

Town Council Regular Meeting



October 16, 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
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

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
Paul Henley, Fire Chief
Stephanie Billarreal, Fire Prevention Officer
Ray Watson, Director of Economic Development
Chuck Jennings, Director of Parks and Recreation

B. INVOCATION

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 on Town Of Flower Mound Automated External Defibrillator Program
Chief Henley and Ms. Billarreal gave a presentation describing the Town's automated external defibrillator program.

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

Mayor France announced that out of respect for those who wish to speak or participate on an agenda item, and so we can get to the Town's business at a reasonable time, starting with our next meeting on October 19, donated time will only be accepted for items that are listed on the agenda.

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.	Anurag Sharma, 4521 Delaina Dr with donated time from: Bala Gamapavonapu, 3917 Dashniel Dr	Diwali
2.	Duane Francis, 3916 Belstrum Dr	Smokefest
3.	Jack Furst, 2591 Lakeside Pkwy, Ste 100	Public Improvement District request
4.	Jordan Dinkins, 2700 Lakeside Pkwy	Introduction: Chief Marketing Officer at Lakeside
5.	Joe Bernard, 10605 Sunrise Cir	Public Comment
6.	Matthew Hurst, 4158 Meadowview Dr, Argyle	Public Comment
7.	Sweetie Bowman, 6524 Orchard Dr	Arts Month/Studio Tour
8.	Ronale Patel, 1001 Long Prairie Rd, Ste 108	Small business signage - Fountain Park Dental

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Mayor France or members of Council had announcements regarding:
 - Friends of the Flower Mound Library book sale event
 - Early voting
 - Senior Center craft fair
 - Diwali
 - Veterans Day Ceremony
 - Halloween events

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
 - a. Health Science Feasibility Study
Mr. Childers provided background information on this item and how the group is looking for a participant from Council to join them.

Deputy Mayor Pro Tem Martin indicated she would be interested.
3. Organizational Updates
 - a. National Community Planning Month
Mr. Childers pointed out that October is National Community Planning month and he expressed appreciation for the work of the Town's planning staff.

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 a future agenda item to discuss public art installations. There was Council consensus to have a future discussion on this topic.

Mayor Pro Tem Engel requested a future agenda item to discuss the request for a Public Improvement District. There was Council consent to have a future discussion on this topic.

I. COORDINATION OF CALENDARS

Mayor France confirmed that all members of Council plan to be at the following meetings.

1. October 19 - Work session
2. November 6 - Regular meeting
3. The November 20 meeting has been canceled - November 16 may be a combo regular meeting and work session.
Council was acceptable to have planning items on this agenda.

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. Minutes - 10/2 & 10/11 - Consider approval of the minutes from a regular meeting held on October 2 and a special meeting on October 11.
2. Twin Coves Ph. 2 - Preliminary Design - Consider approval of the Professional Services Agreement with MHS Planning & Design, LLC, for the design services associated with the Twin Coves Ph. 2 - Preliminary Design, in the amount of \$19,950.00; and authorization for the Mayor to execute same on behalf of the Town.
3. Debt Reimbursement Resolution - Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

RESOLUTION NO. 27-23

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

4. DebtBook agreement - Consider approval of an agreement with DebtBook for subscription management of governmental accounting standards compliance and management of outstanding debt.
5. Updated SRO agreement - Consider approval of the updated School Resource Officer Interlocal Agreement with Lewisville Independent School District.
6. Water/Wastewater Security - Phase 1 - Consider approval of an agreement with Knight Security Systems, to provide surveillance equipment and installation at

the Wastewater Treatment Plant and other sites, as part of the Water and Wastewater System Security Implementation Phase 1 project, in the amount of \$235,670.44; and authorization for the Mayor to execute same on behalf of the Town.

7. Agreement with Double Oak-Emergency Medical Services - Consider approval of a renewal agreement with the Town of Double Oak to provide emergency medical services to the citizens of Double Oak, and authorization for the Mayor to execute same on behalf of the Town.
8. Holiday Decorations and Lighting - Consider approval of a Service Contract with The Christmas Light Company, Inc., in an annual amount not-to-exceed \$69,900, to provide holiday lighting services at the Town Hall and Community Activity Center; and authorization for the Mayor to execute same on behalf of the Town.
9. Economic Development Strategic Plan - Consider approval of a Professional Services Agreement with TIP Strategies, Inc. for an Economic Development Strategic Plan in Flower Mound, in an amount not to exceed \$160,000; and authorization for the Mayor to execute same on behalf of the Town.
This item was moved from Consent to Regular.

Mr. Watson gave a presentation identifying or noting:

- TIP Strategies background information
- the process

Consultant Presentation - Tom Stellman, TIP Strategies

Mr. Stellman gave a presentation identifying or noting:

- company background
- current and recent projects
- project goal
- what is proposed: discovery, opportunity, implementation
- proposed schedule
- stakeholder engagement
- example implementation matrix

and he, Mr. Stellman, Mr. Dalton, or Mr. Childers responded to questions or comments regarding:

- clarification regarding the need to spend money on something we're doing well already
- goal setting and who is involved
- when was the last time an economic development strategic plan was done

- if the money can be spent internally for the same outcome
- clarification regarding what the outcome would be
- can the public be included as stakeholders

Council Discussion

There was Council discussion regarding:

- how it's non-specific
- how it can be viewed as a Master Plan for economic development
- like the idea of the Council setting the goals

ACTION: Jim Engel moved to approve J.9. as presented, and with the amendment that public meetings be included in the scope of work. Brian Taylor seconded the motion.

AYES: Ann Martin, Jim Engel, Brian Taylor

NAYS: Adam Schiestel, Chris Drew

ABSTAIN: None

RESULT: 3 : 2

K. REGULAR ITEM(S)

1. SP23-0004 - Dragon Kim's Tae Kwon Do - Consider a Site Plan (SP23-0004 – Dragon Kim's Tae Kwon Do) to develop a health or athletic club, with a request for a waiver to Architectural Standards in the Town's Urban Design Plan for roof pitch. The property is generally located east of Jernigan Road and north of Justin Road along Bryce Lane. (PZ recommended approval by a vote of 6 to 0 at its October 9, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- site plan
- waiver
- site photos
- landscape plan
- elevations

and she responded to questions from Council regarding

- roof pitch for property across the street
- cemetery
- what would happen if denied

Applicant Presentation

Angie Contreras, Pistil Consortia

Ms. Contreras gave a presentation identifying or noting:

- roof slope variance
- elevations
- rendering
- site photos

and she responded to questions from Council regarding:

- purpose of the peak since no windows
- if the tree in the rendering was true to the site
- clarification regarding the solid wall with no windows

ACTION: Ann Martin moved to approve K.1. as presented in the agenda caption, with the additional allowance for windows on the north facade in accordance with the Town's new standards. Chris Drew seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

2. ZPD23-0005 - Embree 2499 - Public Hearing to consider an ordinance for rezoning (ZPD23-0005– Embree 2499) to amend Planned Development District No. 186 (PD-186) with Retail-2 District (R-2) and Office District (O) uses to modify phasing and maintenance requirements and to request 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 denial by a vote of 5 to 1 at its October 9, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- site photos
- PD amendment (phasing and maintenance)
- landscape plan
- exception (retention pond standards)
- how performance is tied to development

and she responded to questions or comments from Council regarding:

- fire lanes

- parking spaces
- has anything changed since the P & Z meeting
- compatibility buffer

Applicant Presentation

Gene Colley, Embree Group

Mr. Colley responded to questions from Council regarding:

- fire lanes
- have neighbor discussions happened
- did conversations with adjacent property owners happen
- landscape plan
- timing for the daycare SUP
- fencing standards
- retention pond (why the change)

Mayor France opened the public hearing at 8:17 p.m.

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.		Curt Anderson, 3632 Bonanza Ln	Tad Marko, 2829 Sagebrush Dr

Mayor France closed the public hearing at 8:22 p.m.

ORDINANCE 43-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 33-22 AS AMENDED BY ORDINANCE NO. 10-23, WHICH ESTABLISHED AND LATER AMENDED PLANNED DEVELOPMENT DISTRICT NO. 186 (PD-186) ON CERTAIN PROPERTY CONSISTING OF APPROXIMATELY 6.81 ACRES OF LAND SITUATED IN THE J. WIZWELL SURVEY, ABSTRACT NO. 1346, BY MODIFYING DEVELOPMENT STANDARDS RELATED TO PHASING & MAINTENANCE, AS WELL AS TO AN EXCEPTION TO THE RETENTION POND DESIGN; 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:

Adam Schiestel moved to approve K.2. as presented in the agenda caption, and with the following modifications:

-western property line is required to have a cedar fence that meets street adjacency privacy fence standards
-section 3 A, B, and C takes effect when the earlier of lot 4 or 5 develops.

Brian Taylor seconded the motion.

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

3. ZPD23-0009 - Townlake Phase Four (PD-166) Text Amendment - Public Hearing to consider a request for rezoning (ZPD23-0009 – Townlake Phase Four (PD-166) Text Amendment) to amend Planned Development District No. 166 (PD-166) for a cluster development by adding a Public Park or Playground as a permitted use. The property is generally located south of Cross Timbers Road and east of Flower Mound Road. (PZ recommended approval by a vote of 6 to 0 at its October 9, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- park location
- PD 166 uses
- site photos
- park locations

and she or Mr. Jennings responded to questions from Council regarding:

- pickleball use language
- park planning process

Mayor France opened the public hearing at 8:36 p.m. No one spoke. Mayor France closed the public hearing at 8:37 p.m.

ORDINANCE 44-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 32-18, WHICH ESTABLISHED PLANNED DEVELOPMENT DISTRICT NO. 166 (PD-166) ON CERTAIN PROPERTY CONSISTING OF APPROXIMATELY 89.925 ACRES OF LAND SITUATED IN THE J. MALONE SURVEY, ABSTRACT NUMBER 857, AND THE M.E.P. AND P.R.R. SURVEY, ABSTRACT NUMBER 935, BY AMENDING PARAGRAPH A, "PERMITTED USES," OF EXHIBIT "B," "DEVELOPMENT STANDARDS," BY ADDING "PARK OR PLAYGROUND, PUBLIC" AS A PERMITTED USE; 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: Jim Engel moved to approve K.3. as presented in the agenda caption. Chris Drew seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
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: 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 convened into a closed meeting at 8:37 p.m. on October 16, 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. La Estancia Investments, L.P. v. Town of Flower Mound, Texas, et al
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, grocers, 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.

5. Annual Performance of Town Manager.

ACTION: Ann Martin moved to approve adjustments to the Town Manager's compensation as discussed in closed session. Brian Taylor seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

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

The Town Council reconvened into an open meeting at 10:28 p.m. on October 16, 2023, to take action or no action on the above items.

O. ADJOURN

Mayor France adjourned the meeting at 10:29 p.m. on October 16, 2023.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY