to the contract in the amount of \$123,852.05; and authorization for the Mayor to execute on behalf of the Town.
8. Consider approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., for the design phase services associated with the Karnes Road Street Improvements project, in the amount of \$97,438.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc., for the design phase services associated with the Hillside Lane Reconstruction project, in the amount of \$140,498.00; and authorization for the Mayor to execute same on behalf of the Town.
10. Consider increasing the annual contract amount with Midway Press to provide printing services for the Parks and Recreation Department's Adventures Guide from \$23,000 to \$29,500.
11. Consider approval for the purchase and installation of a new pavilion structure and site amenities from We Build Fun, Inc. for the Dixon Park Improvements project through the Texas Local Government Purchasing Cooperative, in the amount of \$47,282.77.
12. Consider the purchase of a Versa-Vac with combination deck, 4 Groundsmaster mowers, and a Propass spreader per the Town of Flower Mound specifications in the amount of \$358,683.97, from Professional Turf Products utilizing the BuyBoard Contract #611-20.
13. Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2023 Independence Fest (The Parks Board recommended approval by a vote of 6 to 0 at its November 3, 2022 meeting).
14. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards. (The Parks Board recommended approval by a vote of 6 to 0 at its November 3, 2022 regular meeting)

ORDINANCE NO. 58-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

15. Consider approval of the 2022 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code. (The TIRZ #1 Board recommended approval by a vote of 5 to 0 at its November 22, 2022 meeting.)

Mayor Pro Tem Sharma moved to approve consent items 1 – 15, as presented in the agenda caption. Deputy Mayor Pro Tem Martin 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: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

K. REGULAR ITEMS

16. Consider approval of a contract with Blue Cross and Blue Shield of Texas in the amount of \$1,476,766 for reinsurance coverage for the Town's Group Health Plan and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Childers provided background information regarding the item and Ms. Bolitho, or Mr. Scott Gibbs (McGriff, Seibels & Williams of Texas Inc.), responded to the following questions from Council:

- If any other deductible amounts have been considered
- Laser concept
- Employee impact

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

VOTE ON MOTION:

Motion passed

AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

Mayor France opened items #17, 18, and 19 at the same time.

17. Public Hearing to consider an ordinance amending the Master Plan (MPA21-0008 – Whyburn Farms) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designations from Low Density Residential, Office and Retail uses to Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses. The property is generally located east of Long Prairie Road and south of Dixon Lane. (PZ recommended approval by a vote of 5 to 1 at its October 10, 2022, meeting.) (On November 21, 2022, Town Council moved to table this item to its December 5, 2022, meeting by a vote of 4 to 0.)
18. Public Hearing to consider an ordinance amending the zoning (ZPD21-0015 – Whyburn Farms) from Agricultural District (A) uses to Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15), Single Family District-10 (SF-10) and Single Family District-5 (SF-5) uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located east of Long Prairie Road and south of Dixon Lane. (PZ recommended approval by a vote of 5 to 1 at its October 10, 2022, meeting.) (On November 21, 2022, Town Council moved to table this item to its December 5, 2022, meeting by a vote of 4 to 0.)

19. Public Hearing to consider an application for a tree removal permit (TRP22-0006) for nine (9) specimen trees on property proposed for development as Whyburn Farms. The property is generally located south of Dixon Lane, north of Waketon Road, and east of Long Prairie Road. (The Environmental Conservation Commission recommended denial for specimen trees #s 652, 654, 667, 668A and 668B and approval of specimen trees #s 661, 662, 772, 779, 780, 781, 842, 851 and 853 by a vote of 4-2-0 at its October 4, 2022, meeting). (On November 21, 2022, Town Council moved to table this item to its December 5, 2022, meeting by a vote of 4 to 0.)

Staff Presentation

Ms. Murphy gave a presentation for items 17, 18, and 19, identifying or noting:

- General and detailed location
- Land use and zoning
- Master plan exhibit
- Conceptual site plan
- Modifications
- Exception request
- Site photos
- Previous conceptual site plans
- Landscape plan
- Tree survey
- Parks Board recommendation

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

- Traffic flow and level of service (2499 @ Dixon)
- Clarification regarding the request for front yard encroachment
- Supermajority requirement and timing

Applicant Presentation

Larry Jackson (David Weekly Homes); Heth Kendrick (Land Design, Inc.); John Baen, (Whyburn Family Representative)

Mr. Jackson or Mr. Kendrick gave a presentation identifying or noting:

- Our markets
- Local communities
- We CARE
- Whyburn family legacy
- History
- Family contributions to Town
- Property context
- Timeline of coordination
- Planning & Zoning input
- Conceptual site plan
- Community entrances
- Connectivity
- 6.358ac dedicated open space + drainage (16.2% dedicated open space)
- Walls and fencing

- Specimen trees: remain vs. removal
- Variance request
- Landscape design standards
- Architectural design standards
- Product overview
- Proposed product – SF-5, SF-10, SF-15
- Boards & Commission schedule

and they responded to questions from Council regarding:

- Clarification regarding:
 - Square footage minimums and maximums
 - Which elected officials did they meet with
- Trail cost
- Is Dixon Park sufficient for the neighborhood use

There was Council discussion regarding:

- Insufficient information and questions to be asked regarding drainage, parks, trees, etc.
- Concerns regarding changing the Master Plan from office to residential
- How there is a need for a park in the neighborhood, as Dixon Park is not adequate in size to serve the proposed neighborhood
- How the properties in the area are low density and that's desired for what goes at this location
- How residential is acceptable adjacent to Windridge
- Residential makes sense for a portion of the property, but it needs to be tweaked
- How adjacent properties are low density, and this development should align with that
- The timing involved with the plan

Mayor France opened the Public Hearing for items 17, 18, and 19 at 7:58 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
Paul Milosevich, 3110 W Southlake Blvd, Southlake	Tim Whisenant, 2300 Olympia	Scott Langley, 800 Carter Ct
	Mr. & Mrs. Jerry Fullee, 5725 Windridge Ln*	
	Teresa Threlkeld, 5700 Windridge Ln*	
	Melissa Maruszko, 2416 Conroe Ct	

**Indicated do not wish to speak*

Mayor France closed the Public Hearing at 8:08 p.m.

The applicant requested the items be postponed so they have an opportunity to meet individually with elected officials.

Item 18:

Deputy Mayor Pro Tem Martin moved to remand item 18 back to the Parks Board for further consideration. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:*Motion passed (to remand)***AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA****NAYS: NONE**Item 17 and 19:

Deputy Mayor Pro Tem Martin moved to postpone items 17 and 19 to the applicant's time schedule. Councilmember Engel seconded the motion.

VOTE ON MOTION:*Motion passed (to postpone)***AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA****NAYS: NONE**

20. Consider approval of the purchase and installation of light poles and LED fixtures for the Bakersfield Park Improvements Ph. 1 project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative, in the amount of \$1,023,093.00.

Staff Presentation

Mr. Peltier gave a presentation identifying or noting:

- Background information
- Scope of work
- Project budget and schedule

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

- Difference in warranty period (new and existing poles), including maintenance cost

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

VOTE ON MOTION:*Motion passed***AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA****NAYS: NONE****L. BOARDS/COMMISSIONS**

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Animal Services Board, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

No discussion or action taken.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:27 p.m. on December 5, 2022, 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 10:36 p.m. on December 5, 2022, to take action on the items as follows:

a. Consultation with Attorney.

1. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Application
2. Housing Discrimination Complaint
3. La Estancia Investments, L.P., v. Town of Flower Mound
4. Legal issues associated with municipal boundary adjustment/annexation, and ESD and CCN service areas

No action taken.

- b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, and/or other municipal purposes and all matters incident and related thereto.

Mayor Pro Tem Sharma moved to authorize staff to purchase an easement for right of way property in association with the FM 2499 at FM 3040 intersection improvements project, and to negotiate for the purchase of the easement and right of way property up to the settlement amount agreed upon in the document (as discussed in closed session), and authorization for the Town Manager, or his designee, to close on the easement and right of way property, should a settlement be reached, and to pay all cost associated with the sale at closing, in addition to the purchase price of the easement and right of way property, and execute all necessary documents at closing on behalf of the town. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

- 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.

No action taken.

- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, performance related to certain incentive agreements, Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, PID, MMD, and MUD.

No action taken.

O. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 10:37 p.m. on Monday, December 5, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY