Town Council Regular Meeting

May 6, 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 (remotely)

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
Chuck Jennings, Director of Parks and Recreation

B. INVOCATION

Chaplain 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. Certificate of Achievements presented to Flower Mound High School's Robotics Club and Team Captain Harish Pravin for awards achieved at FIRST Youth Robotics Championship in Houston.

   Harish Pravin provided background information about the Flower Mound High School Robotics Club and Mayor France presented them with a Certificate of Achievement.

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.	Michael Tilbury, 8604 Baltusrol Dr	Tour 18 petition for security fence and landscape buffer
2.	Tom Clark, 8704 Baltusrol Dr	Tour 18 - Montalcino development
3.	Todd Mobraten, 8904 Baltusrol	Tour 18 - Montalcino security fencing
4.	Greg Crouse, 5904 Pine Valley Dr	Tour 18/Montalcino development issues
5.	Andrew J. Guarino, 2649 Poplar Dr	Hiring of search firm for Chief of Police

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members

   There were announcements from Mayor or Councilmembers regarding:

   - best wishes for upcoming student graduations
   - Art Festival
   - Councilmember Schiestel indicated he would not be at the May 14 meeting and expressed well-wishes to Mayor Derek France and Mayor Pro Tem Jim Engel.

G. TOWN MANAGER'S REPORT

1. Capital Improvement Projects

2. Economic Development Projects

3. Organizational Updates

   a. Introduction of new Chief of Police, David Coulon
   Mr. Childers introduced Police Chief David Coulon.

   b. Introduction of new Director of Library Services, Dr. Rachel Hadidi
   Mr. Childers introduced Dr. Rachel Hadiidi, the new Library Director

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 request.

I. COORDINATION OF CALENDARS

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

1. May 14 - Special Meeting - Election Canvass

2. May 16 - Work Session - Annual Board/Commission Reports

3. May 20 - Regular Meeting

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.

Councilmember Drew requested item 6 be moved from Consent.

ACTION: Jim Engel moved to approve J.1 - 5; 7 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

1. Minutes - 4/15 & 4/18 - Consider approval of the minutes from a regular meeting held on April 15, 2024, and a work session held on April 18, 2024.

2. Park Board ordinance amendment - Consider approval of an ordinance to amend the Park Board duties by removing Section 2-114, related to updating the Sweet Flower Mound Land book.

   ORDINANCE NO. 16-24
   AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING DIVISION 2, "PARKS BOARD," OF ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY MODIFYING THE AUTHORITY OF SAID BOARD; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. High Road Water Line Phase 2 - Material Testing PSA - Consider approval of a Professional Services Agreement with ETTL, Inc., to provide construction materials engineering and testing for the High Road Water Line Phase 2 project for an amount not to exceed $29,167.00; and authorization for the Mayor to execute same on behalf of the Town.

4. US 377 Water Line Loop and Relocation - Material Testing PSA - Consider approval of a Professional Services Agreement with ECS Southwest LLP., to provide construction materials engineering and testing, for the US 377 Water Line Loop and Relocation project for an amount not to exceed $51,129.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Peters Colony Memorial Park PSA Third Amendment - Consider approval of the Third Amendment to the Professional Services Agreement with Mesa Design Associates, Inc., for the design services associated with the Peters Colony Memorial Park project, in the amount of $26,525.00; and authorization for the Mayor to execute same on behalf of the Town.

6. Canyon Falls Park - Consider approval of a Compromise and Settlement Agreement with US Casualty and Surety Insurance Company resolving the Town's claim against the performance bond in furtherance of the Canyon Falls Park improvement project.

K. REGULAR ITEM(S)

1. Community Activity Center Electronic Monument Display Sign - Consider approval of the purchase and installation of a LED monument display sign for the

Community Activity Center, from Casteel Sign, through the Texas Local Government Purchasing Cooperative, in the amount of $84,628.64.
Mr. Jennings gave a presentation identifying or noting:

- background information (funding and benefits)
- LED electronic sign
- sign rendering
- updated sign standards
- picture of portable reader board sign previously used

and he, or Mr. Childers responded to questions from Council regarding the following:

- lifespan of sign
- impact if CAC expanded

There was Council discussion regarding:

- cost
- if it's a priority item for this as opposed to something like planting trees

ACTION:	Chris Drew moved to approve K.1. 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

L. 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), Tax Increment Reinvestment Zone Number (TIRZ #2), Transportation Commission, and Veterans Liaison Board.

No discussion.

M. 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 for a closed meeting at 6:41p.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

2. Discuss and consider purchase, exchange, lease or value of real property for parks, cultural arts, public safety, public rights-of-way, economic development, 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

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

The Town Council reconvened for an open meeting at 7:16 p.m., to take action on the above items as follows:

ACTION: Chris Drew moved to approve the authorization of staff to purchase the right of way property in the easements of the Hwy 377 water line loop and relocation project, the High Road water line replacement project, and the Scenic Road and Walsingham road project, and to negotiate the purchase of the right of way property and easements up to the settlement amount discussed in closed session, and authorize the Town Manager or his designee to close on the right of way property should a settlement be reached, to pay all cost associated with said closing in addition to the purchase price of the right of way property and to execute all necessary documents at closing on behalf of the Town. Jim Engel seconded the motion.

AYES: Ann Martin, Jim Engel, Adam Schiestel, Brian Taylor, Chris Drew
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

ACTION: Ann Martin moved to authorize staff to purchase an approximately 22.2 acre tract of land located at the corner of Cross Timbers Road at the intersection with the Union Pacific Railroad and authorize the Town Manager or his designer to close on the property, to pay all cost associated with said closing, in addition to the purchase price of the property, and to execute all necessary documents at closing on behalf of the Town. Adam Schiestel seconded the motion.

AYES: Ann Martin, Adam Schiestel, Brian Taylor, Chris Drew
NAYS: Jim Engel
ABSTAIN: None
RESULT: 4 : 1

O. ADJOURN

Mayor France adjourned the meeting at 7:18 p.m. and all were in favor.

DEREK FRANCE, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY