Town Council Regular Meeting

March 20, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

Comments regarding any agenda item can be sent to the Town Council by emailing towncouncil@flower-mound.com or by calling 972.874.6005 and leaving a message.

AGENDA

A. CALL TO ORDER

B. 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."

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

F. ANNOUNCEMENTS

Announcements from the mayor and council members

1. Announcements from the mayor and council members

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects
3. Organizational Updates

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).

I. COORDINATION OF CALENDARS

1. March 30 - Budget Priorities Work Session
2. April 3 - Regular Meeting

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.

1. 3/6 Minutes - Consider approval of the minutes from the 3/6 regular meeting.
2. Wilkerson Park Playground Replacement - Consider approval of the purchase and installation of the FY 2022-23 Playground Replacements project, for Wilkerson Park Playground, from Childs Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of $477,869.00
3. CAC Outdoor Pool Maintenance - Consider approval of a contract with ATD Concrete Coatings for maintenance of the CAC indoor and outdoor pool decks in the amount of $79,016.40 and for the Mayor to execute on behalf of the Town.
4. Sewer Assessment - Consider approval of Condition Assessment and Analysis Services for the existing sanitary sewer main related to the Lower Timber Interceptor Rehabilitation (Paisley Drive to Rockcreek Court) project, to Insituform Technologies, LLC., utilizing The Local Government Purchasing Cooperative Contract #635-21, administered through BuyBoard, in the amount of $56,996.25.
5. Street Maintenance Material - Consider approval of the annual purchase contract for flex base material from Big City Crushed Concrete, through a City of Lewisville contract (22-31-A) for an estimated annual amount of $55,000.00.
6. Dixon Park Development Agreement - Consider approval of a Development Agreement with Toll Southwest LLC., for a 1.739 acre privately maintained and publicly accessible park and for Park Development fees associated with the Dixon Estates residential development; and authorization for the Mayor to execute same on behalf of the Town.
7. Short-Term Hotel Occupancy Tax Collection Agreement - Consider approval of a Professional Services Agreement with GovOS, in an amount not to exceed $17,000, for the purpose of identifying and collecting hotel occupancy taxes from short-term rental properties located in Flower Mound; and authorization for Mayor to execute same on behalf of the Town.

K. REGULAR ITEM(S)

1. Annual Comprehensive Financial Report (ACFR) - Consider approval of the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2022.
2. TRP23-0003 - Montalcino Estates - Public Hearing to consider an application for a tree removal permit (TRP23-0003) for one (1) specimen tree on Lot 21, Block G of the Montalcino Estates PH 2 subdivision. The property is located at 5712 Bellaria Ct. (The Environmental Conservation Commission recommended approval by a vote of 6 to 0 at its March 7, 2023, meeting).
3. MPA21-0008 - Whyburn - Public Hearing to consider an ordinance amending the Master Plan (MPA21-0008 – Whyburn) 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 and Medium Density Residential uses. The property is generally located east of Long Prairie Road and south of Dixon Lane. (The Planning & Zoning Commission 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.) (On December 5, 2022, Town Council moved to postpone this item to applicants' time schedule by a vote of 5 to 0.)
4. ZPD21-0015 - Whyburn - Public Hearing to consider an ordinance amending the zoning (ZPD21-0015 – Whyburn) from Agricultural District (A) uses to Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15) and Single Family District-10 (SF-10) 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. (The Planning & Zoning Commission 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.) (On December 5, 2022, Town Council moved to postpone this item to applicants' time schedule by a vote of 5 to 0.)
5. TRP22-0006 - Whyburn - 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 tree #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). (The Town Council moved to postpone this item by a vote of 5 to 0 at its December 5, 2022, meeting.)

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, Historical Commission Task Force, Environmental Conservation Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

M. CLOSED MEETING

1. Consultation with Town Attorney.
    a. Oncor transmission line, switch, and substation projects.
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.
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.
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.

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.

O. ADJOURN

P. FUTURE AGENDA

1. Future Agenda Items

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: March 17, 2023, at 11:54 a.m., at least 72 hours prior to the scheduled time of said meeting.

Theresa Scott, Town Secretary

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.