

# Town Council Regular Meeting

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January 16, 2024  
Town Hall  
2121 Cross Timbers Road  
Flower Mound, TX 75028

6:00 p.m.

## DRAFT 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, remotely  
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  
Alicia Kreh, Town Attorney  
Tommy Dalton, Assistant Town Manager  
Tiffany Bruce, Assistant Town Manager/Town Engineer  
Lexin Murphy, Director of Development Services  
Chuck Jennings, Director of Parks and Recreation  
Jaime Jaco-Cooper, Senior Programs Manager  
Ray Watson, Director of Economic Development  
Shelly Willson, Customer Service Manager

### B. INVOCATION

Chaplain Vinson 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. National Accreditation of the Flower Mound Senior Center  
Mr. Jennings provided background about the accreditation process. Ms. Jacob-Cooper gave a presentation identifying or noting:
  - National Institute of Senior Centers organization background
  - standards of excellence that the award was measured on by the Institute
  - peer review

## **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. | Joe Bernard, 10605 Sunrise, Flower Mound | \$40,000 wasted                  |

## **F. ANNOUNCEMENTS**

1. Announcements from the mayor and council members  
Mayor or members of Council had announcements regarding:
  - Happy New Year!
  - congratulations to the senior center on their accreditation
  - library book sale
  - mayor (re-election announcement)
  - Valley Creek Leadership Academy representation
  - Flower Mound Citizen's Academy representation
  - Engel's term expiration, and services offered for those interested in running for office

## **G. TOWN MANAGER'S REPORT**

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates

Mr. Childers had the following announcements:

- Introduction of Sarah Luxton, Senior Management Analyst
- Fleet Services received the gold designation for the DFW Clean Fleet Award from the North Central Texas Council of Governments
- Economic Development Strategic Plan - public engagement opportunity on January 30, 5:30 - 7 pm, at Central Fire Station
- Chief Wendell Mitchell Day in Bartonville
- Public Works and EOC staff efforts during the recent winter storm

#### **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).

No future agenda item request.

#### **I. COORDINATION OF CALENDARS**

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

1. January 18 Work Session
2. February 5 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.

|                 |                                                                                                                          |
|-----------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>ACTION:</b>  | Jim Engel moved to approve consent items J. 1 - 10 as presented in the agenda caption. Brian Taylor seconded the motion. |
| <b>AYES:</b>    | Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew                                                          |
| <b>NAYS:</b>    | None                                                                                                                     |
| <b>ABSTAIN:</b> | None                                                                                                                     |
| <b>RESULT:</b>  | 5 : 0                                                                                                                    |

1. Minutes 12/18 - Consider approval of the minutes from a regular meeting held on December 18, 2023.

2. PSA - Lighthouse Booster Station Demo - Consider approval of a Professional Services Agreement with Westwood Professional Services, Inc., for the design phase services associated with the Lighthouse Booster Station Demolition project, in the amount of \$38,180.00; and authorization for the Mayor to execute same on behalf of the Town.
3. Sale/consumption of alcohol - 2024 Independence Fest - Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2024 Independence Fest. (The Parks Board recommended approval by a vote of 6 to 0 at the December 7, 2023 meeting.)
4. Playground Replacements - Jake's Hilltop Park - Consider approval of the purchase and installation of the 2023-2024 Playground Replacements project, for Jake's Hilltop Park Playground, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$398,437.00.
5. Easement Abandonment (Bridlewood Subd) - Consider approval of an ordinance vacating and abandoning the existing 7.5-foot utility easement located along the southern property line of Lot 3, Block 42, of Belmont at Bridlewood Phase 2 Subdivision. The property is generally located south of Waketon Road and east of Kings Road.  
ORDINANCE 01-24  
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EXISTING 7.5-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTHERN PROPERTY LINE OF LOT 3, BLOCK 42, OF BELMONT AT BRIDLEWOOD PHASE 2 SUBDIVISION, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS WHICH LOT IS MORE COMMONLY KNOWN AS 5309 BRISTOL DRIVE, FLOWER MOUND, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED RELEASING AND ASSIGNING THIS EASEMENT TO THE OWNERS OF THE FEE ESTATE; REQUIRING A HOLD HARMLESS AND INDEMNITY AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
6. Meter Testing, Repair, and Replacement Services - Consider approval of Service Contract 2024-6-A with UWS, Inc. to provide Meter Testing, Repair, and Replacement Services; and authorization for the Mayor to execute the same on behalf of the Town.
7. CIP Amendment No. 2 - Consider approval of Amendment No. 2 to the Fiscal Year 2023-2024 Capital Improvement Program
8. Purchase of Chevrolet Vans - Consider approval of the purchase of (2) two Chevrolet Express 3500 Vans w/ KUV Bodies for Facilities Management, which replaces Units 59200-11 & 59200-13 in the amount of \$143,109.20.

9. Campaign Treasurer Appointment - Consider approval of an Ordinance to create a process for the termination of an inactive Campaign Treasurer Appointment.  
ORDINANCE 02-24  
AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND AMENDING CHAPTER 1, 'GENERAL PROVISIONS', DIVISION 2 'TOWN COUNCIL'; BY ADDING A NEW SECTION WHICH READS 'TERMINATION OF CAMPAIGN TREASURER'; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
10. Ambulance Purchase - Consider approval of the purchase of a 2024 Ford F450 Frazer ambulance for the Fire and Emergency Services Department from Sterling McCall, through the Houston- Galveston Area Council of Governments Contract (H-GAC) #AM10-23, in the total amount of \$344,850.00; and authorization for the Mayor to execute same on behalf of the Town.

#### **K. REGULAR ITEM(S)**

1. Charter Amendments - Discuss and consider possible Charter amendments.  
Ms. Scott provided background information regarding previous discussions on the topic of Public-Private Partnerships. Mr. Dalton, Mr. Watson, Mr. Childers, or Ms. Kreh provided partnership examples from other Texas cities and responded to questions from Council regarding:
  - why some of the examples had voter approval and some did not
  - how many times request for PPP comes up
  - Charter language clarification as it relates to public improvements
  - possibility of having an election measure to gain public interest and if it satisfies the charter requirement
  - possibility of setting a financial threshold for PPPs

There was Council discussion regarding:

- how the Town has 380 agreements that are larger than some of the partnership examples presented
- how having the PPP election requirement may be a deterrent to quality developments that are considering Flower Mound as a site location given the time delay that goes with an election cycle

There was general Council consensus to proceed with a proposed Charter amendment to require approval of three-fourths (3/4) of the membership of the Town Council to approve public-private partnerships instead of having an election as outlined in Section 7.17 of the Town Charter.

2. ZPD23-0006 – Hopewell Gerault Industrial - Public Hearing to consider an ordinance amending the zoning (ZPD23-0006 – Hopewell Gerault Industrial) from Planned Development District No. 174 (PD-174) with Campus Industrial

District (CI) uses to Planned Development District No.199 (PD-199) with Campus Industrial District (CI) uses. The property is generally located south of Lakeside Parkway and east of Gerault Road. (PZ recommended approval by a vote of 6 to 0 at its January 8, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- conceptual site plan
- site photos
- conceptual landscape plan
- conceptual elevations
- Parkway office project
- prior Lakeside Ranch plan
- tree removal request

**Applicant Presentation:**

Jesus Aguayo, Kimley Horn; Don Larke, Hopewall Development

Mr Aguayo gave a presentation identifying or noting:

- site plan
- landscape plan
- renderings
- Hopewell background information and development examples

and they responded to questions or comments from Council regarding:

- why didn't the developer design around the specimen trees
- overall landscape plan and inclusion of trees
- if office space is planned within the project
- parking
- if building is being constructed on spec or for a specific tenant

Mayor France opened the public hearing for items K.2 and K. 3 at 7:11 p.m. No one spoke. Mayor France closed the public hearing for items K.2 and K.3 at 7:11 p.m.

**ORDINANCE 03-24**

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 CHANGING THE ZONING ON CERTAIN PROPERTY DESCRIBED AS APPROXIMATELY 7.833 ACRES OF LAND AND BEING ALL OF LOTS 4R1 AND 4R2, BLOCK A, LAKESIDE RANCH

BUSINESS PARK ADDITION, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT DISTRICT-174 (PD-174) WITH CI CAMPUS INDUSTRIAL DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT-199 (PD-199) WITH CI CAMPUS INDUSTRIAL DISTRICT USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; 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:** Jim Engel moved to approve K.2. as presented in the agenda caption. Ann Martin seconded the motion.  
**AYES:** Ann Martin, Jim Engel, Brian Taylor, Chris Drew  
**NAYS:** Adam Schiestel  
**ABSTAIN:** None  
**RESULT:** 4 : 1

3. TRP23-0021 - Hopewell Gerault Industrial - Public Hearing to consider an application for a tree removal permit (TRP23-0021) for three (3) specimen trees on property proposed for development as Hopewell Gerault Industrial. The property is generally located east of Gerault Road and south of Lakeside Parkway. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its December 5, 2023, meeting)

**ACTION:** Jim Engel moved to approve K.3. as presented in the agenda caption. Brian Taylor seconded the motion.  
**AYES:** Ann Martin, Jim Engel, Brian Taylor, Chris Drew  
**NAYS:** Adam Schiestel  
**ABSTAIN:** None  
**RESULT:** 4 : 1

4. FloMo Convos - Development - Consider and discuss feedback from the development community on the most recent installment of the Town's FloMo Convos outreach meetings.

Ms. Murphy gave a presentation identifying or noting:

- background information
- participation
- event photos
- feedback received

There was Council discussion regarding the amount of detail from the feedback and interest in reviewing closer, and possibly including rank and payback investment information, as well as staff recommendations.

There was Council consensus to have a work session and a detailed discussion regarding the feedback and options presented during this FloMo convo.

5. Solid Waste Franchise Agreement Amendment - Public Hearing to consider adopting, on first reading, an ordinance amending an ordinance of the Town of Flower Mound, Texas which adopted a Solid Waste Franchise Agreement with Allied Waste Services of Fort Worth, LLC dba Republic Services, in order to impose an extra yardage (EXY) fee of \$45.00 per incident of overflow to commercial and industrial customers in place of a notice of non-collection, including a fixed annual increase of 2.6%; and adding a Green Waste Pilot Program, at no charge to the Town which will provide for the pickup of green waste (such as brush, leaves, grass, weeds and other vegetation) from residents.

Ms. Willson provided background information and the purpose of tonight's item, and she clarified that no action is needed this evening.

Mayor France opened the public hearing for item K.5 at 7:29 p.m. No one spoke. Mayor France closed the public hearing for item K.5 at 7:29 p.m.

There was Council discussion regarding interest in hearing more about changing the method of collection to a material that is environmentally friendly to the landfill.

## **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.

1. Discuss and consider designating the Tax Increment Reinvestment Zone No. 1 chair.

Ms. Scott provided background information and the purpose of this item, and she responded to questions from Council regarding the rules associated with the position, given the current chair (Mayor Pro Tem Engel) will be termed out in May.

|                 |                                                                                                                                                           |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACTION:</b>  | Adam Schiestel moved to designate Jim Engel as Chair of TIRZ No. 1 effective immediately and through December 31, 2024. Brian Taylor seconded the motion. |
| <b>AYES:</b>    | Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew                                                                                           |
| <b>NAYS:</b>    | None                                                                                                                                                      |
| <b>ABSTAIN:</b> | None                                                                                                                                                      |

**RESULT:** 5 : 0

**M. CLOSED MEETING**

Mayor France announced that the Town Council is convening into a closed meeting at 7:33 p.m., under 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, cultural arts, public safety, 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, health care facilities, performance related to certain incentive agreements, and Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, River Walk PID No. 1, Proposed PID, MMDs, and MUDs

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 8:49 p.m. on January 16, 2024, and no action was taken on the above items.

**O. ADJOURN**

**TOWN OF FLOWER MOUND, TEXAS**

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**DEREK FRANCE, MAYOR**

**ATTEST:**

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**THERESA SCOTT, TOWN SECRETARY**