

Town Council Regular Meeting



July 15, 2024
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:00 p.m.

MINUTES

A. CALL TO ORDER

Mayor Moore called the meeting to order at 6:00 p.m. with the following members present:

Cheryl Moore, Mayor
Ann Martin, Mayor Pro Tem
Adam Schiestel, Deputy Mayor Pro Tem
Chris Drew, Councilmember Place 2
Brian Taylor, Councilmember Place 3
Janvier Werner, Councilmember Place 4
with the following member(s) absent:

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
Matt Woods, Director of Environmental Services

B. INVOCATION

Mayor Moore called for a moment of silence in honor of former Councilmember Jim Engel, who recently passed away.

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 Moore led the pledges.

D. PRESENTATION(S)

1. Special recognition - Jeff Tasker, Municipal Court Judge
Mayor Moore recited the proclamation and presented it to Mr. Tasker.

E. PUBLIC COMMENT

	Speaker name and address	Subject (as written on the form)
1.	Vinay Kudithipudi, 1813 Johnson Pl	K.4, SP23-0014

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Mayor Moore and Councilmembers offered messages of sympathy and condolence on the passing of former Councilmember Jim Engel.

G. TOWN MANAGER'S REPORT

Mr. Childers (on behalf of staff) offered a message of sympathy and condolence on the passing of former Councilmember Jim Engel.

1. Capital Improvement Projects
2. Economic Development Projects
3. Organizational Updates
 - a. Employee Recognition
Mr. Childers recognized the following employees for their 15+ years of service to the town:
 1. Chris Horton, Fire Department
 2. Hose Green, Police Department
 3. Augustine Sanaseros, Information Technologies
 - b. Independence Fest
Mr. Jennings provided an Independence Fest recap. Mayor Moore and Councilmembers expressed their thanks for all the work that went into making this a successful event.

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 future agenda item requests for:

1. Having a Jim Engel memorial trophy at the next Independence Fest in his honor and given his love for car shows, and where his family selecting the winner
2. Interest in discussing a road expansion at Consolvo and Simmons

There was Council consensus to proceed with a future agenda item on these topics.

I. COORDINATION OF CALENDARS

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

1. July 18 - Strategic Planning Retreat (9am - 4pm)
2. August 5 - 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.

ACTION:	Brian Taylor moved to approve items J.1 - 5 as presented in the agenda caption. Chris Drew seconded the motion.
AYES:	Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

1. Minutes - 7/1 - Consider approval of the minutes from a regular meeting held on July 1, 2024.
2. Campaign Finance Reporting (inactive candidates) - Consider approval of a Resolution to authorize the Town Secretary to terminate the campaign treasurer appointments of inactive candidates and inactive political committees for filers that have been inactive for over two years.

RESOLUTION NO. 09-24

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, TERMINATING INACTIVE CAMPAIGN TREASURER APPOINTMENTS FOR

FILERS THAT HAVE BEEN INACTIVE FOR MORE THAN TWO YEARS AND PROVIDING AN EFFECTIVE DATE.

3. Presiding Municipal Judge - Consider approval of an ordinance to appoint the Presiding Municipal Judge to Judge Alissa Janke for the period of August 1, 2024, through December 31, 2024.

ORDINANCE NO. 28-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS APPOINTING THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Alternate Municipal Judge - Consider approval of an ordinance amending Ordinance No. 12-23 for Alternate Judge Stephanie Askew.

ORDINANCE NO. 29-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AMENDING ORDINANCE 12-23 FOR ALTERNATE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

5. Budget Amendment #3 - Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2023, and ending on September 30, 2024, as adopted by Ordinance No. 37-23 and amended by Ordinance No. 52-23 and Ordinance No. 20-24 for adjustments to the COVID-19 Fund.

ORDINANCE NO. 30-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023, AND ENDING ON SEPTEMBER 30, 2024, AS ADOPTED BY ORDINANCE NO. 37-23 AND AMENDED BY ORDINANCE NO. 52-23 AND ORDINANCE NO. 20-24, BY PROVIDING for adjustments to the COVID-19 FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

K. REGULAR ITEM(S)

1. Denton Creek Blvd Bridge Construction Award - Consider approval of a Construction Agreement with Urban Infraconstruction LLC for the Denton Creek

Blvd Bridge and Water Line project, in the amount of \$9,392,100.00; and authorization for the Mayor to execute same on behalf of the Town.

Mr. Riggs gave a presentation identifying or noting:

- Denton Creek Bridge project background and location
- Master Plan (thoroughfare, water re-use water plans)
- verified bid results
- project funding and schedule

and he responded to questions from Council regarding:

- debt requirement

ACTION:	Adam Schiestel moved to approve K.1. as presented in the agenda caption. Chris Drew seconded the motion.
AYES:	Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

2. Trotter Park Master Plan - Public Hearing to consider recommendation and approval of a conceptual master plan for Trotter Park, a 13.11 acre park located at 4551 Cross Timbers Road.

Mr. Jennings gave a presentation identifying or noting:

- background information

Consultant Presentation: David Shipp, MHS Planning & Design

Mr. Shipp gave a presentation identifying or noting:

- project timeline
- public engagement dates
- stakeholder comments and needs identified
- site photos
- slope map
- site plan options
- conceptual renderings and site master plan
- and he, or Mr. Jennings, responded to questions or comments from Council regarding:
- the number of pickleball courts and interest in having more
- trail width - interest in 8 ft concrete and 6 feet soft
- feedback for just pickleball courts instead of both pickleball and tennis

- clarification regarding total demand needs
- trees
- rationale for decomposed granite
- funding sources
- what is the difference from what is presented tonight to the bond election
- court hours and lighting
- concerns about parking on Mark Twain
- multiple uses is a plus for meeting family needs at the park

Mayor Moore opened the public hearing at 7:18 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.	Nancy Kleckner, 1801 Rue De Isabelle	None	Kirthe Narasimhan, 5316 Park Ridge Rd
2.			Kathy Blair, 5113 Forest Hill
3.			Scott Langley, 800 Carter Ct
4.	Joy Drew, 4606 Remington Park*		

**Indicates do no wish to speak*

Mayor Moore closed the public hearing at 7:27 p.m.

ACTION: Adam Schiestel moved to approve K.2. as presented, with the following modifications: 12 pickleball courts and an 8-foot-wide concrete path. Chris Drew seconded the motion.

AYES: Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

3. CAC Expansion & Renovation Study Presentation - Presentation of the Community Activity Center Expansion and Renovation Study conducted by Barker Rinker Seacat Architecture.

Mr. Childers introduced the item. Mr. Jennings provided background information.

Consultant Presentation

Craig Bouck, and Mick Massey, Barker Rinker Seacat (BRS) Architecture gave a presentation identifying or noting:

- community activity center feasibility study vision
- project schedule, including timeline
- project program
- public survey
- side-by-side comparison
- top priorities
- area summary
- existing building - dry and wet area improvements
- imagery - gym, multipurpose turf, fitness floor, ramp, stairs, group fitness rooms, indoor playground, child watch, party rooms, control desk, fitness pool, lockers/changing rooms
- proposed schedule
- budget, total project costs
- operations plan
- cost recovery
- operating assumptions (expense and revenue budget), including local fees comparison, pro forma
- recommendations summary
- next steps

and he responded to questions or comments from Council regarding:

- percentage of users coming from North of 1171 and West of 2499, and what's driving the public to the facility from those areas of town
- possibility of having uses that are not typical
- what's the rationale for moving the basketball courts
- hours of operation (open earlier on Sunday and later on weekdays to balance that)
- interest in 100% cost recovery for non-residents
- types of programming
- concessions area
- interest in seeing existing and future revenue comparisons
- cost recovery calculations (capital cost)

This was a discussion item only. No Council action was taken.

4. SP23-0014 - Silver Pagoda Addition - Consider a request for a Site Plan (SP23-0014 – Silver Pagoda Addition) to develop a Religious assembly and a rectory, with a partial exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. The property is generally located at the western terminus of

Cherokee Path. (PZ recommended approval by a vote of 6 to 0 at its June 24, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location of the project
- land use and zoning
- site plan
- compatibility buffer exception
- landscape plan
- site photos
- elevations, renderings

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

- visual screening
- tree setbacks
- tree heights
- compatibility buffer
- process to allow the neighbors to waive having a tree

Applicant presentation: Javier Espinoza

Mr. Espinoza gave a presentation identifying or noting:

- current building condition
- technical requirements for their request
- tree placement

and responded to questions from Council regarding:

- tree placement

Mayor Moore extended an opportunity for neighboring residents to provide input regarding the placement of trees in the compatibility buffer area due to concerns raised about the possible structural impact given the size of the trees that is proposed adjacent to the retaining wall:

1. Vinay Kudithipudi, 1813 Johnson Pl
2. Steve Cassity, 317 Bridgewater Pl
3. Satyanarayana Vasireddy, 305 Bridgewater Pl
4. Vikas Goyal, 405 Bridgewater Pl

ACTION:

Brian Taylor moved to approve K.4. as presented, with the following modifications: for the compatibility buffer, trees on the west and north sides of the property are not required unless there is a future qualifying event with the addition of a new non-residential use on the property. Janvier Werner seconded the motion.

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

5. TRP24-0005 - St. Philip the Apostle Catholic Church - Public Hearing to consider an application for a tree removal permit (TRP24-0005) for three (3) specimen trees on property proposed for development as St. Philip the Apostle Catholic Church for the proposed development Phases II and III. The property is generally located south of Cross Timbers Road, west of Flower Mound Road, and east of Scenic Drive. (The Environmental Conservation Commission recommended approval of two (2) trees (#7158 and #7159) and denial of one (1) tree (#4726) by a vote of 5 - 0 at its July 2, 2024, meeting.)

Mayor Pro Tem Martin announced that she is a church parishioner and will abstain from voting on this item even though she can legally.

Mr. Woods gave a presentation identifying or noting:

- project location
- project information
- tree survey

Applicant presentation: Jeff Miles

Mr. Miles gave a presentation identifying or noting:

- phases of future expansion

and he responded to questions from council regarding:

- clarification for the use of a circle drive off of an existing circle drive
- possibility of integrating the drop-off area within the current roundabout

Mayor Moore opened the public hearing at 9:16 p.m. No one spoke. Mayor Moore closed the public hearing at 9:16 p.m.

ACTION: Chris Drew moved to approve K.5 with the following modifications: approve tree numbers 7158 and 7159; deny 4726. Janvier Werner seconded the motion.
AYES: Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner
NAYS: None
ABSTAIN: Ann Martin
RESULT: 4 : 0

6. LDR24-0002 - Signs and Definitions Update - Public Hearing to consider an ordinance amending the Land Development Regulations (LDR24-0002 – Signs and Definitions Update) by amending Chapter 74 “General Provisions,” Chapter 82 “Development Standards,” and Chapter 86 “Signs,” related to updated sign standards, processes, illustrations, and definitions. (PZ recommended approval by a vote of 6 to 0 at its July 8, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- background
- Ch. 74 - general provisions (clean up items - definitions)
- Ch. 82 - development standards (clean up items - clarifications and process)
- Ch. 86 - signs (definitions, new procedures, new illustrations)
- additional updates (prohibited signs, flags, and residential subdivision wall signs)

and she responded to questions from Council regarding:

- if a banner affixed to a fence is considered a sign

Mayor Moore opened the public hearing at 9:30 p.m. No one spoke. Mayor Moore closed the public hearing at 9:30 p.m.

ORDINANCE NO. 31-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 74, “GENERAL PROVISIONS,” CHAPTER 82, “DEVELOPMENT STANDARDS,” AND CHAPTER 86, “SIGNS,” OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SIGN STANDARDS, PROCESSES, ILLUSTRATIONS, AND DEFINITIONS; 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 ACCORDANCE WITH THE TOWN CHARTER; AND PROVIDING AN EFFECTIVE DATE.

ACTION:	Adam Schiestel moved to approve K.6. as presented in the agenda caption. Brian Taylor seconded the motion.
AYES:	Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner
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, Community Development Corporation, 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 action taken.

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 Moore announced that the Town Council is convening into a closed meeting at 9:30 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. Enforcement of Zoning Regulations
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, 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.

N. RECONVENE

The Town Council reconvened into an open meeting at 10:37 p.m., and no action was taken on the above items.

O. ADJOURN

Mayor Moore adjourned the meeting at 10:37 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



CHERYL MOORE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY