

Town Council Regular Meeting



February 20, 2023
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. and with the following members present:

Derek France, Mayor
Sandeep Sharma, Mayor Pro Tem
Ann Martin, Deputy Mayor Pro Tem
Adam Schiestel, Councilmember Place 1
Brian Taylor, Councilmember Place 3
Jim Engel, Councilmember Place 4

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
Clay Riggs, Director of Public Works
Lexin Murphy, Director of Planning Services
James Hoefert, Environmental Review Analysis

B. INVOCATION

Chaplain Langstaff 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 Ronald Wasilewski. Mayor France recited a Proclamation and presented it to the family of Ronald Wasilewski.

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)
2.	Dana Ellsworth, 1419 Limerick Ct, Keller	Fire Apparatus Stonecrest South/Sunrise Cr
3.	Matthew Hurst, 4158 Meadowview Dr, Argyle	Canyon Falls Park
4.	Dakota Starnes, 4353 Meadowview Dr, Argyle	Sunrise
5.	Ron Newton, 2257 Shoreline Dr	MR22-003 Private Drive
6.	David Ekkel, 4441 Wanda Ln	Twin Coves Estates Private Driveway
7.	Jennifer DePetro, 4421 Wanda Ln	Minor Record Plat
8.	Keri Ekkel, 4441 Wanda Ln*	Sunrise
9.	Joe Bernard, 10605 Sunrise Cir with donated time from: Terri Lynn, 10612 Sunrise Cir, Argyle	Sunrise

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Councilmember Engel reported attending a retirement event at the Fire Department for Andre Gereaux.

Mayor France recognized the Citizens Academy participants (7) in attendance.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

a. Adaptive Signal Implementation Update

Mr. Childers provided background information. Mr. Riggs gave the update, and he responded to a question from the council regarding timing for full implementation.

2. Economic Development Projects

3. Organizational Updates

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 future agenda item request.

I. COORDINATION OF CALENDARS

Mayor France confirmed that all Councilmembers plan to be at the following meeting:

1. March 6 - Regular Meeting
2. March 16 - Work Session is canceled

J. CONSENT ITEM(S)

ACTION: Mayor Pro Tem Sandeep Sharma moved to approve Consent Items J. 1 - 8 as presented in the agenda caption; however, only the February 6 minutes.

Councilmember Adam Schiestel seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

1. Minutes 2/6 - Consider approval of the minutes from 2/6 regular meeting, and the 2/16 work session.
This item is for the 2/6 meeting only.
2. 2023 Bullet-Resistant Shield Grant - Consider approval of a resolution authorizing the submission of a grant application with the Office of the Governor for the 2023 Bullet-Resistant Shield 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. 03-23

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 BULLET-RESISTANT SHIELD 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; AND PROVIDING AN EFFECTIVE DATE.

3. 2024 JAG Grant - Consider approval of a resolution authorizing the submission of a grant application with the Office of the Governor for the 2024 Edward Byrne Memorial Justice Assistance Grant Program (JAG); 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. 04-23

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 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR THE BENEFIT OF THE TOWN OF FLOWER MOUND FOR FISCAL YEAR 2024; 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.

4. Backhoe Purchase - ULM - Consider approval of the purchase of one new Case 590 SN Backhoe per Town of Flower Mound Specifications and Vendor Quote from Associated Supply Company, Inc. in the amount of \$136,600.00.
5. Excavator Purchase - Consider approval of the purchase of one new Bobcat E50 RS Series Compact Excavator per Town of Flower Mound Specifications and Vendor Quote from Bobcat of North Texas in the amount of \$78,575.00.
6. Vacating easement - Consider approval of an ordinance vacating and abandoning the eastern 50 feet of the existing 15-foot utility easement located along the south property line of Lot 25, Block 11, Carriage Glen at Bridlewood Addition. The Carriage Glen at Bridlewood addition is generally located east of Bridlewood Boulevard and north of FM 1171.

ORDINANCE NO. 04-23

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, VACATING AND ABANDONING THE EASTERN 50 FEET OF THE EXISTING 15-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 25, BLOCK 11 OF CARRIAGE GLEN AT BRIDLEWOOD, AN ADDITION TO THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR A PORTION OF SAID EASEMENT DEPICTED IN EXHIBIT "A;" REQUIRING A HOLD HARMLESS AND INDEMNITY AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Depository and Safekeeping/Custodial Agreements - Consider approval of a resolution confirming a relationship with JPMorgan Chase Bank and the Bank of New York Mellon Trust Company; designating and appointing authorized agents; authorizing the Mayor to sign all accompanying agreements; providing for the operation of the Town's accounts with said Banks; and declaring an effective date.

RESOLUTION NO. 05-23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND CONFIRMING A RELATIONSHIP WITH JPMORGAN CHASE BANK, AND THE BANK OF NEW YORK MELLON TRUST COMPANY; DESIGNATING AND APPOINTING AUTHORIZED AGENTS; AUTHORIZING THE MAYOR TO SIGN ALL ACCOMPANYING AGREEMENTS; PROVIDING FOR THE OPERATION OF THE TOWN'S ACCOUNTS WITH SAID BANKS; AND DECLARING AN EFFECTIVE DATE.

8. Opioid Settlement - Consider for approval of a resolution authorizing the Mayor to execute global opioid settlement documents relating to the Allergan, Walmart, CVS, and Walgreens settlements and authorizing the Town Manager to transmit those documents to the Attorney General and providing for an effective date.

RESOLUTION NO. 06-23

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GLOBAL OPIOID SETTLEMENT DOCUMENTS RELATING TO THE ALLERGAN, WALMART, CVS, AND WALGREENS AND AUTHORIZING THE TOWN MANAGER TO TRANSMIT THOSE DOCUMENTS TO THE ATTORNEY GENERAL AND PROVIDING FOR AN EFFECTIVE DATE.

K. REGULAR ITEM(S)

1. Consider a request for a Minor Record Plat (MR22-0 - Consider a request for a Minor Record Plat (MR22-0003 – Twin Cove Estates, Lot 20R, Block B) to create one lot for a private street. The property is generally located south of Wanda Lane and east of Shoreline Road. (PZ recommended approval by a vote of 6 to 0 at its February 13, 2023, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location

- Land use and zoning
 - Town Code
 - Plat exhibit
 - Site photo
- and she, or Mr Meredith responded to questions or comments from Council regarding:
- the continuance of property access
 - cost and maintenance of the road if it was to become a Town road
 - what discussions occurred with the applicant and neighbors
 - emergency access

Council Discussion

There was Council discussion regarding:

- interested in knowing if the current property owner was acceptable to allowing access to adjacent property owners
- possibility of the current owner putting up a gate to block access
- interested in hearing from the applicant, including what discussions have occurred to date, given the potential impact on the neighbors

ACTION: Mayor Pro Tem Sandeep Sharma moved to postpone item K.1. to March 6, 2023. Councilmember Adam Schiestel seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

2. ZPD22-0002 - Caldwell Court - Public Hearing to consider an ordinance for rezoning (ZPD22-0002 – Caldwell Court) from Agricultural District (A) to Planned Development District No. 193 (PD-193) with Single Family District-10 (SF-10) uses and with an exception to “Depth” pursuant to Section 90-272, Lot depth, lines, and frontage, of the Code of Ordinances and with certain other waivers, exceptions and modifications to the Code of Ordinances. The property is generally located east of Morriss Road and north of Cortadera Street. (PZ recommended approval by a vote of 6 to 0 at its February 13, 2023, meeting.) Mayor France opened items K2 and K3 at the same time.

Ms. Murphy gave a presentation for items K2 and K3 identifying or noting:

- General and detailed location
- Land use and zoning
- Conceptual site plan
- Exceptions
- Modifications

- Site photos
- Concept landscape plan
- Tree survey

and she, Mr. Hoefert, or Mr. Riggs responded to questions from Council regarding:

- clarification regarding the 3 trees that ECC didn't approve
- what is the mitigation plan
- retention pond size and dry versus wet pond
- disappointed about the trees, but drainage and flooding also needs consideration

Applicant Presentation

Steve Homeyer, Homeyer Engineering and Peter Edwards, 6901 Red Bud Dr (Developer)

Mr. Homeyer gave a presentation for items K2 and K3 identifying or noting:

- Straight zoning - developer's conceptual layout
- Specimen tree survey concept plan

and he, or Mr. Edwards, responded to questions from Council regarding:

- elevation changes, including making sure homes built don't intrude on the privacy of the neighboring properties
- possibility of saving the three trees
- depth of pond
- number of lots, including orientation of one of the lots
- possibility of relocating the pond in order to save the trees
- concerns regarding lots 9 and 11 (small widths)
- clarification on fees to be paid

Mayor France opened the Public Hearing for items K2 and K3 at 7:12 p.m. No one spoke. Mayor France closed the Public Hearing at 7:12 p.m.

ORDINANCE NO. 05-23

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 OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 5.395 ACRES OF LAND SITUATED IN THE JESSE EADS SURVEY, ABSTRACT NO. 391, DENTON COUNTY, TEXAS, FROM A AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT-193

(PD-193) WITH SF-10 SINGLE FAMILY DISTRICT-10 USES 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: Mayor Pro Tem Sandeep Sharma moved to approve item K.2. as presented in the agenda caption. Councilmember Jim Engel seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

3. TRP23-0001 - Caldwell Court - Public Hearing to consider an application for a tree removal permit (TRP23-0001) for fourteen (14) specimen trees on property proposed for development as Caldwell Court. The property is generally located east of Morriss Road and north of Cortadera Street. (The Environmental Conservation Commission recommended approval for specimen trees #s 3502, 3508, 3533, 3534, 3537, 3550, 3552*, 3625, 3672, 3691, 3699, and 3709 (*tree #3552 has been declassified) and denial of specimen trees #s 3647, 3656, and 3659 by a vote of 4-0-0 at its February 7, 2023, meeting).

See item K2 for discussion on this item.

ACTION: Mayor Pro Tem Sandeep Sharma moved to approve item K.3. 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, Historical Commission Task Force, Environmental Conservation Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

No action taken.

M. CLOSED MEETING

The Town Council convened into a closed meeting at 7:35 p.m. on February 20, 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
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

The Town Council reconvened into an open meeting at 8:30 p.m. on February 20, 2023, and no action was taken on the above referenced items.

O. ADJOURN

Mayor France adjourned the meeting at 8:30 p.m. on February 20, 2023, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY