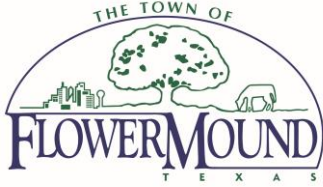


Town Council Regular Meeting



February 6, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

MINUTES

A. CALL TO ORDER

The Town Council met in a regular meeting with the following members present:

Mayor Derek France
Mayor Pro Tem Sandeep Sharma
Deputy Mayor Pro Tem Ann Martin
Councilmember Brian Taylor (left at 8:40 p.m.)
Councilmember Jim Engel

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 Planning Services

B. INVOCATION

Chaplain Jerry Cole 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. Salvation Army Red Kettle Challenge Results
Mary Freeman and Major Dwayne Durham, of the Salvation Army, presented a Certificate of Appreciation to the Town for participating in the annual Red Kettle Challenge.
2. Certificate of Achievement Marcus High School Cheerleading Team - National Champions

Mayor France presented the Marcus High School cheerleaders with a Certificate of Achievement for winning the NCA National Championship.

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.	Fred Vincent, 3933 Boreaux Cir	Buildout
2.	Chris Drew, 5209 Ravine Ridge Ct	Town Council
3.	Nancy Kleckner, 400 Loma Alta	Tennis (support)
4.	Angela Luhman, 2506 Buttonwood Dr	Pickleball Tennis Center (support)
5.	Roland Rickerd, 2117 Blue Sage Dr	Tennis/pickleball (support)
6.	Scott Langley, 800 Carter Ct	Pickleball Center (support)
7.	Robbie Cox, 3001 Wood Trail	Tennis Center (support)
8.	Kathrine Rickerd, 2117 Blue Sage Dr*	Tennis & Pickleball center (support)
9.	Troy Lewis, 3357 Rolling Hills*	Tennis & Pickleball center (support)
10.	Jackie Parades, 3001 Autumn Sage Trl*	Tennis & Pickleball center (support)
11.	Leslie Nacke, 2415 Glen Ridge Dr, Highland Village*	Pickleball Courts (support)
12.	Chrissy Clark, 4612 Sain Charles Ct*	Tennis (support)
13.	Elly Steenbergen, 3705 Wicklow Ct*	Tennis center funding (support)
14.	Katie Mayer, 3612 Burlington*	Tennis center funding (support)

15.	Ruth Vanwinkle, 3501 Burlington Dr*	Tennis center (support)
16.	Andree Ward, 1817 Kipling Dr*	Tennis center (support)

* Indicates person did not wish to speak

F. ANNOUNCEMENTS

Announcements from the mayor and council members:

Mayor Pro Tem Sharma reported that the Lions Club will continue the Bags to Benches program (for recycling plastic bags) previously handled by KFMB.

Deputy Mayor Pro Tem Martin announced that Timber Creek Elementary is having a chili cook off fund-raising event tomorrow night.

Councilmember Engel, Taylor, and Mayor France expressed thanks for all the hard work by Town staff during the winter storm event.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects

3. Organizational Updates

a. Winter Storm Event Recap

Mr. Childers reported on the Town's response to last week's winter storm.

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 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 requests for future agenda items.

I. COORDINATION OF CALENDARS

1. February 16 Work Session and February 20 Regular Meeting

Mayor France confirmed that all members of Council plan to attend the February 16 and 20 meetings.

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.

Deputy Mayor Pro Tem Martin requested that item 3 be moved from consent to regular items.

ACTION: Mayor Pro Tem Sandeep Sharma moved to approve items J1, 2, and 4 - 9 as presented in the agenda caption. Councilmember Brian Taylor seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

1. Minutes 1/17 & 1/19 - Consider approval of the Town Council minutes from a regular meeting held on January 17, 2023, and a work session held on January 19, 2023.
2. Call May 6 Election - Consider approval of a resolution calling for a general election to be held May 6, 2023, for the offices of Town Council Place 2 and Town Council Place 5, establishing procedures for the election; and providing an effective date.

RESOLUTION NO. 01-23

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE OFFICES OF TOWN COUNCIL PLACE 2 AND PLACE 5; ESTABLISHING PROCEDURES FOR THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

3. Calling bond election Proposition A - Consider approval of an ordinance calling a bond election to be held May 6, 2023, for the purpose of submitting to the qualified voters a ballot proposition on whether to construct a tennis center with general obligation bonds in the amount of \$7,500,000; resolving other matters incident and related to such election, and providing a publication of notice.

Item 3 was pulled from Consent to Regular.

Mr. Childers provided background and follow-up information regarding financial aspects and next steps. He also clarified that this item solely places the topic on the May ballot for voters to decide, and he, or Mr. Meredith, responded to questions or comments from Council regarding:

- Time line
- Update regarding the partnering with LISD option
- Clarification regarding what advocate means

There was Council discussion regarding:

Residents who are interested in this are encouraged to continue to put in the leg work.

ORDINANCE NO. 02-23

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE TOWN OF FLOWER MOUND, TEXAS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

ACTION: Deputy Mayor Pro Tem Ann Martin moved to approve item J.3. as presented in the agenda caption. Mayor Pro Tem Sandeep Sharma seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

4. Audio Video Hardware Replacements - Consider approval to replace the audio video hardware for the Police Department from Data Projections for an amount not to exceed \$75,000.
5. AED Replacement Purchase - Consider approval of the purchase of 25 Automated External Defibrillators(AEDs) to replace out of warranty devices in all Town-owned buildings in the amount of \$51,050.00; and authorization for the Mayor to execute same on behalf of the Town.
6. Purchase of Life Fitness equipment - Consider approval of the purchase of Life Fitness strength equipment for the Community Activity Center from vendor Advanced Exercise through Buy Board contract #665-22 in the amount of \$113,878.40.
7. CIP Amendment No. 2 - Consider Approval of Amendment No. 2 to the Fiscal Year 2022-2023 Capital Improvement Program.
8. PSA Inspection Services - Consider approval of a professional services agreement between the Town of Flower Mound and Bureau Veritas to provide third-party inspection services for new highrise buildings being built within the Town of Flower Mound.
9. 2023 ALERRT Grant - Consider approval of a resolution authorizing the submission of a grant application with the Office of the Governor for the 2023 ALERRT Travel Assistance grant; 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.

RESOLUTION NO. 02-23

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 ALERT TRAVEL ASSISTANCE GRANT FOR THE BENEFIT OF THE EMPLOYEES OF THE TOWN'S POLICE DEPARTMENT FOR FISCAL YEAR 2023; 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.

K. REGULAR ITEM(S)

1. LDR22-0004 – Mandatory Sewer Connections - Public Hearing to consider an ordinance amending the Town's Code of Ordinances (LDR22-0004 – Mandatory Sewer Connections) by amending Chapter 90 "Subdivisions" and appendix A "Fee Schedule," to provide for an exception for mandatory sewer connections and make corrections to recently approved fee updates. (PZ recommended approval by a vote of 6 to 0 at its January 23, 2023, meeting.)

Mr. Dalton gave a presentation identifying or noting:

- Background (snapshot)
- Draft ordinance information and he responded to questions from Council regarding:
- Service area

Mayor France opened the public hearing at 6:52 p.m. No one spoke. Mayor France closed the public hearing at 6:52 p.m.

ORDINANCE NO. 03-23

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 90, "SUBDIVISIONS" OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, ARTICLE VI, "STANDARDS," DIVISION 7, "UTILITIES," SECTION 90-422, "ON-SITE SEWAGE FACILITIES," PROVIDING FOR AN EXCEPTION TO THE MANDATORY SEWER CONNECTION REQUIREMENT; AMENDING APPENDIX A ENTITLED "FEE SCHEDULE," OF THE CODE OF ORDINANCES TO CORRECT VARIOUS FEES RELATED TO LAND DEVELOPMENT WITHIN THE TOWN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Councilmember Jim Engel moved to approve item K.1. as presented in the agenda caption. Councilmember Adam Schiestel seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Sandeep Sharma
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

L. BOARDS/COMMISSIONS

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: All Together Flower Mound Commission, Animal Services Board, Cultural Arts Commission, Denton County Transportation Authority, Environmental Conservation Commission, Historical Commission Task Force, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

1. The following boards will provide update reports at the May 18 work session:

All Together Flower Mound
Animal Services
Cultural Arts
Environmental Conservation
Parks
School Liaison
Transportation
Veterans Liaison

Other boards are excluded due to their quasi-judicial structure, specific scope of work, or other predetermined reporting timeline.

Ms. Scott provided background information on a proposed new format for board reporting to Council. There was Council consensus to proceed with the new format and give the HCTF the option of presenting at the same time.

M. CLOSED MEETING

The Town Council convened into a closed meeting at 6:57 p.m. on February 6, 2023, 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 attorney, and to discuss matters relating to real property, personnel, and economic development negotiations.

1. Consultation with Town Attorney.
 - a. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Application
 - b. Housing Discrimination Complaint
 - c. La Estancia Investments, L.P., v. Town of Flower Mound

- d. Legal issues associated with municipal boundary adjustment/annexation, and ESD and CCN service areas
 - e. Oncor transmission line, switch, and substation projects.
 - f. Sunrise Circle Development
- 2. Discuss and consider purchase, exchange, lease or value of real property for parks, 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, corporate relocation/expansion/retention, hospitality projects, performance related to certain incentive agreements, and proposed Tax Increment Reinvestment Zone (TIRZ) #1, TIRZ #2, PID, MMD, and MUD.

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 TO REGULAR MEETING

Town Council reconvened into an open meeting at 9:28 p.m. on February 6, 2023, and no action taken on the above referenced items.

O. ADJOURN

Mayor France adjourned the meeting at 9:28 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY