

Town Council Regular Meeting



April 3, 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

Michael Canterbury (Special Guest - Mayor for the Day)

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 Development Services
Matt Hotelling, Senior Engineering Transportation Manager
Dale Crown, Senior Project Engineer

B. INVOCATION

Chaplain Richard Plunk 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. Proclamation and presentation of Hometown Hero banner to Mason Lewis.
Mayor France recited the Proclamation and presented it to Tonya Harris (Mason Lewis mother).
2. Child Abuse Prevention Proclamation

- Mayor France recited the Proclamation and presented it to Carrell Simmons, CASA of Denton County.
3. Mental Health Awareness Month in Denton County Proclamation
Mayor France recited the Proclamation and presented it to Mary Worthington.
 4. Recognition of the Flower Mound Citizens Academy - Class of 2023
Ms. Scott gave a presentation identifying or noting:
 - Program overview
 - Background information
 - Thanks to facilitators and contributors
 - Class pledge and photo

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

	Speaker name and address	Subject (as written on the form)
1.	Scott Spear, 4130 Buckthorn Ct, Flower Mound	4 way stop sign

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Councilmember Schiestel reported on a visit he had with the Young Men's Service League about local government operations and civic engagement.

Councilmember Engel offered congratulations to the Flower Mound Citizen's Academy graduates.

Deputy Mayor Pro Tem Martin reported on the Town's participation in Denton County Days in Austin. Mayor Pro Tem Sharma encouraged residents to be engaged in the Texas legislative process.

Mayor France provided information about the May 6 election. He also expressed thanks to the Chamber for the golf tournament event.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
Mr. Childers announced that Lexin Murphy has been promoted to the position of Director of Development Services.
4. Legislative Update
Mr. Childers provided an update on a few bills being circulated in Austin. Councilmember Engel asked for an update on HB 2127. Mayor France asked for the financial impact as it relates to HB 2464.

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 that 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

1. The next regular meeting is April 17.
Mayor France asked if everyone plans on attending that meeting.
Councilmember Schiestel indicated he has jury duty on that date and will contact staff if it runs long.

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: Mayor Pro Tem Sandeep Sharma moved to approve consent items J. 1 - 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

1. 3/20 Minutes - Consider approval of the minutes from the 3/20 regular meeting.
2. Alternate Judge Reappointment - Consider approval of an ordinance to reappoint Alternate Municipal Judge Stephanie Askew for the period of April 17, 2023, through April 18, 2025.

ORDINANCE NO. 12-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPOINTING AN ALTERNATE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Royal Oaks Water Line Replacement Phase I - Testing Award - Consider approval of a Professional Services Agreement with Arias & Associates, Inc., to provide construction materials engineering and testing, for the Royal Oaks Water Line Replacement Phase I project, in the amount of \$15,825.00; and authorization for the Mayor to execute same on behalf of the Town.
4. CDBG-CV Amendment - Children's Advocacy Center - Consider approval of an amendment to a Service Agreement with Children's Advocacy Center for North Texas, increasing their funding by an amount not-to-exceed \$25,000.00 in Community Development Block Grant-CV funds to provide services to Flower Mound residents impacted by domestic violence; and authorization for the Mayor to execute same on behalf of the Town.
5. Denton County Hazard Mitigation Plan - Consider approval of a resolution authorizing adoption of the Denton County Hazard Mitigation Action Plan, and authorization for the Mayor to execute same on behalf of the Town.

RESOLUTION NO. 06-23

A RESOLUTION OF THE TOWN OF FLOWER MOUND ADOPTING THE DENTON COUNTY HAZARD MITIGATION ACTION PLAN, APRIL 2023.

K. REGULAR ITEM(S)

1. Timber Creek WL Ph. 1 Garden Homes - Construction Award - Consider approval of a Construction Agreement with A & B Construction, LLC, for the Timber Creek Water Line Phase I (Garden Homes) project, in the amount of \$1,393,317.00; and authorization for the Mayor to execute same on behalf of the Town.

Mr. Crown gave a presentation identifying or noting:

- Background information and project details
- Bid results
- Project schedule

ACTION:

Mayor Pro Tem Sandeep Sharma moved to approve item K.1. 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

2. MU23-0002 - Lakeside DFW MU-TEN Balcony Railing Amendment - Public Hearing to consider an ordinance for rezoning (MU23-0002 – Lakeside DFW MU-TEN Balcony Railing Amendment) to amend Mixed Use District-1 (MU-1) to amend the Architecture and Building Standards, specifically Section 7.4 Upper Stories, to change balcony railing standards for the MU-TEN subzone in the Lakeside Village Development Code. The property is generally located south of Edgemere Road and west of Lakeside Parkway. (PZ recommended approval by a vote of 6 to 0 at its March 27, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Modification request
- Elevations

and she, or the applicant, Kyle Cooper (Realty Capital), responded to questions or comments from Council regarding:

- railing ledge width and height (safety concerns due to falling objects)
- what is the benefit of the railing change
- if the balcony location is residential

Mayor France opened the public hearing at 6:56 p.m. No one spoke. Mayor France closed the public hearing at 6:56 p.m.

Council Discussion

There was Council discussion regarding safety concerns associated with items being placed on the railing.

ORDINANCE NO. 11-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 09-18, WHICH AMENDED MIXED USE DISTRICT-1 (MU-1), ALSO KNOWN AS THE LAKESIDE DFW MIXED USE DEVELOPMENT; BY AMENDING EXHIBIT “B” TO MODIFY DEVELOPMENT STANDARDS RELATED TO SECTION 7, “ARCHITECTURAL AND BUILDING STANDARDS,” AS APPLICABLE TO MICROZONES MZ1, MZ4, AND MZ5 WITHIN SUBZONE MU-TEN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A

SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Councilmember Brian Taylor moved to approve item K.2. as presented in the agenda caption. Councilmember Jim Engel seconded the motion.

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

NAYS: Ann Martin

ABSTAIN: None

RESULT: 4 : 1

3. ZPD22-0004 - Embree 2499 - Public Hearing to consider an ordinance for rezoning (ZPD22-0004– Embree 2499) to amend Planned Development District No. 186 (PD-186) with Retail-2 District (R-2) and Office District (O) uses, to modify the conceptual plans and elevations, and with certain modifications and exceptions to the Code of Ordinances. The property is generally located south of Sagebrush Drive and west of Long Prairie Road. (PZ recommended approval by a vote of 6 to 0 at its March 27, 2023, meeting)

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Dry pond
- Elevations
- Site photos
- Concept plan

and she responded to questions regarding:

- design changes that would be needed for future occupants

Ashton Miller, McAdams

Mr. Miller gave a presentation identifying or noting:

- elevations
- exceptions

and he, or Scott McMinis, McAdams, responded to questions or comments from Council regarding:

- timing (for construction starting)
- driveway connection
- neighborhood input
- purpose for dry pond versus wet pond
- What is the plan for the wet pond

Mayor France opened the public hearing at 7:11 p.m. No one spoke. Mayor France closed the public hearing at 7:11 p.m.

Council Discussion

There was Council discussion regarding:

- appreciation for saving the trees
- wet pond versus dry pond
- challenges that the property presents
- will be great to have a Whataburger and Slim Chickens will do well
- appreciation for the consistent look

ORDINANCE NO. 10-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 33-22, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 186 (PD-186) ON APPROXIMATELY 6.81 ACRES OF LAND SITUATED IN THE J. WIZWELL SURVEY, ABSTRACT NO. 1346, BY MODIFYING DEVELOPMENT STANDARDS BY REPLACING THE CONCEPT PLAN AND CONCEPT LANDSCAPE PLAN, AND BY ADDING CONCEPTUAL ELEVATIONS FOR FAST FOOD RESTAURANTS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

ACTION:	Mayor Pro Tem Sandeep Sharma 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

4. MPA23-0001 - Western Flower Mound Thoroughfare Plan - Public Hearing to consider a request for a Master Plan Amendment (MPA23-0001 – Western Flower Mound Thoroughfare Plan) to amend Section 7.0, Thoroughfare Plan, by changing the designation of Various Roadways bounded by Denton Creek Boulevard on the west to the unnamed Greenway Rural Arterial on the east. (PZ recommended approval by a vote of 6 to 0 at its March 27, 2023, meeting; Transportation Commission recommended approval by a vote of 6 to 0 at its December 13, 2022, meeting).

Mr. Hotelling gave a presentation identifying or noting:

- Location of request
- UPRR West
- Proposed developments
- US 377 widening
- Furst Ranch
- Approved conceptual street plan
- Existing thoroughfare plan
- Changes to thoroughfare plan
- Proposed thoroughfare plan

and he responded to questions or comments from Council regarding:

- bike lane
- roundabouts
- approved concept street plan

Mayor France opened the public hearing at 7:22 p.m.

	SUPPORT	OPPOSITION	QUESTIONS OR COMMENTS ONLY
1.	None	None	Heidi Schultz Berns, 6612 Dolan Falls Dr, Flower Mound

Mayor France closed the public hearing at 7:24 p.m.

ORDINANCE NO. 09-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE FLOWER MOUND 2001 MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, BY AMENDING SECTION 7.0, "THOROUGHFARE PLAN", BY CHANGING THE DESIGNATION OF VARIOUS EXISTING THOROUGHFARE PLAN STREETS EAST OF DENTON CREEK BOULEVARD AND WEST OF HIGH ROAD AS DEPICTED IN EXHIBIT A; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Mayor Pro Tem Sandeep Sharma 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

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

No action taken.

M. CLOSED MEETING

The Town Council convened into a closed meeting at 7:27 p.m. on April 3, 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.

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.

ACTION: Councilmember Brian Taylor moved to purchase property at 6801 Canyon Falls Drive as a future site for Fire Station 6, and to negotiate for the purchase of the property for the amount discussed in closed session; and authorization of the Town Manager, or his designee, to close on the property, to pay all costs associated with said closing in addition to the purchase price of the property, and to execute all necessary documents at closing on behalf of the Town. 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. 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 reconvened into an open meeting at 8:09 p.m. on April 3, 2023, to take action on the above items.

O. ADJOURN

Mayor France adjourned the meeting at 8:11 p.m.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY