

Town Council Regular Meeting



November 18, 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 (left at 7:54 p.m.)
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

constituting a quorum with the following members of the Town Staff participating:

Theresa Scott, Town Secretary
James W. Childers, Town Manager
Gerald Pruitt, 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
Jaime Jaco-Cooper, Senior Programs Manager

B. INVOCATION

Chaplain McNamer 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. National Night Out Awards
Officer Augenstein announced the following National Night Out Award winners:
Individual Party: Wager Road
Small HOA Party: Lakemont
Large HOA Party: Northshore
2. Proclamation for Small Business Saturday
Mayor Moore recited the proclamation and presented it to Ray Watson and Melody Eby, Town of Flower Mound Economic Development Department.

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

No speakers.

F. ANNOUNCEMENTS

1. Announcements from the mayor and council members
Members of Council expressed well wishes for the Thanksgiving holiday.

G. TOWN MANAGER'S REPORT

1. LISD School Retirement and Boundary Adjustments Proposal
Mayor Moore provided an overview of this item, and Mr. Childers provided background information on the town's discussion with the LISD Superintendent, Dr. Rapp, regarding the school district's proposed changes.

There was discussion on the possible closing of Garden Ridge Elementary School regarding:

- quality of life impact for residents
- what would become of the property should the school close
- have the School Liaison Committee involved and participate on Dec. 2 based on observations and ideas
- possibility of initiating a resolution similar to Highland Village
- interest in asking LISD to hold off until after the Texas legislative cycle, given they may be able to solve school funding issues this cycle

- possibility of having language in the resolution that encourages legislators to solve the school funding issue this cycle
- focus on the benefits to Flower Mound to keep it open as opposed to meddling in their business

and with a general consensus to bring forward a Resolution to present to LISD that would outline the Town's interest in keeping Garden Ridge Elementary open.

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

a. Town Awards and Recognitions

Mr. Childers announced the following state and national awards:

1. Communications Department - Texas Association of Telecommunications Officers and Advisors (TATOA) 2024
2. Parks & Recreation Department - Texas Recreations and Park Society North Region (TRAPS)

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).

Councilmember Drew requested a status update on expanding the Animal Services Board's scope of work. Ms. Scott outlined the next steps.

I. COORDINATION OF CALENDARS

Mayor Moore confirmed that all members of Council plan to be at the following meetings. Councilmember Drew indicated he might be remote for the December 2nd meeting.

1. November 21 - Work Session
2. December 2 - Regular Meeting
3. December 16 - 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: Ann Martin moved to approve consent items 1 - 13 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 - 11/4 - Consider approval of the minutes from a regular meeting held on November 4, 2024.
2. Board Manual Update - Discuss and consider approval of a resolution to revise the Board and Commission Manual.
RESOLUTION NO. 21-24
A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS REVISING THE BOARD, COMMISSION, AND COMMITTEE MANUAL; AND PROVIDING AN EFFECTIVE DATE.
3. PSA-ITS (transportation consulting) - Consider approval of a professional services agreement with Innovative Transportation Solutions, Inc. to provide professional transportation consultation services in the amount of \$75,000.00 annually, with four one-year renewal options; and authorization for the Mayor to execute the same on behalf of the Town.
4. Road and Utility Construction Materials Contract - Consider approval of the annual purchase contract for road and utility construction materials from CJA Enterprises, through a City of Denton contract number 7841 for an estimated annual amount of \$25,000 and authorization for the Mayor to execute same on behalf of the Town.
5. Trotter Park Design Contract - Consider approval of a Professional Services Agreement with MHS Planning & Design, LLC., for the design services associated with the Trotter Park project, in the amount of \$589,200.00; and authorization for the Mayor to execute same on behalf of the Town.
6. Sale and consumption of alcohol (beer and wine) at 2025 Independence Fest - Consider approval of the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park, during the 2025 Independence Fest. (The Parks Board recommended approval by a vote of 6 to 0 at the October 3, 2024 meeting.)
7. Annual Standards of Care Ordinance Update - Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code-Section 42.041 and to adopt an

Ordinance providing for said Standards. (The Parks Board recommended approval by a vote of 6 to 0 at its November 7, 2024 meeting).

ORDINANCE NO. 53-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. PLA Digital Literacy Grant - Consider approval of a resolution authorizing the acceptance of grant funds from the Public Library Association for the purpose of providing digital literacy classes; authorizing the Library Director to act on behalf of Flower Mound as the grantee's official; pledging that the Town of Flower Mound will comply with all program requirements of the grant program; and providing an effective date.

RESOLUTION NO. 22-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE PUBLIC LIBRARY ASSOCIATION FOR THE PURPOSE OF PROVIDING DIGITAL LITERACY CLASSES; AUTHORIZING THE LIBRARY DIRECTOR TO ACT ON BEHALF OF FLOWER MOUND AS THE GRANTEE'S OFFICIAL; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

9. Consider approval of a multi-year agreement for th - Consider approval of a multi-year agreement for the acquisition of sixty-two (62) Axon electric control devices (ECD or Taser), including renewal certificates, upgraded and new devices for a combined total of \$268,998.48, and authorization for the Mayor to execute the same on behalf of the Town.
10. Vehicle purchase(s) - Police Dept. - Consider approval of purchasing for the police department (1) 2024 Ford F150 Crew Cab XLT 4X4 from Sam Pack's Five Star Ford for \$55,328.00 utilizing the HGAC Cooperative Contract # CE05-24 and the purchase of (1) 2024 Chevrolet Silverado 1500 crew cab from Lake Country Chevrolet for \$67,317.51 utilizing the TIPS USA contract #210907, for a total of \$122,645.51.
11. Fee schedule amendment - Consider a request to amend the Town's Code of Ordinances by amending Appendix A, "Fee Schedule," Referenced in Chapter 70, "Utilities" by amending Section 70-56(d), entitled "Water Meter Fee Schedule," by repealing all conflicting ordinances; providing a severability clause; and providing an effective date.

ORDINANE NO. 54-24

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," REFERENCED IN CHAPTER 70, "UTILITIES," BY AMENDING 70-56(d), ENTITLED "WATER METER FEE SCHEDULE," BY REPEALING ALL CONFLICTING ORDINANCES;

PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

12. Fortinet Network Infrastructure Renewal - Consider approval of a three-year renewal agreement with Centre Technologies for network equipment, software, support, and maintenance for \$107,332.83
13. TMRS Benefit Plan Change - Consider approval of an ordinance adopting benefit plan design changes to plan provisions for the Town of Flower Mound in the Texas Municipal Retirement System as allowed by the Texas Municipal Retirement System Act.

ORDINANCE NO. 55-24

AN ORDINANCE REGARDING THE TOWN OF FLOWER MOUND'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS AUTHORIZING: (1) ANNUALLY ACCRUING UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS; (2) ANNUALLY ACCRUING ANNUITY INCREASES, ALSO REFERRED TO AS COST OF LIVING ADJUSTMENTS (COLAS) FOR RETIREES AND THEIR BENEFICIARIES; AND (3) ACTUARIALLY DETERMINED CITY CONTRIBUTION RATE PAYMENTS.

K. REGULAR ITEM(S)

1. Senior Center Library - Naming Request - Consider approval of the naming request for the library at the Flower Mound Senior Center as the Mary Kay Walker Library. (The Parks Board recommended approval by a vote of 6 to 0 at the November 7, 2024 meeting.)



Mr. Jennings provided background information regarding the facility naming process. Ms. Jaco-Cooper provided background information about Mary Kay's community impact and the purpose of the renaming request.

Councilmembers expressed their appreciation for Ms. Walker.

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

2. SUP24-0003 - Lakeside Kiddie Academy - Public Hearing to consider an ordinance granting Specific Use Permit No. 492 (SUP24-0003 – Lakeside Kiddie Academy) to permit a day care center use. The property is generally located east of International Parkway and south of Lakeside Parkway. (PZ recommended approval by a vote of 6 to 0 at its November 11, 2024, meeting.)

Ms. Murphy gave a presentation identifying or noting:

- general and detailed location
- land use and zoning
- concept plan, including parking standards
- site photos
- conceptual landscape plan, elevations
- proposed condition (queuing)

Applicant presentation

Brian Johnson, Kiddie Academy, 3415 Box Hill Corporate Dr, Abington, Maryland gave a presentation identifying or noting:

- site plan
- proposed building (their portion)
- elevations
- about Kiddie Academy
- proposed operations

and he responded to questions from Council regarding:

- possibility of future retail space adjacent to the property that would align with this use
- 4-foot perimeter fence use
- egress and ingress

Mayor Moore opened the public hearing at 6:54 p.m. No one spoke. Mayor Moore closed the public hearing at 6:54 p.m.

ORDINANCE NO. 56-24

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 APPROVING SPECIFIC USE PERMIT NO. 492 (SUP-492) FOR A DAY CARE CENTER USE ON CERTAIN PROPERTY DESCRIBED AS 1.56 ACRES OF LAND AND BEING ALL OF LOT 1R, BLOCK A OF THE HOME DEPOT - SILVERON ADDITION, DENTON COUNTY, TEXAS, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 31 (PD-31) WITH CAMPUS COMMERCIAL (CC) DISTRICT USES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING

A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Brian Taylor moved to approve K.2. 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

3. MPA24-0001 - Wager Road Nursing or Congregate Facility - Public Hearing to consider an ordinance amending the Master Plan (MPA24-0001 – Wager Road Nursing or Congregate Facility) to amend Section 1.0, Land Use Plan, of the Master Plan, to change the current land use designation from Estate Residential uses to Office uses. The property is generally located west of Garden Ridge Boulevard and south of Kirkpatrick Lane. (PZ recommended approval by a vote of 6 to 0 at its November 11, 2024, meeting.)

Mayor Moore opened items 3 and 4 at the same time.

Ms. Murphy gave a presentation for items 3 and 4 identifying or noting:

- general and detailed location
- land use and zoning
- master plan exhibit
- exception (compatibility buffer)
- conceptual site plan, landscape plan, elevations
- site photos
- development standards

and she responded to comments or questions regarding:

- previous SUP terms
- legal non-conforming versus allowed by right
- development standards (permitted uses)

Applicant Presentation

Robert Gloyna, Gloyna Law, the representative for the applicant, and Kenny Lin, Watger Rd LLC, gave a presentation identifying or noting:

- summary of proposal

and he responded to questions from Council regarding:

- level of assisted living that will be offered
- event planning
- other facilities the company operates
- parking ratio
- SUP abandonment background
- future potential uses

Mayor Moore opened the public hearing for items 3 and 4 at 7:29 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.	None	Jonathan Aldis, 3151 Trails End	None
2.		Beth Soderberg, 3100 Wager Rd	
3.		Cindy Waters, 3030 Wager Rd*	
4.		Randy Soderberg, 3100 Wager Rd*	
5.		Moukda Siharath, 3228 Wager Rd*	
6.		Heather Aldis, 3151 Trails End Dr*	

** Indicates person did not wish to speak*

Mayor Moore closed the public hearing for items 3 and 4 at 7:33 p.m.

There was Council discussion regarding:

- Master plan changes by lot
- past history regarding the use change
- ag uses that might be appropriate for this location
- can continue to operate as a group home with 6 residents

ACTION: Adam Schiestel moved to deny K.3. Janvier Werner seconded the motion.

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

4. ZPD23-0011 – Wager Road Nursing or Congregate Facility - Public Hearing to consider an ordinance amending the zoning (ZPD23-0011 – Wager Road Nursing or Congregate Facility) from Agricultural District (A) uses to Planned Development District-205 (PD-205) with Office District (O) uses with an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances. The property is generally located west of Garden Ridge Boulevard and south of Kirkpatrick Lane. (PZ recommended approval with conditions by a vote of 6 to 0 at its November 11, 2024, meeting.)

ACTION: Adam Schiestel moved to deny K.4. Chris Drew seconded the motion.
AYES: Ann Martin, Adam Schiestel, Chris Drew, Brian Taylor, Janvier Werner
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

5. TIRZ #1 Amended and Restated Plan - Public Hearing to consider an ordinance amending and restating the Project and Finance Plan of Tax Increment Reinvestment Zone No. 1 (TIRZ #1), Town of Flower Mound, TX, ratifying the previous TIRZ # 1 Board actions relative to projects authorized, adding additional projects already approved by the TIRZ #1 Board. (The TIRZ #1 Board of Directors recommended approval by a vote of 3 to 0 at their April 3, 2024, meeting.)

Mayor Moore opened items 5 and 6 at the same time.

Mr. Childers and Mary Petty, P3 Works (TIRZ Administrator) provided background information on the purpose of the items, and she, or Mr. Dalton, responded to questions from Council regarding:

- TIRZ Board recommendation and involvement
- participation agreement
- Cultural Arts Center funding and TIRZ Board review component
- county's participation role
- TIRZ money and the general fund
- timing

Mayor Moore opened the public hearing for item 5 at 7:49 p.m. No one spoke. Mayor Moore closed the public hearing at 7:49 p.m.

There was Council discussion regarding:

- purpose of TIRZ and how the funds would go toward a Cultural Arts Center

ACTION: Chris Drew moved to approve K.5. as presented in the agenda caption. Ann Martin seconded the motion.

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

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

6. TIRZ # 1 - amended participation agreement - Consider authorizing the Town Manager to execute an amended and restated participation agreement with Denton County in Tax Increment Financing Reinvestment Zone No. 1 (TIRZ #1), Town of Flower Mound, Texas.

ACTION: Chris Drew moved to approve K.6. as presented in the agenda caption. Adam Schiestel 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 7:49 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.

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.

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 into an open meeting at 8:36 p.m., and no action was taken on the above items.

O. ADJOURN

Mayor Pro Tem Martin adjourned the meeting at 8:36 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



CHERYL MOORE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY