

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



April 1, 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
John Zagurski, Chief Financial Officer
Julie Taylor, Director of Treasury Operations
Clay Riggs, Director of Public Works
Matt Hotelling, Assistant Director of Public Works/Transportation

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 banners to Anthony Harris and Danetta Hurt-Harris
Mayor France recited the proclamations and presented them to Anthony Harris and Danetta Hurt-Harris.
2. Proclamation for United Way Denton for Mental Health Awareness Month
Mayor France recited the proclamation and presented it to Detective Michelle Horridge.
3. Recognition of the Flower Mound Citizens Academy - Class of 2024
Ms. Scott gave a presentation identifying or noting:
 - program overview
 - 2025 information
 - class pledge

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.	Jeffrey Goldstein, 2110 Long Prairie Rd	School System Education
2.	Gunther Barnes, 3700 Long Prairie Rd	Issues with AI in school
3.	Michael Jackson, 7509 Inwood Rd, Dallas	Flower Mound issues
4.	Marilyn Lawson, 4808 Schooner Ct	KFMB events
5.	Rob Rawson, 1409 Basil Dr	Election

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

There were announcements from the Mayor or Council members regarding:

- Crime prevention presentation
- Easter holiday
- Public Works kudos
- Holi Festival
- April 8 Eclipse
- Keep Flower Mound Beautiful

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
4. Strategy for the 89th Texas Legislative Session
Mr. Childers provided background information on the last legislative session and the possible use of a consultant for the next session.

Brandi Bird, President, Bird Advocacy and Consulting

Ms. Bird gave a presentation identifying or noting:

- background and experience
- 2025 legislative session
- approach, timing

and he or Ms. Bird responded to questions from Council regarding next steps.

There was Council discussion regarding:

- timing (soon as possible)
- interest in having a participative role in the topics
- tax level maintenance
- legislative priorities

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 were no future agenda item request.

I. COORDINATION OF CALENDARS

Mayor France confirmed that all members plan to attend the following meeting dates.

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.

ACTION: Jim Engel moved to approve items J. 1-13 as presented in the agenda caption. Chris Drew seconded the motion.

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

NAYS: None

RECUSED: Ann Martin

RESULT: 4 : 0

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.

RESOLUTION NO. 05-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TRINITY FORKS NATIVE PLANT SOCIETY OF TEXAS FOR THE PURPOSE OF SUPPORTING THE TOWN OF FLOWER MOUND PUBLIC LIBRARY'S SEED LIBRARY; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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.

RESOLUTION NO. 06-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS COMMISSION ON THE ARTS FOR THE PURPOSE OF PAYING A PORTION OF THE PERFORMANCE COSTS FOR THE TOWN'S

ANNUAL ARTS FESTIVAL; AUTHORIZING THE PARKS & RECREATION DIRECTOR TO ACT ON BEHALF OF FLOWER MOUND AS THE GRANTEE'S OFFICIAL; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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.

RESOLUTION NO. 07-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE STATE AND LOCAL CYBERSECURITY GRANT PROGRAM FOR THE BENEFIT OF THE TOWN OF FLOWER MOUND FOR FISCAL YEAR 2025; ACCEPTING GRANT FUNDS IF AWARDED; AUTHORIZING THE TOWN MANAGER TO ACT ON BEHALF OF FLOWER MOUND AS THE GRANTEE'S OFFICIAL; AND PLEDGING THAT IF FUNDING IS AWARDED, THE TOWN WILL COMPLY WITH ALL GRANT REQUIREMENTS INCLUDING THE RETURN OF 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.

Mayor France announced that the Town Council is convening into a closed meeting at 6:58 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

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

The Town Council reconvened into an open meeting at 7:40 p.m., and no action was taken on the above items.

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.

Ms. Taylor and Michael Martin, Hilltop Securities, provided background information regarding the item, and they responded to questions from Council regarding whether rates going down in June is factored in.

RESOLUTION NO. 04-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

ACTION: Brian Taylor moved to approve M.1. as presented in the agenda caption. Jim Engel seconded the motion.

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

NAYS: None
ABSTAIN: None
RESULT: 5 : 0

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.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- site plan
- exception request
- waiver request (roof pitch)
- site photos
- site plan
- landscape plan
- elevations

and she responded to questions from council regarding:

- color compatibility
- signage

Applicant: Rafael Ruiz, Altar Group

Mr. Ruiz responded to questions from Council regarding:

- screening for electrical box
- signage

ACTION: Jim Engel moved to approve M.2. 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

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.)

Mr. Riggs or Mr. Hotelling gave a presentation identifying or noting:

- background information and history
- local residential estate; local residential collector; rural collector modified; rural collector
- current thoroughfare plan, including Scenic Dr
- comparison of options
- existing Scenic Drive
- additional feedback items
- trails and bikeways plan
- proposed Smith Tract
- traffic impact analysis
- existing equestrian use
- existing pavement widths
- crash data and sign replacement
- speeding
- bike and trail user types
- potential trees affected
- minimum standards
- property owner feedback
- recommendation from TRC and P & Z
- proposed thoroughfare plan change
- recommendation

and they, Ms. Murphy, or Mr. Dalton responded to questions from Council regarding:

- purpose of 13 foot lanes
- lane width
- speeding
- trees affected (best assumptions)
- trail options or opportunities
- roads that are feeding into the connection
- future Smith Tract road impact
- right of way reduction impact
- impact on the Circle R Ranch
- equestrian trail
- adjacency to Town Lake development
- 1171 as an exit for the Smith Tract

Mayor France opened the public hearing at 8:40 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.			Steve Dixon, 4604 Wisdom Creek Ct
2.			Bronze Peterson, 5104 Saddle Dr with donated time from: Brandy Peterson, 5104 Seville Brock Peterson, 38 Stonehenge, Bentonville Cara Peterson, 5104 Saddle Dr Rebecca Peterson, 38 Stonehenge Dr, Bentonville Leslie Peterson, 5104 Seville Dr <i>Administrative Note: 9 total minutes were allotted</i>

** Indicates person did not wish to speak*

Mayor France closed the public hearing at 8:54 p.m.

Council Discussion

There was Council discussion regarding:

- modified rural collector option
- trail options
- minimum amount of pavement and impact to the environment
- interest in planting trees or other landscaping elements to replace any that are removed and to the extent possible
- interest in contacting all parties involved when moving forward

ORDINANCE NO. 12-24

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE FLOWER MOUND 2001 MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, BY AMENDING SECTION 7.0, "THOROUGHFARE PLAN," BY CREATING A NEW CLASSIFICATION OF LOCAL RESIDENTIAL COLLECTOR AND BY CHANGING THE DESIGNATION OF SCENIC DRIVE FROM WICHITA TRAIL

TO WALSINGHAM DRIVE, TO A LOCAL RESIDENTIAL COLLECTOR;
PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL
ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.

ACTION: Jim Engel moved to approve M.3. as presented in the
agenda caption, with the local residential collector, and an 8
foot trail along the east-west portion. Chris Drew seconded
the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

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.)

Ms. Murphy gave a presentation identifying or noting:

- previous discussions
- general overview (Chapters 82, 86, 98, fee schedule)
- chapter 82 - development standards
- chapter 86 - signs
- chapter 98 - zoning
- additional updates

and she or Mr. Dalton responded to questions from Council regarding:

- impact on sign regulations for existing businesses
- for school signs (changeable electronic signs), the possibility of turning off at 9 p.m. versus 10 p.m.
- environmental hazards related to dry cleaners
- CBD store regulations
- model home permitting, including the terminology of "early release"
- setbacks
- lighting standards, including the possibility of making the proposed lower lighting change for additional sections of town instead of just the Cross Timbers Conservation District

Mayor France opened the public hearing at 10:03 p.m. No one spoke. Mayor France closed the public hearing at 10:03 p.m.

ORDINANCE NO. 13-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 82, "DEVELOPMENT STANDARDS," CHAPTER 86, "SIGNS," CHAPTER 98, "ZONING," AND APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY AMENDING REGULATED USES, DEFINITIONS, DEVELOPMENT STANDARDS, ILLUSTRATIONS, AND FEES FOR THE PURPOSE OF CLARIFYING AND UPDATING CERTAIN SECTIONS TO REFLECT CURRENT PLANNING PRACTICES AND STATE LAW; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Adam Schiestel moved to approve M.4. as presented with the following modifications: updated hours of operation to 9pm for changeable signs facing residential and Section 98-1027 adopting modified language for setbacks as proposed. Chris Drew seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

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.

No discussion.

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 10:04 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY