

Town Council Regular Meeting



May 1, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

MINUTES

A. CALL TO ORDER

Mayor France called the meeting to order at 6:00 p.m. 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
Gerald Pruitt, Town Attorney
Tommy Dalton, Assistant Town Manager
Melody Eby, Senior Economic Development Specialist
JP Walton, Strategic Services Manager
Tiffany Bruce, Assistant Town Manager/Town Engineer
Lexin Murphy, Director of Development Services
Andy Kancel, Police Chief
Wendell Mitchell, Assistant Police Chief

B. INVOCATION

Mayor France asked everyone to participate in a moment of silence in honor of former Denton County Judge Mary Horn who recently passed away in her home at the age of 77.

Chaplain Cole 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. Presentation to Mayor for the Day (Ava McIntire)
Mayor France acknowledged Ava McIntire for being Mayor for the Day and presented her with a Town sign.

E. PUBLIC COMMENT

No one spoke.

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Mayor Pro Tem Sharma announced that May 6th is Election Day. He also announced that the Town's Splash Pad is now open at Heritage Park.

Deputy Mayor Pro Tem Martin extended congratulations to the Library and Communications staff for their award from the Texas Libraries Association for last year's summer reading promotional video (Oceans of Possibility).

Councilmember Engel extended congratulations to the Town's Economic Development staff for their award from Business Facilities (Site Selector in the U.S.). He also reported that the Town has its first ad in a national site selection magazine.

Mayor France reported that some of the Flower Mound schools are competing in various sports events and look forward to recognizing them at a future meeting.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
Ms. Eby reported that the Junior Leadership Program received the Economic Development Organization award from the national publication of Business Facilities.
 - a. 2023 Business Survey

Ms. Eby provided background information on a new 2023 Business survey.

3. Organizational Updates
4. Legislative Update and matters related thereto, including possible action.

Mr. Walton gave a presentation identifying or noting:

- Town Council action summary

- Update since April 20

and he responded to questions from Council regarding:

- what are other cities doing to express their opposition
- possibility of a legal opinion on the demise of the Town's Master Plan if some of these bills pass

Council Discussion

There was Council discussion regarding:

- possibility of a special legislative session for some bills
- importance of informing the community of the significance of some bills currently being considered by the Texas Legislature and the impact on Flower Mound residents
- voting behavior by Texas legislators
- for future updates, interested in language that amends the applicability based on the size of the town
- possibility of identifying individuals or groups that are supporting the bills (to understand who or what is driving the bills forward)
- possibility of going to Austin to testify
- possibility of calling a special Town Council meeting

Mr. Childers summarized next steps.

H. FUTURE AGENDA ITEM(S)

Councilmember Taylor requested a future agenda item to get an update on various TxDot projects that impact Flower Mound, including the widening of Highway 377. There was Council consensus to proceed.

Councilmember Engel reported on the high numbers associated with home appraisals residents are currently receiving and requested a future agenda item on the topic to understand options. There was Council consensus to proceed.

I. COORDINATION OF CALENDARS

1. May 16 (Tue) - Regular meeting
2. May 18 - Work session
Mayor France confirmed that all members of Council plan to attend the above-referenced meetings, with the understanding Councilmember Engel will not be at the May 18 work session and there will be a new Councilmember for Place 2.

J. CONSENT ITEM(S)

ACTION: Mayor Pro Tem Sandeep Sharma moved to approve the following consent items 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. Minutes 4/17 & 4/20 - Consider approval of the minutes from a regular meeting on 4/17 and a work session held on 4/20.
2. Evidence Storage Server Expansion - Consider approval of the expansion of the Assureon, "Chain of Evidence" storage servers, on GSA contract, from Soccour Solutions, in the amount of \$51,171.
3. Upper Trinity Board Appointment - Consider approval of a resolution appointing Clay Riggs as the Town's representative, to serve on the Upper Trinity Regional Water District (UTRWD) Board of Directors for a four-year term ending May 31, 2027; and authorization for the Mayor to sign on behalf of the Town.

K. REGULAR ITEM(S)

The following item was moved from consent to regular at the request of Deputy Mayor Pro Tem Martin.

1. PSA - Flock Group - Consider approval of a Professional Services Agreement with Flock Group, Inc., to provide equipment, installation, technical support, and software for license plate reader technology at five (5) locations along Town roadways as part of a sixty-day pilot period as a no cost-effectiveness trial to evaluate effectiveness for consideration as a decision package in the FY 23 - 24 fiscal budget; and authorization for the Mayor to execute same on behalf of the Town.

Assistant Chief Mitchell gave a presentation identifying or noting:

- mission and goals of Flock Safety
- using License Plate Recognition (LPR)
- Flock Safety (how it works)
- Flock in Texas (cities that use Flock)
- why Flock Safety
- what is this tech
- protecting data and privacy
- transparency and insights (public portal and dashboard)
- success story

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

- how is data captured by Flock Safety
- is the trial period of 60 days sufficient
- how many cameras would be needed on a town-wide basis in the long term
- is there an opt-out option for individual drivers (HOA example)
- who has access to information
- can the contract be customized
- how the toll system uses this type of technology and how long do they keep that data
- lead time from approval to implementation
- option of appropriating funding and bringing the item forward later
- what is driving the 60-day trial period

Council Discussion

There was Council discussion regarding:

- concerns about facial recognition being captured (news article)
- privacy rights
- data retention (30 days too long) and the possibility of a court order to retain longer (3 - 7 days would be reasonable)
- interest in getting legal input as to whether this is considered an infringement on 4th amendment rights (pending case law)
- 3rd party users and who can access data
- the contract indicates they can aggregate data and can use it for AI, so they can take the data and other information for other trends (marketing content)
- interest in seeing a policy proposal specific to Flower Mound that addresses the concerns identified
- data tracking in other states
- how we could be catching criminals from other communities and that puts officers and citizens at risk
- how the benefits are clear, but there are tradeoffs that need to be discussed in more detail
- how the program is controversial in Trophy Club
- how Flower Mound is a low-crime community and there is great trust amongst the police and citizenry - and if that was not the case, this technology could close that gap
- categories such as crime, silver alert, amber alert
- concerns regarding gathering information from people that don't want their information stored anywhere
- if things such as retention, policies, and the contract can be worked out, this program could be beneficial

- hesitant to move forward without seeing a specific policy that the town would use
- given the volume of cities using this system, concerns regarding data exposure
- concerns regarding Flock using the data in perpetuity
- it would be important to let the community know about this technology being in place
- interest in giving more staff to the PD than the cameras
- interest in having data from a neutral 3rd party to have a better understanding of the return on investment, instead of success stories from the vendor
- interest in having the policy prior to the pilot implementation (including training, login, and credentials)
- how the item will require Council approval after the trial period
- security of the data and how it is used is important
- how the policy may change after it's been used during the trial period
- interest in having frequent audits within the system to make sure all searches were valid
- like the idea of identifying exactly what it can and cannot be used for, and err on the side of over-communicating information
- how some comfort has been obtained given its use by others
- there is a ripe opportunity for misuse of town data in another state where it can't be controlled
- not interested in being the next data collector for Google, for example
- timing for possible implementation as it relates to the budget cycle
- possibility of extending the trial period to 90 days

Mr. Childers outlined the timing as it relates to the trial period and the budget process.

ACTION:	Deputy Mayor Pro Tem Ann Martin moved to postpone item K.1 to a date to be determined by the Police Department upon completion of their draft policy. Councilmember Adam Schiestel 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, Capital Improvements Advisory Committee, 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 action taken.

M. CLOSED MEETING

Mayor France announced that the time is now 8:07 p.m. and the Town Council is convening into a closed meeting, pursuant to Texas Government Code Chapter 551, and Sections 071, 072, .074, and 087.

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 reconvened into an open meeting at 8:19 p.m. on May 1, 2023, and no action was taken on the above items.

O. ADJOURN

Mayor France adjourned the meeting at 8:19 p.m.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY