

# Town Council Regular Meeting and Tax Increment Reinvestment Zone (TIRZ) No. 2 Meeting

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April 1, 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](mailto: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 and presentation of Hometown Hero banners to Anthony Harris and Danetta Hurt-Harris
2. Proclamation for United Way Denton for Mental Health Awareness Month
3. Recognition of the Flower Mound Citizens Academy - Class of 2024

### 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
4. Strategy for the 89th Texas Legislative Session

**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. April 15 - Regular Meeting
2. April 18 - Work Session

**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.

1. Minutes 3/18 & 3/21 - Consider approval of the minutes from a regular meeting on March 18, 2024, and a work session on March 21, 2024.
2. TIRZ#2 Minutes - 3/18 - Consider approval of the minutes from a TIRZ#2 meeting held on March 18, 2024.
3. Service agreement-PD & FD portable radios - Consider approval of MCA Communications Maintenance Service Agreement for Police and Fire Department portable radios at the amount \$20,553.00, and authorization for the Mayor to execute same on behalf of the Town.
4. Subsurface Utility Engineering-FM 2499 at FM 3040 - Consider approval of Subsurface Utility Engineering Services related to the FM 2499 at FM 3040 Intersection Improvements project, with The Rios Group, in the amount of \$39,600.00.
5. Timber Creek Road Testing PSA - Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, Inc., to provide construction materials engineering and testing, for the Timber Creek Road Panel Replacement (John Court to Kirkpatrick Lane) project for an amount not to exceed \$40,000.00; and authorization for the Mayor to execute same on behalf of the Town.
6. Microsoft Enterprise Agreement Renewal - Consider approval to renew the Town's three-year Enterprise Enrollment Agreement with Microsoft to provide the town with Licensing for Office 365, Servers, SharePoint, Advanced Threat

- Protection and Desktop Operating Systems, from Software One, in the amount of \$264,184.08.
7. Water System Leak Detection and Condition Assessment - Consider approval of Water System Leak Detection and Condition Assessment services from Pure Technologies US, Inc., through a City of Denton contract (#8181) for an annual estimated amount not to exceed \$150,000.00.
  8. Pink Evening Primrose CO #1 & FINAL - Consider approval of Change Order No. 1 & Final for the Pink Evening Primrose Trail Connection (Bridge & Trail from Gaston Park to Timber Trails Park) project, amending the contract with Parkscape Construction, Inc., to provide an increase to the contract in the amount of \$19,612.31.
  9. TexPool Representative Form - Consider approval of the Town's authorized representatives form as required by the Texas Local Government Investment Pool (TexPool).
  10. NPSOT Seed Library Grant - Consider approval of a resolution authorizing the acceptance of grant funds from the Trinity Forks Native Plant Society of Texas, which will be used to support the Library's Seed Library.
  11. TCA Performance Support Grant - Consider approval of a resolution authorizing the acceptance of grant funds from the Texas Commission on the Arts, which will be used to pay a portion of the performance costs for the Town's annual Arts Festival.
  12. Cybersecurity Grant - Consider approval of a resolution authorizing the submission of a grant application with the Office of the Governor for the 2025 State and Local Cybersecurity Grant Program; authorizing the Town Manager to act on behalf of the Town of Flower Mound in all matters related to the application; authorizing acceptance of funds if awarded; and pledging that if funding for this project is received, the Town will comply with all project requirements of the Office of the Governor, including returning all funding received in the event of loss or misuse of the funds.
  13. Consider approval of a Standard Utility Agreement - Consider approval of a Standard Utility Agreement with TxDOT, for reimbursement in the amount of \$4,969,356.75, on the US 377 Water Line Loop and Relocation Project.

#### **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 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. Canyon Falls Park
- c. Town regulation of public franchise utilities
- 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

**L. RECONVENE**

**M. REGULAR ITEM(S)**

- 1. Notice of Intent 2024 CO - Consider approval of a resolution approving and authorizing publication of notice of intention to issue Certificates of Obligation, Series 2024, in the principal amount not to exceed \$7,715,000, for the purpose of paying for waterworks and sewer system improvements.
- 2. SP23-0019 - Take 5 Oil Change - Consider a request for a Site Plan (SP23-0019 – Take 5 Oil Change) to develop an auto repair garage with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances and a waiver to the Architectural Standards in the Town's Urban Design Plan for roof pitch. The property is generally located south of Justin Road and west of Meadow View. (PZ recommended approval by a vote of 6 to 0 at its March 25, 2024, meeting.)
- 3. 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 three options for the classification of Scenic Drive and provide feedback on various elements and to consider adopting an ordinance providing for said amendment. (Planning and Zoning Commission recommended approval to change the classification to a Local Residential Collector by a vote of 6 to 0 at its March 25, 2024, meeting. Transportation Commission recommended approval to change the classification to a Local Residential Collector by a vote of 6 to 0 at its March 12, 2024, meeting.)
- 4. LDR24-0001 - Land Use Update - Public Hearing to consider an ordinance amending the Town's Land Development Regulations (LDR24-0001 - Land Use Update) by amending Chapter 82 "Development Standards," Chapter 86 "Signs," Chapter 98 "Zoning," and Appendix A "Fees," related to new regulated uses, definitions, development standards, and fees for the purpose of clarifying and updating certain sections to reflect current planning practices and State laws. (PZ recommended approval by a vote of 6 to 0 at its March 25, 2024, meeting.)

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

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**

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 28, 2024, at 3:20 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](#).