Town Council Regular Meeting

March 4, 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
Ray Watson, Director of Economic Development
Clay Riggs, Director of Public Works

B. INVOCATION

Chaplain McNamer 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. Proclamation and presentation of Hometown Hero banner to Robert Aguirre
   Mr. Aguirre was unavailable to attend.

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.	Joe Bernard,10605 Sunrise Cir.	$40,000 Wasted
2.	Cheryl Moore, 1900 Tennyson Dr.	Candidacy for Mayor
3.	Robert Waters, 5109 Saddle Dr.	Flower Mound Youth Football Academy
4.	Shane Pipkin, 5304 Clear Creek Dr.	Flower Mound Youth Football Academy
5.	Barbara Barrios, 4113 Hide a Way Ln.	Candidacy Announcement
6.	Janvier Werner, 4113 Bob White Ln.	Public participation
7.	Neal Seidner, 3965 High Rd.	Property destruction
8.	Deb Wyse, 7705 Emerson Ln.	High Rd./Oncor
9.	John Kurilecz, 7705 Emerson Ln.	Oncor/Trees
10.	John Van Winkle, 7616 Emerson Ln.	High Road Tree Removal
11.	Clark Canant, 7708 Emerson Ln.	High Rd.
12.	Alley Mathson, 7701 Emerson Ln.*	High Rd. Tree Removal
13.	Sinikka Marter, 7604 EmersonLn.*	High Rd. Trees cut down by electric company
14.	Gayla Canant, 7708 Emerson Ln.*	Oncor taking trees down on High Rd.
15.	Mark Mathson, 7701 EmersonLn.*	High Rd. Tree Removal @ Emerson Lane
14.	Tim Runte, 3480 High Rd.*	Oncor/High Road

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
   There were Councilmember announcements regarding:

   - police awards banquet
   - firefighters deployed to the Texas Panhandle
   - Tri City Neighborhood Summit
   - open House at Twin Coves
   - Election Day for Primaries
   - solar eclipse

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects
   Mr. Watson provided an update on the Economic Development Strategic Plan.

3. Organizational Updates
   Mr. Childers provided a statement of fact regarding the tree cutting on High Road by Oncor.

4. Upcoming Work Sessions
   Mr. Childers reported on future work session dates and associated topics.

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).

There was a future agenda item request to discuss the public utilities easements, the associated codes, and all the questions regarding the destruction of approximately 38 specimen trees, which would include a discussion about tax assessment relief from the County, as well as Oncor's plans for Phase 3. It was suggested that this meeting take place on a date when the Town Attorney and Oncor representatives can attend and that an invitation be extended to Senator Parker, Representatives Bumgarner, and Thimesch.

There was Council consensus to proceed with a future agenda item on that topic.

I. COORDINATION OF CALENDARS

1. March 18 - Regular Meeting
   Mayor France confirmed that all members of Council plan on being at this 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.

Mayor France provided background information that the Town Council will be hearing from applicants for the Historical Commission and Veterans Liaison Board.

The following individuals were interviewed by the Council:
Ricky Clark, for Historical Commission
David Wooten, for Veterans Liaison Board

ACTION:	Adam Schiestel moved to appoint John Travis, to the Veterans Liaison Board, Place 5, effective immediately and with a term expiration date of 9/30/25. Chris Drew seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

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.

ACTION:	Brian Taylor moved to approve consent items 1 - 8 as presented. Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

1. Minutes 2/15 & 2/19 - Consider approval of the minutes from a work session held on February 15, and a regular meeting held on February 19.

2. Lakeside Pkwy Capacity Improvement - ICA - Consider the approval of an Interlocal Cooperation Agreement with Denton County for the construction of the Lakeside Parkway Capacity Improvement project, and authorize the mayor to execute the same on behalf of the Town.

3. Denton Creek Boulevard Bridge - ICA - Consider the approval of Amendment 1 to the Interlocal Cooperation Agreement with Denton County for the construction of the Denton Creek Boulevard Bridge, and authorize the mayor to execute the same on behalf of the Town.

4. Municipal grounds maintenance - Consider the approval of the award of Best Value Bid No. 2024-56-A Municipal Grounds Maintenance to American Landscape Systems, Inc. at the unit bid, and to establish an annual bid price contract for routine Municipal Grounds Maintenance at specific facilities throughout the town at an annual estimated amount of $260,000, and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

5. 2024 Water and Wastewater Model Update - Consider approval of a Professional Services Agreement for the 2024 Water and Wastewater Model update project, with Kimley-Horn, for $36,400.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Bracewell LLP Engagement Letter - Consider approval of an Engagement Letter with Bracewell LLP, for legal and economic development consulting services associated with TIRZ #2 and the proposed PID.

7. Upgrade Access Control - Consider approval of Schneider Electric to perform the upgrade conversion to remove the obsolete Inet access hardware and install new Security Expert hardware and software in all Town facilities with access control systems for the amount of $225,000.00.

8. Amendment to Active Network Agreement - Consider approval of an amended Service Agreement Contract with Active Network, LLC. to adjust payment processing, and authorization for the Mayor to execute the same on behalf of the Town.

L. REGULAR ITEM(S)

1. SUP23-0007 - Prairie Plaza Building 2 Veterinary Dental Clinic - Public Hearing to consider an ordinance granting Specific Use Permit No. 489 (SUP23-0007– Prairie Plaza Building 2 Veterinary Dental Clinic) to permit a veterinary hospital

(inside pens) use. The property is generally located north of Cross Timbers Road and west of Long Prairie Road. (PZ recommended approval by a vote of 6 to 0 at its February 26, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- SUP site plan
- photos from site
- conceptual landscape plan
- pet yard details
- SUP elevations
- SUP conditions

Applicant Presentation
Rebecca Everett, Bellaire Development

Ms. Everett gave a presentation identifying or noting:

- site plan
- site photos
- proposed yard enclosure
- elevations

and she responded to questions from Council regarding:

- hours of operation
- boarding (overnight)
- appearance of canopy
- adjacency concerns from neighboring business

Mayor France opened the public hearing at 7:22 p.m. No one spoke. Mayor France closed the public hearing at 7:22 p.m.

ORDINANCE NO. 10-24

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 APPROVING SPECIFIC USE PERMIT NO. 489 (SUP-489) FOR A VETERINARY HOSPITAL (INSIDE PENS) USE ON CERTAIN PROPERTY DESCRIBED AS 4.7568 ACRES OF LAND AND BEING ALL OF LOT 1, BLOCK A, OF THE PRAIRIE PLAZA ADDITION, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 150 (PD-150) WITH OFFICE 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.

ACTION:	Jim Engel moved to approve L.1. 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

2. MPA23-0008-Scenic Drive - Public Hearing to consider a request for a Master Plan Amendment (MPA23-0008 - Scenic Drive) to amend Section 7.0, Thoroughfare Plan, to consider a request to keep Scenic Drive as a Rural Collector street as shown on the Town's Thoroughfare Plan or consider an amendment to the classification of Scenic Drive. (Planning and Zoning recommended approval to keep the existing classification by a vote of 6 to 0 at its February 26, 2024, meeting. Transportation Commission recommended approval to keep the existing classification by a vote of 6 to 0 at its December 12, 2023, meeting.)
Mr. Childers provided background information and offered suggestions about how to proceed.

Council Discussion

There was Council discussion regarding:

- 3 components and the potential impact of each: vehicle lanes, bike lanes, and parkways

Mayor France opened the public hearing at 7:32 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.	None	Fred Vincent, 3933 Bordeaux Circle with donated time from: Terra Klarich, 5005 Glenshire Dr.	Scott Egbert, 2900 Scenic Dr.

2.		Elaine Takacs, 2101 Beachview Dr.	Bronz Peterson, 5104 Saddle Dr.
3.			William Tracewell, 2950 Scenic Dr.

** Indicates person did not wish to speak*

Mayor France closed the public hearing at 7:48 p.m.

Council Discussion

There was Council discussion regarding:

- recommendation to leave as is
- concerns regarding holding up a plat for a resident

and Ms. Bruce or Mr. Riggs responded to questions from Council regarding:

- timing and areas affected
- trees with red ribbon

ACTION:	Chris Drew moved to rescind this item back to the Transportation Commission for further review. Jim Engel seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

M. 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 7:56 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

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 8:30 p.m., and no action was taken on the above items.

O. ADJOURN

Mayor France adjourned the meeting at 8:31 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

D France

DEREK FRANCE, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY