

Town Council Regular Meeting



June 5, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

MINUTES

A. CALL TO ORDER

Mayor Pro Tem Engel called the meeting to order at 6:00 p.m. with the following members present:

Jim Engel, Mayor Pro Tem
Ann Martin, Deputy Mayor Pro Tem
Adam Schiestel, Councilmember Place 1
Chris Drew, Councilmember Place 2
Brian Taylor, Councilmember Place 3

with the following member(s) absent:
Derek France, Mayor

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
Tammy Wilson, Chief Financial Officer
JP Walton, Director of Strategic Services
Brittini Barnett, Grants and Financial Analyst

B. INVOCATION

Chaplain Langstaff 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 Pro Tem Engel led the pledges.

D. PRESENTATION(S)

1. Proclamation and presentation of Hometown Hero banner to Andrew Upchurch
Mayor Pro Tem Engel presented Tamra Rodgers (his mother) with the Proclamation.
2. Community Support Organizations Presentations - Part 1
The following organizations gave presentations regarding services offered and funding needs:
 1. The Actors Conservatory Theatre
 2. Flower Mound Community Orchestra
 3. Flower Mound Performing Arts Theatre (Our Productions Theatre Co.)
 4. Voices of Flower Mound
 5. Camp Summit
 6. Children's Advocacy Center for North Texas
 7. Denton County Friends of the Family
 8. Hearts for Homes
 9. PediPlace
 10. Winning the Fight

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.	Sandra Weinstein, 200 Mill Rd	LGBTQ+ Community
2.	Diane Beck, 2421 Mercedes Rd, Denton	Conservative Speech
3.	Kevin Hutchens, 370 Northwood with donated time from: Julie Hutchens, 4200 Broadway James Harris, 416 Northwood Dr	Zoning ZBD 22-0001/0003

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

Councilmember Schiestel expressed appreciation for the representatives in Austin that came through for the Town with respect to legislation that would have had a negative impact on the Town.

Deputy Mayor Pro Tem Martin expressed appreciation for the Town staff that worked on the 2022 Town annual report.

Councilmember Drew expressed congratulations to all the graduating seniors.

Mayor Pro Tem Engel announced that the Flower Mound High School baseball team is in the final 4 for the 6A state championship and there will be a send-off at noon on Thursday at the school baseball field for the team.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
4. Legislative Update
Mr. Childers summarized the legislative session bills staff is currently tracking, along with their status.
5. Adaptive Signalization Update
Mr. Childers provided a status update on the adaptive signalization program. He, or Ms. Bruce, responded to questions or comments from Council regarding timing changes.

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).

Councilmember Schiestel requested the following future agenda items:

- add mixed-use zoning to the Town's regular tree mitigation standards and require an Environmental Conservation Commission recommendation
- consider adding a green waste disposal program

There was consensus by a majority of Councilmembers to have a discussion on both of those topics.

Councilmember Drew requested a future item to discuss adding schools to the

development standards (SMARTGrowth). There was consensus by a majority of Councilmembers to have a discussion on that topic.

I. COORDINATION OF CALENDARS

Mayor Pro Tem Engel confirmed that all members plan to be at both of the meetings referenced below.

1. June 15 - Strategic Planning Retreat (10am - 5pm)
2. June 19 - 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.

ACTION: Deputy Mayor Pro Tem Ann Martin moved to approve Consent items 1 - 10 as presented in the agenda caption. Councilmember Adam Schiestel seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

1. Minutes 5/16 & 5/18 - Consider approval of the minutes from a regular meeting held on 5/16, and a work session held on 5/18.
2. Lakeside Parkway Capacity Improvements - Design PSA - Consider approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., for the design phase services associated with the Lakeside Parkway Capacity Improvements project, in the amount of \$760,000.00; and authorization for the Mayor to execute same on behalf of the Town.
3. Easement Abandonment 2141 Midway Road - Consider approval of an ordinance vacating and abandoning of the existing 15-foot utility easement for 2141 Midway Road located along the east property line of Tract 1, Lot 22A, Block B, Twin Coves Estates Subdivision. The property is located south of Wichita Trail and west of Simmons.

ORDINANCE NO. 17-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF TRACT 1, LOT 22A, BLOCK B OF TWIN COVES ESTATES SUBDIVISION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR A PORTION OF SAID EASEMENT DEPICTED IN

EXHIBIT “A;” AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THE REAL PROPERTY TO THE OWNERS OF THE FEE ESTATE; REQUIRING A HOLD HARMLESS AND INDEMNITY AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Easement Abandonment at 4816 Mesquite Street - Consider approval of an ordinance vacating and abandoning the southern 172 feet of the existing 15-foot utility easement located at 4816 Mesquite Street along the east property line of Lot 1R, Block 29, Pecan Acres Subdivision. The Pecan Acres is generally located west of 2499 and north of West Windsor Drive.

ORDINANCE NO. 18-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE SOUTHERN 172 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE EAST PROPERTY LINE OF LOT 1R, BLOCK 29 OF PECAN ACRES SUBDIVISION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR A PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT “A;” AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THE REAL PROPERTY TO THE OWNERS OF THE FEE ESTATE; REQUIRING A HOLD HARMLESS AND INDEMNITY AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. 4th FY 22-23 Budget Amendment - Consider approval of an ordinance amending the Town of Flower Mound’s Annual Budget for the fiscal year beginning October 1, 2022, and ending on September 30, 2023, as adopted by Ordinance No. 45-22 and amended by Ordinance No. 60-22, No. 06-23 and No. 16-23 for adjustments to the General Fund and Vehicle and Equipment Replacement Fund.

ORDINANCE NO. 19-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN’S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023, AS ADOPTED BY ORDINANCE NO. 45-22 AND AMENDED BY ORDINANCE NO. 60-22, NO. 06-23 AND NO. 16-23, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND AND VEHICLE AND EQUIPMENT REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. Vehicle purchase - Consider approval of the purchase of (1) 2023 Chevrolet Express 3500 Van w/ KUV Body and Side Mount Ladder Racks for a grand total of \$60,566.60 utilizing the TIPS USA Contract # 210907.

7. Forest Vista AC Water Line Decommissioning - Design PSA - Consider approval of a Professional Services Agreement with Criado & Associates, Inc., for the design phase services associated with the Forest Vista AC Water Line Decommissioning project, in the amount of \$39,500.00; and authorization for the Mayor to execute same on behalf of the Town.
8. Purchase custodial supplies - Consider approval to utilize the City of Mesquite's bid #2020-027 with Master Cleaning Supply, Inc. to provide additional custodial supplies for all Town facilities in the estimated annual amount of \$80,000.
9. Audit Engagement Letter 2023 - Consider approval of the engagement letter with Eide Bailly, L.L.P., to perform external auditing services for the fiscal year ending September 30, 2023; and authorization for the Mayor to execute same on behalf of the Town.
10. 2023 PWERT Message Board Trailer - Consider approval of an MOU to accept the transfer of the Public Works Emergency Response Team (PWERT) message board trailer from the City of Rowlett that was awarded to the City as part of the Homeland Security Grant Program; and authorization for the Mayor to execute same on behalf of the Town.

K. REGULAR ITEM(S)

1. SUP22-0006– 6201 Shoreview Accessory Dwelling - Public Hearing to consider an ordinance granting Specific Use Permit No. 483 (SUP22-0006– 6201 Shoreview Accessory Dwelling) to permit an accessory dwelling. The property is generally located south of Shoreview Court and west of Bayshore Drive. (PZ recommended approval by a vote of 6 to 0 at its May 8, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Concept plan
- Site photos
- Accessory dwelling regulations
- Concept elevations
- Material board
- Rendering

Mayor Pro Tem Engel opened the public hearing at 7:57 p.m. No one spoke.
Mayor Pro Tem Engel closed the public hearing at 7:58 p.m.

ORDINANCE NO.20-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING

THE OFFICIAL ZONING MAP, EXHIBIT “A” OF SUBPART B, “LAND DEVELOPMENT REGULATIONS,” OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY APPROVING SPECIFIC USE PERMIT NO. 483 (SUP-483) FOR AN ACCESSORY DWELLING ON CERTAIN PROPERTY DESCRIBED AS LOT 22, BLOCK A OF THE LANDING AND ZONED A AGRICULTURAL DISTRICT; 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; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Councilmember Adam Schiestel moved to approve as presented in the agenda caption. Councilmember Brian Taylor seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

2. Property Tax Exemptions - Hold a discussion and provide direction for property tax homestead and other exemptions.

Mr. Childers provided an introduction for this item. Mr. Walton reported on current legislation (Senate Bill 3 and Special Session) that could be a factor for future property tax discussions. He responded to questions or comments from Council regarding:

- Clarification regarding the Senate's version of the bill, including time line

Ms. Wilson gave a presentation identifying or noting:

- Homestead exemption
- Over 65 exemption
- Deadline for changes to an existing exemption

Mr. Childers pointed out the future tax rate situation and indicated that staff is seeking feedback from Council.

There was Council discussion or questions regarding:

- interest in seeing modeling for different scenarios, as well as the inflation adjustment amount for the over-65 exemption
- dollars associated with any rate reductions or caps to understand what working with
- interest in seeing something done for the over-65 population to give them some relief and the math behind those options would be helpful
- how appraisal increases are higher than ever and the opportunity that provides

- interest in macro-level reporting for the homestead exemption data
- summary of the action that was taken last year to lower the rate
- homestead and tax rate
- how residential property tax has gone up more than the commercial
- what percentage is homestead versus non-homestead properties
- if there is a way of checking which homes are used for Air B & B to ensure people are paying the right amount based on how they are using their property
- importance of having the certified roll in order to make decisions
- 5% appraisal cap impact
- effect of a senior tax freeze
- interest in comparison information from other cities (tax rate and exemptions) and with consideration of the median home price

3. Employee Surveys and Recruitment / Retention - Presentation and discussion regarding the 2022 Employee Survey, the 2022 Supplemental Employee Survey, and employee recruitment and retention practices.

Mr. Walton gave a presentation identifying or noting:

- 2022 Employee Survey summary, including results
- 2022 Supplemental Employee Survey, including results, and action taken

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

- was there a freeform opportunity for comments
- were there ideas that came forward that should be given further consideration
- were the survey results shared with all staff
- interest in seeing the data for police and fire since they are different
- how people want to be heard and that their voice matters, so anything that encourages communication is important
- employee satisfaction changes since 2018

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, 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 discussion.

M. CLOSED MEETING

The Town Council to convene into closed meeting 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 Town Attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as follows:

Mayor Pro Tem Engel announced that the time is 8:42 p.m. and the Town Council is convening into a closed meeting pursuant to Texas Government Code Chapter 551, Sections 551.071, 072, 074, and 087.

1. Consultation with Town Attorney.

- a. Canyon Falls Park Project
- b. Legal advice regarding Interim Holding parcels in Town
- c. Oncor Switch and Substation project, and CCN for the Ramhorn Hill - Dunham 345 kv transmission line
- d. Engagement of outside counsel for La Estancia Investments, L.P. v. Town of Flower Mound, Texas, et al.

ACTION: Councilmember Adam Schiestel moved to approve the engagement of outside counsel for La Estancia Investments. Councilmember Chris Drew seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

- e. Potential consultant engagement for economic development services
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.

Mayor Pro Tem Engel reconvened the meeting in open session at 9:53 p.m. Action was taken as referenced above.

O. ADJOURN

Mayor Pro Tem Engel adjourned the meeting at 9:54 p.m.

TOWN OF FLOWER MOUND, TEXAS

Jim Engel

JIM ENGEL, MAYOR PRO TEM

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY