Town Council Regular Meeting

March 20, 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, 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
James W. Childers, Town Manager
Bryn Meredith, Town Attorney
Tommy Dalton, Assistant Town Manager
Tiffany Bruce, Assistant Town Manager/Town Engineer
Lexin Murphy, Director of Planning Services
James Hoefert, Environmental Review Analyst
Melody Eby, Senior Economic Development Specialist
Ray Watson, Director of Economic Development
Clay Riggs, Director of Public Works

B. INVOCATION

Chaplain McNamer 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."

Mayor France led the pledges.

D. PRESENTATION(S)

1. None
   There were no presentations.

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.	Jeffrey Fulton, 2316 Norwich St	Thanks
2.	Todd Bayuk, 10845 Pedernales Dr	Citizens Academy, Environment

F. ANNOUNCEMENTS

Announcements from the mayor and council members

1. Announcements from the mayor and council members
   Councilmember Engel encouraged residents to sign up for the Flower Mound Fire Academy.

   Mayor France expressed appreciation to everyone who organized or participated in Holi Fest this past Saturday.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects

3. Organizational Updates
   Ms. Eby and Mr. Watson gave a presentation on the Towns Economic Incentives Report identifying or noting:

   - Scorecard example
   - Summary table and map

   and they responded to questions from Council regarding:

- If the reports presented are available on line

Mr. Childers also reported that the Town has once again earned the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for its budget beginning Oct. 1, 2022.

Mr. Childers noted that staff will address how the Town responds to disasters such as train derailments at a future meeting.

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
   Mayor France confirmed that all members of Council plan to attend the above referenced meetings.

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.

ACTION:	Mayor Pro Tem Sandeep Sharma moved to approve Consent items J.1 - J.7. 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:	6 : 0

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.

Ms. Wilson introduced Diane Terrell, of the auditing firm Eide Bailly, LLP. Ms. Terrell provided background information regarding the audit and she, or Ms. Wilson, responded to questions from Council regarding:

- clarification of "low risk audited - no" text
- current policy on auditor rotation

ACTION:	Councilmember Brian Taylor moved to approve item K.1. 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

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).

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General and detailed location
- Specimen tree survey
- Specimen tree requested for removal
- Legal consideration

and he responded to questions from Council regarding:

- clarification regarding the tree survey
- debits and credits clarification

Verity Burk, Applicant, McAdams, Landscaping Architect
Ms. Burk gave a presentation identifying or noting:

- Letter of Intent
- Tree pictures
- Tree survey with aerial
- Site design and constraints
- Tree credit opportunity

and she responded to questions or comments from Council regarding:

- trees that are slated for preservation

There was Council discussion regarding:

- disappointed to see so many trees go
- the need to have them removed due to the floor plan and infrastructure needs is understood

ACTION: Mayor Pro Tem Sandeep Sharma moved to approve item K.2. as presented in the agenda caption. Councilmember Brian Taylor seconded the motion.

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

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.)
Mayor France opened items 3, 4, and 5 at the same time.

Ms. Murphy gave a presentation for items 3, 4, and 5 identifying or noting:

- General and detailed location
- Land use and zoning
- Previous/current master plan exhibit
- Previous/current conceptual site plan
- Modifications (proposed)
- Exception request (topographical slope)
- Site photos
- Landscape plan
- Tree survey
- Feb 2nd Parks Board recommendation

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

- parking plan
- drainage impacts

Heth Kendrick, Land Design
Mr. Kendrick gave a presentation for items 3, 4, and 5 identifying or noting:

- Dec. 5 discussion points
- Applicant's activities since Dec. 5
- Correspondence Jan 6 and 7
- Conceptual site plan updates

and he responded to questions or comments from Council regarding:

- long term use for the rest of the property
- what is the width of the open space by Whyburn
- what is the fencing planned along Dixon

There was Council discussion regarding:

- appreciation for the applicant listening to all the questions and comments from Council and the residents
- interest in making sure there are no historical buildings on the site
- interest in continuing to work with the neighbors regarding the fences
- how the plan presented today is like night and day from what was previously presented

Mayor France opened the Public Hearing for items 3, 4, and 5 at 7:27 pm. *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.	None	None	Ganesh Koduri, 1928 Loma Linda Dr

Mayor France closed the Public Hearing for items 3, 4, and 5 at 7:31 p.m.

ACTION: Councilmember Adam Schiestel moved to approve item K.3. as presented in the agenda caption. Councilmember Jim Engel seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

ORDINANCE NO. 07-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, "LAND USE PLAN," OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM OFFICE AND RETAIL USES TO LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL USES ON APPROXIMATELY 38.507 ACRES OF LAND BEING A PART OF LOT 1, BLOCK B, WHYBURN ADDITION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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.)

ACTION:	Councilmember Adam Schiestel moved to approve item K.4. as presented in the agenda caption. Councilmember Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

ORDINANCE NO. 08-23
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 CHANGING THE ZONING ON APPROXIMATELY 38.507 ACRES OF LAND BEING A PART OF LOT 1, BLOCK B, OF THE WHYBURN ADDITION, FROM A AGRICULTURAL DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT-189 (PD-189) WITH CERTAIN SF15 SINGLE-FAMILY DISTRICT-15AND SF-10 SINGLE-FAMILY DISTRICT-10 USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN, SPECIFIC REQUIREMENTS, AND EXHIBITS INCORPORATED HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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.)

ACTION:	Councilmember Adam Schiestel moved to approve item K.5. as presented in the agenda caption. Councilmember Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma

NAYS: None
ABSTAIN: None
RESULT: 5 : 0

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.

No discussion.

M. CLOSED MEETING

The Town Council did not convene to a closed meeting and no action was taken on the following items.

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

Not applicable.

O. ADJOURN

Mayor France adjourned the meeting at 7:40 p.m.

TOWN OF FLOWER MOUND, TEXAS

DEREK FRANCE, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY