Town Council Regular Meeting

January 17, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

MINUTES

A. CALL TO ORDER

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, Place 1
Brian Taylor, Place 3
Jim Engel, 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
Jimmy Hoefert, Environmental Review Analyst

Mayor France called the regular meeting to order at 06:00 p.m.

B. INVOCATION

Chaplain Mike Liles gave the invocation.

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
Cub Scout Pack 62 led the pledges.

D. PRESENTATION(S)

1. None

E. PUBLIC COMMENT

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

In accordance with the Texas Open Meetings Act, the Town Council is restricted from discussing or acting on items not listed on the agenda.

To speak to Council during public comment, please fill out a comment form (PDF).

- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the mayor
- Speakers must address their comments to the Town Council
- Please state your name and address when speaking

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 name and address	Subject (as written on the form)
1.	Brad Ruthrauff, 3302 Pecan Meadows	Council
2.	Sabra Perdichizzi, no address provided	ADA Accessibility
3.	Ryan Anway, 10616 Sunrise Cir	Sunrise - Stonecrest
4.	Matthew Hurst, 4158 Meadowview Dr, Argyle, Tx	Sunrise/Stonecrest petitions

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

Mayor France recognized individuals from the audience who are enrolled in the Town's Citizen's Academy. He also announced the Historical Task Force Commission public input meeting is scheduled for the 18th.

Councilmember Schiestel announced that the non-profit business of She Supply, based in Flower Mound, has reached the one million mark for product distribution.

Several members of Council extended well wishes for a Happy New Year.

Deputy Mayor Pro Tem Martin announced the upcoming library book sale.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects

3. Organizational Updates

4. Legislative Update

   Mr. Childers outlined the process the Town will follow in tracking bills generated from the Texas Legislature.

H. FUTURE AGENDA ITEM(S)

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).

There were no future agenda item request.

I. COORDINATION OF CALENDARS

Mayor France confirmed that all members of council plan to attend the 1/19 and 2/6 meeting dates.

1. January 19 Work Session (Oncor transmission lines)

2. February 6 Regular Meeting

3. Discuss and consider having a Budget Priorities Work Session on Thursday, March 9 or 30.

   Mr. Childers provided background information regarding the purpose of the work session. There was Council consensus to meet on March 30 for this purpose.

J. CONSENT ITEM(S)

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

ACTION: Councilmember Adam Schiestel moved to approve consent items J.1 - 12 as presented in the agenda caption. Deputy Mayor Pro Tem Ann Martin seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

1. Minutes 12/19/22 - Consider approval of the minutes from a regular meeting of the Town Council; and Crime Control and Prevention District Special meeting on December 19, 2022.

2. Consider acceptance of signers and result of Local - Consider acceptance of signers and result of Local Option Election Petition.

3. Custodial Supplies - Consider approval of Omnia Partners Contract No. R211302 (TOWN 2023-37-A) for custodial supplies, breakroom, and related products, for all Town facilities in the estimated annual amount of $125,000.

4. Vehicle Washing Equipment Upgrade - Consider approval of the purchase of vehicle washing equipment, supplies, and service in the amount of $50,000 from Protech Service Company, LLC through a City of Dallas contract.

5. Consider approval for Apex Flooring Services to in - Consider approval for Apex Flooring Services to install new flooring surfaces and cove base in the entry vestibule, administration offices, employee break room, childcare center, chill zone, multipurpose rooms and Studio 61 at the Community Activity Center utilizing TIPS Contract 200201 for the total amount of $152,634.50.

6. Fire Equipment Medical Vaults - Consider approval of Knox KeySecure 5 system and MedVault 2.5 for the amount of $31,059.49 ; and authorization for the Mayor to execute same on behalf of the Town.

7. Median Nose Marking - Consider approval of the award of Request for Bid Number 2023-4-A to the lowest responsive, responsible bidder, Professional Pavement Products, Inc., for an estimated annual expenditure of $66,000.00 with the materials being used to mark the median noses throughout the Town; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

8. Tree Services Bid - Consider approval of the award of Best Value Bid No. 2023-12-A Tree Services to Looks Great Services of MS, Inc., and to establish an annual bid price contract for Tree Services throughout the Town in an annual estimated amount of $50,000.00; and authorization for the Mayor to execute same on behalf of the Town.

9. Glenwick Park Restroom - Consider approval of the Professional Services Agreement with Kimley-Horn and Associates, Inc., for the design services associated with the Glenwick Park Restroom Addition project, in the amount of $69,700.00; and authorization for the Mayor to execute same on behalf of the Town.

10. Cedarcrest Water Line - Consider approval of a Professional Services Agreement with Quiddity Engineering, LLC, for the design phase services associated with the Cedarcrest Water Line project, in the amount of

$127,000.00; and authorization for the Mayor to execute same on behalf of the Town.

11. Chinn Chapel Soccer Complex - Consider approval of a Construction Agreement with RLM Earthco., for the Chinn Chapel Soccer Complex Drainage Improvements project, in the amount of $530,511.91;and authorization for the Mayor to execute the same on behalf of the Town.

12. Recruitment Agreement - Consider approval of a recruitment agreement with Strategic Government Resources (SGR), for services related to a search for the Director of Information Technology in the amount not to exceed $20,000; and authorize the Mayor to execute same on behalf of the Town.

K. REGULAR ITEM(S)

1. TRP22-0023 - Pepper Creek Ranch Addition - Public Hearing to consider an application for a tree removal permit (TRP22-0023) for one (1) specimen tree on Lot 1, Block C of the Pepper Creek Ranch Addition subdivision. The property is located at 4424 Kimball Xing. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its January 3, 2023, meeting).

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Tree survey
- Photo of the tree
- Legal consideration

and he responded to questions from Council regarding:

- How many trees in total will be removed, including the species
- Replanting requirements

Applicant Presentation
Curt Dubose, 4424 Kimball Crossing, Penta Via Custom Homes

Mr. Dubose gave a presentation identifying or noting:

- Home rendering
- Tree location decision

and he responded to questions from Council regarding:

- Landscape design and tree plantings

Mayor France opened the Public Hearing at 6:33 p.m. No one spoke. Mayor France closed the Public Hearing at 6:33 p.m.

Council Discussion

There was Council discussion regarding:
Concern regarding the number of trees being removed

ACTION: Councilmember Jim Engel moved to approve item K.1. as presented in the agenda caption. Councilmember Adam Schiestel seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

2. Z22-0006 - Oakridge Lane - Public Hearing to consider an ordinance amending the zoning (Z22-0006- Oakridge Lane) from Interim Holding (IH) uses to Single Family District-10 (SF-10) uses. The property is generally located southwest of the intersection of Oakridge Lane and Ridgecrest Drive. (The Planning & Zoning Commission recommended approval by a vote of 6 to 0 at its January 9, 2023, meeting.)
Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Zoning exhibit (4 lots)(request to change from interim holding to SF10)
- Site photos

and she, Ms. Kreh, Ms. Bruce, Mr. Childers, or Mr. Dalton responded to questions regarding:

- Did the Town fail to provide municipal services at the time of annexation
- Sewer line tie in as it relates to this project
- Impact on the adjacent neighborhood by going forward with this agenda item
- Clarification regarding zoning versus rezoning language
- Non conforming lots
- Emergency response impacts or fire hydrant requirements

Denisse Carrera, Den Stone Remodeling, Applicant, responded to questions from Council regarding:

- Situation with previous framing/concrete pour

- Zoning concerns by neighbors

Mayor France opened the public hearing at 6:39 p.m.

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	OPPOSITION	QUESTIONS OR COMMENTS ONLY
1.		Brooklyn Bernard, 10605 Sunrise Cir	Dennis Hepler, 10705 Sunrise Cir, sewer /water utilities
2.		Khosrow Sadeghian, 10137 Sunrise Cir	Matthew McCutcheon, 10309 Sunrise Cir, Zoning change request/sewer infrastructure
3.		Dana Ellsworth, 1419 Limerick Ct, Keller	Dakota Starnes, 4353 Meadow View Dr, Argyle (SF 5 rezoning request)
4.		Richard Pollic, on behalf of Kamy Investments, 2014 Wayford Pl, Arlington	Dana Ellsworth, 1419 Limerick Ct, Keller (Fire hydrant spacing concern)
5.		Dustin Atchisan, 10528 Sunrise Cir*	Jerry Hicks, 10700 Sunrise Cir, Argyle (sewer/water/SF 5)
6.			Celso Brionos, 10532 Sunrise Cir (sewer)

** Indicates person did not wish to speak*

Mayor France closed the Public Hearing at 7:02 p.m.

There was Council discussion regarding how there are other issues that need to be addressed; however, unrelated to tonight's agenda item, and don't want to delay this project from moving forward.
Mr. Childers pointed out those other issues will be a February work session item.

ORDINANCE NO. 01-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, "LAND DEVELOPMENT REGULATIONS," OF THE FLOWER MOUND CODE BY ADOPTING SF-10 SINGLE FAMILY DISTRICT-10 ZONING ON APPROXIMATELY 0.60 ACRES OF LAND BEING ALL OF LOTS 51, 52, 53,

AND 54 OF THE STONECREST SOUTH ADDITION IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ACTION:	Councilmember Brian Taylor moved to approve item K.2. as presented in the agenda caption. Mayor Pro Tem Sandeep Sharma seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

3. Agenda Packet Content - Discuss and consider Town Council agenda packet content.

Ms. Scott provided background information regarding the item.

There was Council discussion regarding:

- Possible content
- How many of the pages are drawings or legalease
- Some issues with new software
- Other city agenda content
- How the motion sometimes changes and toward the end of the page, and a summary page might be beneficial
- How the presentation slides are beneficial
- How the packet is too big for viewing on a phone, and an html version might be helpful
- Have the hyperlinks open on a different tab so you can refer to both

The overall feedback was to not make any changes to the agenda packet structure.

L. BOARDS/COMMISSIONS

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

No discussion.

M. CLOSED MEETING

The Town Council convened into a closed meeting at 7:29 p.m. on January 17, 2023, 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.

1. Consultation with Town Attorney.
   No action taken.
   a. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Application
   b. Housing Discrimination Complaint
   c. La Estancia Investments, L.P., v. Town of Flower Mound
   d. Legal issues associated with municipal boundary adjustment/annexation, and ESD and CCN service areas
2. 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.
   No action taken.
3. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals 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.
4. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, performance related to certain incentive agreements, and proposed Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, PID, MMD, and MUD.
   No action taken.
5. Annual Performance Review of Town Manager.

ACTION:	Councilmember Jim Engel moved to approve an adjustment to the Town Manager's compensation package as discussed. Mayor Pro Tem Sandeep Sharma seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

The Town Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Town

Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the above referenced items.

N. 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.

The Town Council reconvened into an open meeting at 10:22 p.m. on January 17, 2023, to take action on the items as indicated.

O. ADJOURN

Mayor France adjourned the meeting at 10:23 p.m. on Tuesday, January 17, 2023, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

D France

DEREK FRANCE, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY