



Town Council Regular Meeting

March 18, 2024
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

Comments regarding any agenda item can be sent to the Town Council by emailing towncouncil@flower-mound.com or by calling 972.874.6005 and leaving a message.

AGENDA

A. CALL TO ORDER

B. 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."

D. PRESENTATION(S)

1. Proclamation for commemorating Vietnam Veterans Day
2. Texas Municipal Library Directors Association 2023 Achievement of Excellence in Libraries Award

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

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates, including staff announcements
4. LISD Career Out Day

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).

I. COORDINATION OF CALENDARS

1. March 21 - Work Session
2. April 1 - Regular Meeting

J. BOARDS/COMMISSIONS

Conduct interviews and 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, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

K. 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 3/4 - Consider approval of the minutes from a regular meeting held on March 4, 2024.
2. Lower Timber Interceptor Rehabilitation - Construction Award - Consider approval of a Construction Agreement with Canary Construction, Inc for the Lower Timber Interceptor Rehabilitation project, in the amount of \$675,995.00; and authorization for the Mayor to execute same on behalf of the Town.
3. Lead and Copper Rule Revisions - PSA - Consider approval of a Professional Service Agreement with Freese and Nichols, Inc. to provide support, a monitoring plan, and asset inventory records review for the EPA Lead and Copper Rule Revision Compliance Program as part of the Utility Asset Management and Utility Replacement project, in the amount of \$95,000.
4. Upper Timber Interceptor - Buy Board Award - Consider approval of Sanitary Sewer Rehabilitation Services related to the Upper Timber Interceptor (Morris Road to One Place Lane) project, with Insituform Technologies, LLC., utilizing

- The Local Government Purchasing Cooperative Contract #635-21, administered through BuyBoard, in the amount of \$912,658.25.
5. Timber Creek Park Collector Rehabilitation - Buy Board Award - Consider approval of Sanitary Sewer Rehabilitation Services related to the Timber Creek Park Collector Rehabilitation (Hanover Drive to Timber Creek Road) project, to Insituform Technologies, LLC., utilizing The Local Government Purchasing Cooperative Contract #635-21, administered through BuyBoard, in the amount of \$897,754.00.
 6. Whyburn Addition Development Agreement - Consider approval of a Developers Agreement with CND Whyburn, LLC., for a 3.525-acre Public Park to be dedicated via special warranty deed to the Town with reimbursement of Park Development fees associated with the Whyburn Addition development for park-related items; and authorization for the Mayor to execute same on behalf of the Town.

L. REGULAR ITEM

1. 2023 ACFR - Consider approval of the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2023.

M. CLOSED MEETING

The Town Council to convene in to a closed meeting pursuant to Texas Government Code Section 551.071 for consultation with Town Attorney, as indicated below. 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 below-referenced items.

1. Consultation with Town Attorney.
 - a. Town regulation of public franchise utilities

N. REGULAR ITEMS

1. Oncor Electric line upgrades on High Road and Rolling Hills - Public Hearing to receive updates and input on the Oncor Electric line upgrade project on High Road and Rolling Hills.
2. TIRZ #2 Final Plan - Consider an ordinance approving the Final Project and Financing Plan for Tax Increment Reinvestment Zone number 2 (TIRZ #2) pursuant to Chapter 311 of the Texas Tax Code.

O. 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 indicated below. 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 below-referenced items.

1. Consultation with Town Attorney.
 - a. La Estancia Investments, L.P. v. Town of Flower Mound, Texas, et al
 - b. Regulation of public art
 - c. Canyon Falls Park
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

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P. RECONVENE

Q. ADJOURN

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: March 15, 2024, at 2:15 p.m., at least 72 hours prior to the scheduled time of said meeting.

Theresa Scott, Town Secretary

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.

To preview upcoming items of business that may appear on future agendas click [HERE](#).