

Town Council Regular Meeting



April 15, 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
Lexin Murphy, Director of Development Services
Clay Riggs, Director of Public Works
Matt Woods, Director of Environmental Services

B. INVOCATION

Chaplain Liles 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 to Police Chief Andy Kancel for his retirement
Mayor France recited the proclamation and presented it to Chief Kancel.

2. Proclamation and presentation of Hometown Hero banner to Robert Aguirre
Mayor France recited the proclamation and presented it to Mr. Aguirre.
3. CASA of Denton County-Proclamation - Child Abuse Prevention Month
Mayor France recited the Proclamation and presented it to Debra Furst (CASA Board of Directors Vice President) and Cheri Fry (CASA Program Director).
4. Keep Flower Mound Beautiful Annual Report
Marilyn Lawson, Treasurer of Keep Flower Mound Beautiful (KFMB), provided a report on KFMB's work activities. She also recognized key sponsors.

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.	Si Simonson, 3104 Native Oak	Memorial Day
2.	Elmer McKeegan, 645 Lake Bluff Dr	Motorcycle safety and Awareness month (May)
3.	Darryl Shelton, 524 Hearth Ter, Argyle	Election
4.	Laura Truebenbach, 6305 Crossvine Trl	Argyle ISD Bond 2024
5.	Pamela York, 5504 Lake Geneva Ct	Helicopter landing in a residential area

** Indicates person did not wish to speak*

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
There were announcements from council regarding:
 - Chief Kancel (appreciation for service)
 - voting starts next week
 - candidate forum

- KFMB trash event
- National Prescription Drug Take-back Day
- Concerts in the Park
- Kid Fish
- Bike with the Blue

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates

a. Chief of Police

David Coulan will be the next Police Chief starting on May 1.

b. Employee Service Recognition

Mayor France and Mr. Childers recognized Town employees with 15+ years of service and who had anniversary dates in the month of April.

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 request to discuss options regarding regulations associated with helicopters, and there was Council consensus to do so.

I. COORDINATION OF CALENDARS

Mayor France confirmed that all members of Council plan to attend the following meetings.

1. April 18 Work Session
2. May 6 Regular Meeting
3. July 18 (9am - 4pm) Strategic Planning Retreat

J. 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 6:56 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
 - b. Short term rentals
 - c. Enforcement of zoning regulations
 - d. Canyon Falls Park
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

K. RECONVENE

The Town Council reconvened into an open meeting at 9:06 p.m., and no action was taken on the above items.

L. 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 consent items 1 - 8 as presented in the agenda caption. Adam Schiestel seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

1. Minutes - 4/1 - Consider approval of the minutes from a regular meeting held on April 1, 2024.
2. CIP Amendment No. 3 - Consider approval of Amendment No. 3 to the fiscal year 2023-2024 Capital Improvement Program
3. Purchase Hydro Excavator Truck (PW-Drainage & ROW Division) - Consider approval of the award of Bid No. 2024-73-B, a best value bid, for the purchase of one 2025 Freightliner SD114 Hydro Excavator from Dogget Freightliner of South Texas, LLC. in the total amount of \$523,934.
4. Purchase of Hydro Excavator Truck (PW-Utility Line Maint. Division) - Consider approval of the award of Bid No. 2024-72-B, a best value bid, for the purchase of one 2024 Freightliner 108SD Hydro Excavator from Dogget Freightliner of South Texas, LLC. in the total amount of \$400,000.
5. Timber Creek Road Panel Replacements - Consider approval of the purchase of concrete removal and replacement services from Apex Concrete Construction Inc, for work associated with the Timber Creek Road Panel Replacement project, through the Town of Flower Mound contract No. 2023-56-A, Concrete and Drainage Improvement Services, in the amount of \$780,006.00.
6. Spring Meadow Park Improvements - Consider approval of the purchase and installation of a new picnic pavilion, associated site amenities, and repair of playground surfacing for the Spring Meadow Park Improvements proejct, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$88,046.00
7. Legislative Consultant - Consider approval of a Professional Services Agreement with Bird Advocacy and Consulting, Inc. to provide legislative consulting to the Town, in the amount of \$38,500.
8. Employee Assistance Program - Consider approval of Request for Proposal Number 2024-22-A with Deer Oaks EAP Services, LLC, to provide an employee assistance program in the total amount of \$4,939; and authorization for the Mayor to execute same on behalf of the Town.

M. REGULAR ITEM(S)

1. US 377 Waterline Loop & Relocation - Construction Award - Consider approval of a Construction Agreement with Mountain Cascade of Texas, LLC., for the US 377 Water Line Loop and Relocation project, in the amount of \$6,212,538.00; and authorization for the Mayor to execute same on behalf of the Town.

Mr. Riggs gave a presentation identifying or noting the following:

- what the project includes
- water master plan
- verified bid results
- project funding and schedule

and he responded to questions from council regarding:

- clarification on the TxDot reimbursement amount
- traffic impact

ACTION: Brian Taylor moved to approve M.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. RC24-0001 - Lungren Addition Lot 1, Block A - Consider a request for a Record Plat (RC24-0001-Lungren Addition Lot 1 Block A) to create a residential subdivision with an exception to lot width to depth ratio pursuant to Section 90-272(a), of the Code of Ordinances. The property is generally located North of Stapleton and west of Kirkpatrick Lane. (PZ recommended approval by a vote of 5 to 0 at its April 8, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- plat exhibit
- site photo
- exception request

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. CSP24-0001 - Tesla - Public Hearing to consider a request for a Comprehensive Sign Package (CSP24-0001- Tesla) to allow a ground sign and additional wall signs on the building. The property is generally located south of Justin Road and west of Stone Hill Farms Parkway. (PZ recommended approval by a vote of 5 to 0 at its April 8, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting the following:

- land use and zoning
- detailed location
- CSP purpose
- sign exhibit
- site photos

and she responded to questions from Council regarding the option of off-site sign placement on 407.

Mayor France opened the public hearing at 9:22 p.m., and no one spoke. Mayor France closed the public hearing at 9:22 p.m.

ACTION: Jim Engel moved to approve M.3. as presented in the agenda caption. Adam Schiestel seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

4. MPA23-0009 - Box Investment Group - Public Hearing to consider an ordinance for a Master Plan Amendment (MPA23-0009 – Box Investment Group) to amend Section 1.0, Land Use Plan and Section 2.0, Area Plans, of the Master Plan by changing the current land use designation within the Lakeside Business District Area Plan from Campus Commercial uses to Campus Industrial uses. The property is generally located south of Lakeside Parkway and east of Silveron Boulevard. (PZ recommended approval by a vote of 5 to 0 at its April 8, 2024, meeting.)

Mayor France opened items 4, 5, and 6 at the same time.

Ms. Murphy gave a presentation identifying or noting the following:

- general and detailed location
- land use and zoning
- master plan exhibit
- conceptual site plan
- site photos
- exception requests (slope, driveway spacing, street buffers, and use modification)
- conceptual landscaping plan
- tree survey
- conceptual elevations
- conceptual renderings

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

- if the tree that is requested to be removed in an area that is above 12% grade
- setbacks
- overnight parking
- retention pond
- the type of tree requested for removal
- space finish out

Applicant presentation: Todd Marchesani, Box Investment Group, Kori Haug, Belle Firma, Mark Sullivan, GDA Architects

Mr. Marchesani, Mr. Firma, or Mr. Sullivan gave a presentation identifying or noting:

- project name of Lakeside Ridge
- introduction of design team
- proactive outreach
- development analysis
- environmental sensitivity
- landscape plan
- building design, including loading docks
- proposed development standards
- primary economic impact/tax analysis
- drone video footage

and they responded to questions from Council regarding:

- clarification regarding the underground retention pond

- setbacks
- parking
- easements
- hours of operation and concerns regarding truck traffic and back up alarms from the trucks for neighbors
- what is over moisture conditioning and the tree impact

Mayor France opened the public hearing for items 4, 5, and 6 at 10:07 p.m., and no one spoke. Mayor France closed the public hearing for items 4, 5, and 6 at 10:07 p.m.

ORDINANCE NO. 14-24

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 CHANGING THE ZONING ON CERTAIN PROPERTY DESCRIBED AS AN APPROXIMATELY 10.698 ACRE TRACT OF LAND IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NO. 692, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT DISTRICT-31 (PD-31) WITH CC CAMPUS COMERCIAL DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT-201 (PD-201) WITH CERTAIN CI CAMPUS INDUSTRIAL DISTRICT 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:	Jim Engel moved to approve M.4. as presented in the agenda caption. Brian Taylor seconded the motion.
AYES:	Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

5. ZPD23-0015 - Box Investment Group - Public Hearing to consider an ordinance amending the zoning (ZPD23-0015 - Box Investment Group) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No. 201 (PD-201) with Campus Commercial District (CC) uses and certain Campus Industrial District (CI) uses, with certain waivers, exceptions and modifications to the Code of Ordinances including but not limited to an exception to Section 98-147, "Topographical Slope Protection", and an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria

and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located south of Lakeside Parkway and east of Silveron Boulevard. (PZ recommended approval by a vote of 5 to 0 at its April 8, 2024, meeting.)

ORDINANCE NO. 15-24

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 CHANGING THE ZONING ON CERTAIN PROPERTY DESCRIBED AS AN APPROXIMATELY 10.698 ACRE TRACT OF LAND IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NO. 692, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT DISTRICT-31 (PD-31) WITH CC CAMPUS COMMERCIAL DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT-201 (PD-201) WITH CERTAIN CI CAMPUS INDUSTRIAL DISTRICT 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: Jim Engel moved to approve M.5. 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

6. TRP24-0002 – Box Investment Group - Public Hearing to consider an application for a tree removal permit (TRP24-0002) for one (1) specimen tree on property proposed for development as Box Investment Group. The property is generally located south of Lakeside Parkway and east of Silveron Boulevard. (The Environmental Conservation Commission recommended approval by a vote of 5 to 1 at its March 6, 2024, meeting.)

ACTION: Jim Engel moved to approve M.6. as presented in the agenda caption. Brian Taylor seconded the motion.
AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS: None
ABSTAIN: None

RESULT: 5 : 0

7. TIRZ #2 Capital Improvement Agreement - Public Hearing to consider approval of a Capital Improvement Agreement for the Furst Ranch Development, establishing a process and providing for the reimbursement of impact fees, and TIRZ #2 revenues for qualified capital improvement costs.

Mr. Childers provided background information on the item, and Mary Petty, P3 Works, TIRZ administrator, outlined the purpose of the item and responded to questions from Council regarding:

- how would capital improvement projects be financed if not for the agreement
- clarification regarding statutory verification language

Mayor France opened the public hearing at 9:09 p.m., and no one spoke. Mayor France closed the public hearing at 9:09 p.m.

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 action was taken.

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 10:09 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY