

Town Council Regular Meeting



February 19, 2024
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
JP Walton, Chief Strategic Officer
Matt Woods, Director of Environmental Services

B. INVOCATION

Chaplain Liles 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."

D. PRESENTATION(S)

1. 2023 Red Kettle Challenge Report by Mary Freeman, The Salvation Army

Major Dwayne Durham, Corps Officer, The Salvation Army of Lewisville, presented Mayor France with a certificate of appreciation and a bell.

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.	Cheryl Moore, 1900 Tennyson Dr	Candidacy for Mayor
2.	Joe Bernard, 10605 Sunrise Cir	\$40,000 wasted

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
There were announcements from the mayor and councilmembers regarding:
 - Voting - primary election
 - Fire Academy
 - Lewisville Lake Symphony
 - Father Daughter Prom

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
 - a. Introduction of new Chief Financial Officer, John Zagurski

Mr. Childers introduced John Zagurski.

b. We Own It Champion Recognition

Mr. Childers recognized past and current recipients of the We Own It Championship award.

c. Fire personnel recognition

Mr. Childers announced that Fire Chief Henley was recently recognized by the Texas Fire Chief's Association for being the 2024 recipient of the Lone Star Achievement Award.

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 Drew requested a future agenda item on the topic of expanding SPAN services to address additional public transportation needs for residents, such as going to the airport or businesses outside of town or allowing others to come into town in the interest of supporting those businesses. There was Council consensus to have it as a future agenda item.

I. COORDINATION OF CALENDARS

1. March 4 Regular Meeting

Mayor France confirmed that all members of Council plan to attend the March 4th meeting.

J. BOARDS/COMMISSIONS

Conduct interviews or 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.

The following applicants were interviewed for board positions by the Council:

Dawn Shapley, applicant for the Historical Commission

ACTION: Adam Schiestel moved to appoint Dawn Shapley to the Historical Commission, Place 2, with a term beginning March 6, 2024 and ending September 30, 2024. Brian Taylor seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

K. 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 France announced that the Town Council is convening into a closed meeting at 6:40 p.m., pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087.

1. Consultation with Town Attorney.
 - a. La Estancia Investments, L.P. v. Town of Flower Mound, Texas, et al
 - b. 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, and Proposed PID.

L. RECONVENE

The Town Council reconvened into an open meeting at 8:10 p.m., and no action was taken on the above items.

M. 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: Brian Taylor moved to approve consent items 1 - 4 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 2/5 - Consider approval of the minutes from a regular meeting held on February 5.
2. USACE Contract - law enforcement services - Consider approval of the 2024 US Army Corps of Engineer (USACE) solicitation for contract with the Town of Flower Mound for law enforcement services at Lake Grapevine and authorize the Mayor to execute same.
3. PSA - Sanitary Sewer Rehab (Kirkpatrick Ln. & Stapleton St.) - Consider approval of a Professional Services Agreement with Criado & Associates, Inc., for the design phase services associated with the Kirkpatrick Lane and Stapleton Street Sanitary Sewer Rehabilitation project, in the amount of \$50,600.00; and authorization for the Mayor to execute same on behalf of the Town.
4. Purchase of Wood Chipper - Consider approval of the purchase of one Vermeer BC1800XL T4F 130 Horsepower Trailer Mounted Wood/Brush Chipper per Town Specifications and Vendor Quote from Vermeer Texas-Louisiana in the amount of \$97,000.

N. REGULAR ITEM(S)

1. Merchant Card Services (Open Edge Payments LLC) - Consider approval of a Client Satisfaction Offer and Utility Merchant Addendum Questionnaire with OpenEdge Payments LLC and authorization for the Mayor to execute same on behalf of the Town.

Mr. Walton gave a presentation identifying or noting:

- overview
- fee types
- client satisfaction agreement
- settlement funding fee and risk assessment fee

- utility merchant addendum
- estimated \$100,000 in annual savings

and he responded to questions from Council regarding:

- online payment card charges

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

2. 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 recommended approval by a vote of 6 to 0 at its November 13, 2023, meeting.) (TC moved to table this item by a vote of 5 to 0 at its November 16, 2023, meeting.) Mayor France opened items N.1 and N.2 at the same time.

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location of the property
- land use and zoning
- overall concept plan
- meeting dates
- changes to the plan
- exceptions
- modifications
- site photos
- concept plan
- concept open space plan
- tree survey
- ECC recommendation
- Parks Board recommendation

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

- trees
- structure sizes
- retaining wall language
- drainage

Applicant Presentation

Randi Rivera, Jameson Pinson with McAdams

Ms. Rivera and Mr. Pinson gave a presentation identifying or noting:

- existing conditions
- previous plan
- updated plan
- 200' scenic buffer (previous plan and updated plan)
- specimen trees to be preserved
- ECC recommendation
- impact to slopes - 12%
- retaining walls
- entry signs
- Cross Timbers entrance

and they responded to questions from council regarding:

- landscaping
- trees
- 25% lot coverage

There was Council discussion regarding:

- like the changes bring in the natural topography, especially with the entrance

Mayor France opened the public hearing for items N.2 and N.3 at 9:03 p.m.

No one spoke.

Mayor France closed the public hearing for items N.2 and N.3 at 9:04 p.m.

ORDINANCE NO. 09-24

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 APPROXIMATELY 148.008 ACRES OF LAND SITUATED IN THE BUFFALO BAYOU, BRAZOS AND COLORADO RAILROAD SURVEY, ABSTRACT NO. 187 AND THE JAMES C. MCGOWAN AND C.G. PITCOCK SURVEY, ABSTRACT NO. 959, DENTON COUNTY, TEXAS, FROM A AGRICULTURAL USES AND IH INTERIM HOLDING USES TO PLANNED DEVELOPMENT DISTRICT-196 (PD-196) WITH A AGRICULTURAL USES FOR A CONSERVATION DEVELOPMENT 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 N.2. 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

3. TRP23-0017 - FM 1171 Conservation - 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. The property is generally located north of Cross Timbers Road and west of Kimball Crossing. (The ECC recommended approval of fourteen (14) specimen trees and recommended denial of four (4) specimen trees by a vote of 6 - 0 at its October 3, 2023, meeting. The ECC recommended approval of two (2) specimen trees and recommended denial of one (1) specimen tree by a vote of 7 - 0 at its February 6, 2023, meeting).

ACTION: Jim Engel moved to approve N.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

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.

O. ADJOURN

Mayor France adjourned the meeting at 9:08 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY