

Town Council Regular Meeting and Work Session



November 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 (Remotely)

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 Woods, Director of Environmental Services

B. INVOCATION

Chaplain 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. 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.	Lindsay Ayers, 314 Catlin Cir, Highland Village	SP23-0005 Village Church
2.	Matt Clay, 137 Red Oak Ln	SP23-0005 Village Church
3.	Mike Ponds, 5900 Southern Hills	SP23-0005 Village Church
4.	Dorothy Ponds, 5900 Southern Hills*	SP23-0005 Village Church
5.	Joe Bernard, 10605 Sunrise Cir	Sunrise Circle sewage infrastructure
6.	Matt Hurst, 4153 Meadowview Dr, Argyle	Sunrise Circle sewage infrastructure
7.	Dana Ellsworth, 1419 Limerick Ct, Keller	Sunrise Circle sewage infrastructure

* Indicates person did not wish to speak

E. CLOSED MEETING

The Town Council convened into a closed meeting at 6:22 p.m. on November 16, 2023, pursuant to Texas Government Code Chapter 551.071 for consultation with the town attorney and reconvened at 7:21 p.m.

1. Consultation with Town Attorney.

- a. La Estancia Investments, L.P. v. Town of Flower Mound, Texas, et al
No action was taken.

F. CONSENT ITEM(S)

ACTION: Jim Engel moved to approve Consent items 1 - 6 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

1. Minutes 11/6 - Consider approval of the minutes from a regular meeting held on November 6.
2. Handyman Contract - Consider approval to increase the contract for Handyman services from \$250,000 to \$350,000.
3. Stoval Contractor for FS1 - Consider the approval of a proposal from Stoval Commercial Contractors LLC for the Central Fire Station (Fire Station One) crew renovation in the amount of \$103,296.40. The proposal is submitted per the BuyBoard Contract.
4. Town Facilities Custodial Supplies - Consider approval to increase the annual amount utilizing the City of Mesquite's bid #2020-027 with Master Cleaning Supply, Inc. to provide additional custodial supplies for all Town facilities from an estimated annual amount of \$80,000 to \$147,000.
5. Gerault Park Improvements - Consider approval of a Construction Agreement with Cole Construction, Inc., for the Gerault Park Improvements project, in the amount of \$448,114.00; and authorization for the Mayor to execute the same on behalf of the Town.
6. Tealwood Oaks Park Improvements - Consider approval of a Construction Agreement with 2L Construction, LLC, for the Tealwood Oaks Park Improvements project, in the amount of \$491,706.00; and authorization for the Mayor to execute the same on behalf of the Town.

G. WORK SESSION ITEM

Presentations and discussions on:

The previously posted work session item (sign ordinance) will be rescheduled and the other item (special events ordinance) is no longer needed.

1. Public Improvement Districts

Mr. Childers provided background information, noting that tonight is an educational opportunity on the topic of a PID, and he introduced Mary Petty, P3 Works, who gave a presentation identifying or noting:

- introduction to Public Improvement Districts (PID)
- big picture consideration
- who does the Town have on their team
- types of PIDs
- how does a PID work
- how is a PID created
- Town benefits
- Town obligations for PIDs

- financial implications for the Town
- weighing PID benefits/challenges
- PID unique characteristics
- Town-specific steps to request a PID
- Town Charter and application process

and she responded to questions from Council regarding:

- how unpaid assessments are handled
- how the PID works with a TIRZ
- when would the math information come
- process timeline
- what type of disclosures are made available (so people are aware of the PID and that additional assessment)
- who collects the taxes
- why there isn't a line item for the PID assessment on the tax bill of the current PID
- clawbacks or conditions that can be put in place and tied to performance measures
- phased approach
- kinds of bonds
- who are the investors (that may get refunded)
- how many cities P3 administers PIDs for

Mr. Childers pointed out that staff recently received the PID application and it's being reviewed, and a future agenda item will be coming in December to discuss further. He noted that the applicant would be available at that time.

H. REGULAR ITEMS

The Charter Review Commission report previously scheduled for this agenda has been rescheduled to December 4.

1. SP23-0005 – The Village Church Expansion - Consider a request for a Site Plan (SP23-0005 – The Village Church Expansion) to expand an existing church, with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, a request for additional height pursuant to Section 98-1031(d) Additional height, of the Code of Ordinances and a request for a deviation to the required parking standards pursuant to Section 82-73 of the Code of Ordinances. The property is generally located south of Justin Road and east of Morriss Road. (PZ recommendation will be available in the packet on or before Nov. 16)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- site plan

- exception requests (meritorious design)
- deviation request
- site photos
- landscape plan
- elevations

and she responded to questions from Council regarding:

- past Council approval examples for additional parking

Applicant Presentation

Randi Rivera, McAdams

Ms. Rivera gave a presentation identifying or noting:

- aerial photo
- overall campus bird's eye view
- multi-purpose venue
- front door and outdoor space
- expanded lobby
- site plan rendering
- elevations

and she responded to questions from Council regarding:

- outreach meetings with the neighbors
- construction timeline and the associated impact

Council Discussion

There was Council discussion regarding:

- the benefit of the structured parking
- what's proposed would revitalize this area
- lighting standards
- concerns about people having to walk across FM 407 the way it is now

ACTION:	Adam Schiestel moved to approve H.1. as presented in the agenda caption. Ann Martin seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

2. SUP23-0006 – Morriss Road Assembly Hall - Public Hearing to consider an ordinance granting Specific Use Permit No. 488 (SUP23-0006 – Morriss Road Assembly Hall) to permit an assembly hall use. The property is generally located west of Morriss Road and south of Littlejohn Court. (PZ recommendation will be available in the packet on or before Nov 16.)

Ms. Murphy gave a presentation identifying or noting:

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

and the applicant (Gautam Kota, A3K Properties, LLC) responded to questions from Council regarding:

- how would the maximum number of attendees be enforced

Mayor France opened the public hearing at 8:50 p.m. No one spoke. Mayor France closed the public hearing at 8:50 p.m.

ACTION:	Adam Schiestel moved to approve H.2. as presented in the agenda caption. Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

ORDINANCE NO. 51-23

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. 488 (SUP-488) FOR AN ASSEMBLY HALL USE ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 0.94 ACRES OF LAND AND BEING ALL OF LOT 6, BLOCK 1 OF THE MORRISS COMMONS ADDITION, COMMONLY KNOWN AS 2041 MORRISS ROAD, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 84 (PD-84) FOR R-2 RETAIL DISTRICT-2 USES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

3. CON23-0001 – FM 1171 Conservation Development - Public Hearing to consider an ordinance for amending the zoning (CON23-0001 – FM 1171 Conservation Development) from Interim Holding (IH) and Agricultural (A) uses to Planned Development District No. 196 (PD-196) with Agricultural (A) uses for a conservation development with certain exceptions, modifications, and waivers to the Code of Ordinances. The property is generally located north of Cross Timbers Road and east of U.S. Hwy 377. (PZ recommendation will be available in the packet on or before Nov 16.)
- Mayor France opened items 3 and 4 at the same time.

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- overall concept plan
- meeting dates (neighborhood meetings and outreach program)
- exceptions and modifications (topographical slope; 200-foot scenic corridor setback; agricultural district dimensional regulations)
- site photos
- conceptual site plan, open space plan
- tree survey

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

- slope
- lot coverage percentage
- trees (penalties, condition of existing trees, why ECC denied the trees they did)
- grading
- when is the entitlement for metal needed

Applicant Presentation

Randi Rivera, Jameson Pinson, McAdams
Greer McDowell, Hines Development

Ms. Rivera gave a presentation identifying or noting:

- existing conditions
- conservation ordinance updates
- concept plan
- lot standards
- subdivision entrance design and size
- trail system
- Parks and ECC Board recommendations
- open space management plan
- specimen trees

- slopes

and she, Mr. Pinson, or Mr. McDowell, responded to questions from Council regarding:

- signage: use of metal/fonts and size
- conservation standards
- sign face
- screening versus vista
- 35% lot coverage (intent)
- accessory structures (types)
- slope impacts
- retaining walls
- fencing
- use of a turn lane
- tree preservation

Council Discussion

There was Council discussion regarding:

- 25% and 35% lot coverage
- concerns regarding the large monument entrance sign proposed at the bottom of the hill (doesn't allow for the scenic vista of the natural hills and vegetation)
- how the project meets the conservation ordinance requirements, but not the spirit
- possibility of postponing the item to a future date

Mayor France opened the public hearing for items 3 and 4 at 9:55 p.m. No one spoke. Mayor France closed the public hearing for items 3 and 4 at 9:55 p.m.

ACTION:	Ann Martin moved to postpone items H.3. and H.4 to a future date as determined by the applicant. Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

4. TRP23-0017 – FM 1171 Conservation Development - Public Hearing to consider an application for a tree removal permit (TRP23-0017) for eighteen (18) specimen trees on property proposed for development as FM 1171 Conservation Development. The property is generally located north of Cross Timbers Road

and east of U.S. Highway 377. (The Environmental Conservation Commission recommended denial of specimen trees #'s 10, 632, 1274 and 1275 and approval of the remaining fourteen (14) specimen trees proposed for removal by a vote of 6-0-0 at its October 3, 2023, meeting).

Mayor France opened the public hearing for items 3 and 4 at 9:55 p.m. No one spoke. Mayor France closed the public hearing for items 3 and 4 at 9:55 p.m.

Council action was taken with item H.3 to postpone to a date as determined by the applicant.

I. BOARDS/COMMISSIONS

Discuss and consider resignations, appointments, evaluations, reassignments, discipline or dismissals for the following boards or commissions: Animal Services Board, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, School Liaison Committee, Tax Increment Reinvestment Zone Number One, Transportation Commission, and Veterans Liaison Board.

No action taken.

J. ADJOURN

Mayor France adjourned the meeting at 10:16 p.m. on November 16, 2023, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY