

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF FEBRUARY 2022, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.

[Click here](#) for meeting video link (subject to change)

The Town Council met in a regular meeting with the following members present:

Derek France	Mayor
Ben Bumgarner	Mayor Pro Tem
Sandeep Sharma	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Jim Engel	Councilmember Place 4
Ann Martin	Councilmember Place 5

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
James W. Childers	Town Manager
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Assistant Town Manager/Town Engineer
Lexin Murphy	Director of Planning Services
Jimmy Hoefert	Environmental Review Analysis
John Chapman	Planner

A. CALL MEETING TO ORDER

Mayor France called the regular meeting to order at 6:00 p.m.

B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Bradly Vinson gave the invocation and Mayor France led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero-Duke Carrillo

Mayor France recited and presented a Proclamation to the Carrillo family for his military service.

2. Salvation Army to present a thank you to Town of Flower Mound

Captain Ben Godwin with the Salvation Army presented a Certificate of Appreciation to the Town for participation in the 2021 Annual Mayors' Red Kettle Challenge.

E. PUBLIC COMMENT

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 names and address	Subject (as written on the form)
1.	Paul Stone, 1868 Meyerwood Ln	Various – Code enforcement, email, master plan
2.	Doug Oppenheimer, 3801 Rodney Cir	Public Works Dept.
3.	Gary McMullin, 4500 Kyle Ln With donated time from: Debbie McMullin, 4500 Kyle Ln	25 MPH speed limit
4.	Jonathon Simmons, 4608 Sandera Ln	Modification to leash ordinance
5.	Bryan Webb, 4112 High Rd	Sampling bias
6.	Andrew Doll, 4501 Kyle	Speed on West Windsor (Bridlewood)
7.	Brit Stock, 4005 Rothschild	Transparency

F. ANNOUNCEMENTS

Councilmember Engel announced that early voting is underway at the county, state, and federal levels and encouraged everyone to vote.

Mayor France recognized Flower Mound Citizens Academy participants who were in the audience. He also announced there will be a mayoral tri cities chili cook off event at the end of March.

G. TOWN MANAGER’S REPORT

1. Capital improvement projects

No discussion

2. Economic Development projects

No discussion

3. Operational updates

Mr. Childers recognized Ronnie Bates, Assistant Director of Public Works, for his appointment to the Executive Board of the Texas Emergency Management Advisory Council. He also pointed out that the Town is well equipped to respond to natural disasters.

Mr. Childers provided background information on a new Data Hub tool for Development Services. Mr. Chapman gave a presentation outlining the various types of dashboards, including a detailed explanation of each.

H. FUTURE AGENDA ITEMS

1. Councilmember Martin indicated interest in discussing whether there is a trend with residents not being aware of what is planned for adjacent or neighboring lots. She would also like to understand what methods are currently available for potential buyers for this purpose.

There was Council consensus to have the discussion.

I. COORDINATION OF CALENDARS

1. The next Town Council regular meeting is scheduled for Monday, March 7

Mayor France announced the above referenced meeting and confirmed that all members of Council plan to attend.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 7, 2022.
2. Consider approval to replace the audio video hardware and software for the Municipal Court in the amount of \$92,893.08.
3. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2021, and ending on September 30, 2022, as adopted by Ordinance No. 38-21 and amended by Ordinance No. 50-21 for adjustments to the General Fund.

ORDINANCE NO. 05-22

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, 2021, AND ENDING ON SEPTEMBER 30, 2022, AS ADOPTED BY ORDINANCE NO. 38-21 AND AMENDED BY ORDINANCE NO. 50-21, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL 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.

4. Consider approval of a resolution authorizing the submission of a grant application with the Office of the Governor for the 2023 Victim Assistance, First Responder Mental Health Program; 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. 03-22

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 VICTIM ASSISTANCE, FIRST RESPONDER MENTAL HEALTH PROGRAM 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.

5. Consider approval of an agreement with DataProse LLC for utility bill printing and mailing services, in the estimated annual amount of \$126,700 through an existing interlocal agreement between the Town of Flower Mound and the City of Plano, and authorization for the Mayor to execute same on behalf of the Town.
6. Consider Approval of the purchase of traffic signal detection systems, signal cabinets, and traffic related parts, in the estimated annual amount of \$250,000.00, from Mobotrex, through the BuyBoard Cooperative Purchasing contract.
7. Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, LLC, for the design phase services associated with the Royal Oaks Water Line Replacement Phase I project, in the amount of \$71,399.00; and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Sharma moved to approve by consent Items 1 – 7, as presented in the agenda caption. Mayor Pro Tem Bumgarner seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.

VOTE ON MOTION:

Motion passed

AYES: ENGEL, MARTIN, BUMGARNER, SHARMA, SCHIESTEL

NAYS: NONE

K. REGULAR ITEMS

Mayor France opened items 8 and 9 at the same time.

8. Public Hearing to consider an ordinance amending the zoning (ZPD18-0014 – Silveron Park) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No.171 (PD-171) with Campus Commercial District (CC) and multifamily uses, and with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located south of International Parkway and east of Lakeside Village Boulevard. (On January 10, 2022, P&Z moved to table this item to its January 24, 2022, meeting by a vote of 6 to 0.) (On January 19, 2022 the Applicant formally requested to reschedule the public hearing for the February 14, 2022 P&Z meeting, and the February 21, 2022 Town Council meeting.) (P&Z recommended approval by a vote of 6 to 0 at its February 14, 2022, meeting.)
9. Public Hearing to consider an application for a tree removal permit (TRP19-0020) for eight (8) specimen trees on property proposed for development as Silveron Park. The property is generally located south of Long Prairie Road and east of Lakeside Village Boulevard. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its October 1, 2019, meeting).

Staff Presentation (items 8 and 9)

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Conceptual site plan, landscape plan
- Waivers and modifications request
- Site photos

- Elevations
- Renderings
- Open space and trail plan
- Phasing plan
- Tree survey

and she responded to questions or comments from Council regarding:

- Use of a detention or retention pond
- How many apartments are currently being proposed for Lakeside, and the Town overall
- Clarification regarding entitlements
- What protections beyond a Master Plan Amendment could be presented to keep an applicant from converting office to residential in the future

Applicant Presentation

Randi Rivera, McAdams and Taylor Field, Thompson Realty Capital

Ms. Rivera gave a presentation identifying or noting:

- Team introductions
- Thompson Realty Capital overview
- Location
- Existing conditions
- Project history
- Concept plan
- Renderings
- Open space plan
- Phasing plan
- Elevations
- Site elements

and she, Mr. Thompson, Ms. Murphy, or Mr. Meredith responded to questions or comments from Council regarding:

- Clarification regarding:
 - parking accommodations, landscape buffering, detention area
 - office space and the number of employees anticipated for the development
- Use of detention area as a dog park and how managed during rain events
- Multifamily use breakdowns (e.g. one, two, or three bedrooms)
- Parking ratios
- Phasing and interest in office being a priority with a gradual introduction of apartments
- Phasing triggers
- What is the breakdown of condos versus apartments
- Options for protection that would increase the probability that this project gets built as presented and not modified down the road

Mayor France opened the Public Hearing for items 8 and 9 at 8:25 p.m.

The following individuals either spoke in support or opposition or had questions / comments related to the item: *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: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Joe Graham, 4229 Livingston Ave, Dallas	None	None
Paul Stone, 1868 Meyerwood		

Mayor France closed the Public Hearing for items 8 and 9 at 8:28 p.m.

Council Discussion

There was Council discussion regarding:

- The long history of the project
- How the applicant listened and presented a plan that works for Flower Mound
- No issues with the phasing given the market needs
- Architecture blends well with neighboring development and offers a consistent feel
- How the apartments aren't the focal point of the development, it's the office
- How the community benefits from the open space
- Apartments not needed to sustain the office component
- How the Master Plan gives the Town protection against buildings being converted to residential
- Concerns about future changes down the road where an applicant comes forward asking for more apartments

Item 8 motion:

Mayor Pro Tem Bumgarner moved to approve ZPD18-0014 as presented; however, with the condition that non-residential square footage cannot be converted to residential. Councilmember Engel seconded the motion.

ORDINANCE NO. 06-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, "LAND DEVELOPMENT REGULATIONS," OF THE FLOWER MOUND CODE BY CHANGING THE ZONING ON APPROXIMATELY 49.759 ACRES OF LAND SITUATED IN THE JOSEPH KNIGHT SURVEY, ABSTRACT NO. 692, FROM PLANNED DEVELOPMENT DISTRICT-31 (PD-31) WITH CAMPUS COMMERCIAL DISTRICT (CC) USES TO PLANNED DEVELOPMENT DISTRICT-171 (PD-171) WITH CERTAIN CAMPUS COMMERCIAL DISTRICT (CC) USES AND MULTIFAMILY 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 FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE FLOWER MOUND CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: SCHIESTEL, BUMGARNER, ENGEL, MARTIN

NAYS: SHARMA

Motion passed

Item 9 motion:

Mayor Pro Tem Bumgarner moved to approve TRP19-0020 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: MARTIN, ENGEL, BUMGARNER, SCHIESTEL

NAYS: SHARMA

10. Public Hearing to consider an application for a tree removal permit (TRP21-0040) for two (2) specimen trees on Lot 19, Block E of the Montalcino Estates PH 2 subdivision. The property is located at 5012 Castellano Ct. (The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its February 1, 2022, meeting).

Staff Presentation

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- Tree survey

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

- What is the condition of the trees
- Clarification regarding upland habitat element

Applicant Presentation

Verity Burk, McAdams

Ms. Burk gave a presentation identifying or noting:

- Background information
- Letter of intent
- Record plat
- Tree removal permit sign
- Photos of the trees
- Tree survey
- Tree canopy impact

and she responded to questions or comments from Council regarding:

- Whether the lot can be developed without the removal of the tree
- What happens to the wood when the trees are removed

Mayor France opened the Public Hearing at 9:03 p.m. No one spoke. Mayor France closed the Public Hearing at 9:04 p.m.

Mayor Pro Tem Bumgarner moved to approve TRP21-0040 as presented. Deputy Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SCHIESTEL, SHARMA, BUMGARNER, ENGEL, MARTIN

NAYS: NONE

11. Discuss the process for Town Council agenda items, including timing.

Staff Presentation

Ms. Scott or Mr. Dalton gave a presentation identifying or noting:

- Background information
- Agenda item process
- Double notice procedure

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

- Is there something like software that could expedite the process
- What is the impact on staff for the turnaround time when changes are presented at P & Z

Council Discussion:

- What is the real driver of the discussion
- How staff and legal needs time to review applications when changes are made by P & Z
- Interest in not wanting to set an applicant back by two or three weeks in the interest of customer service
- How the timing works when there are no changes needed at the P & Z level
- How there is the ability to postpone an item when it comes to Council should an item not be ready in time
- How if it's a large project there will be work sessions in advance of the Council meeting
- Having additional time to review the packet is a good thing for Council and residents

There was general Council consensus for staff to make every effort to produce the Council agenda packet on the Thursday prior to the regular Monday meeting.

L. BOARDS/COMMISSIONS

Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Animal Services Board, Cultural Arts Commission, Environmental Conservation Commission, Parks Board, School Liaison Committee, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), Transportation Commission, and Veterans Liaison Board.

Councilmember Engel expressed concern about poor judgement used in a statement by a Transportation Commission member who communicated inaccurate information regarding a Traffic Impact Analysis report during a community Zoom meeting.

Mr. Meredith provided legal advice as it relates to disclosing information discussed in closed session as well as clarification regarding personal liability. He also pointed out that personnel matters regarding advisory members cannot be discussed in closed session.

Council discussion

There was Council discussion regarding:

- Past action regarding removal of a P & Z member for similar action, including timing
- How the circumstances that resulted in the removal of a board member at that time are not the same as what's currently being discussed
- Past action in discussing the removal of a member who is also a candidate
- Interest in fair treatment to all board members

and Mr. Dalton responded to questions from Council regarding:

- If staff is aware of the content associated with the community meeting
- Whether the meeting where the discussion took place was recorded

After deliberation on the item a consensus was not reached regarding any action to be taken or next steps.

Councilmember Engel noted, and per an email from the Town Secretary, that three board members haven't taken the Town-sponsored training as required within 90 days.

There was Council consensus to initiate a letter to each of the individuals, along with a request for completion of the training within 30 days, followed by a status update to Council at that time or sooner, as applicable.

M./N. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:49 p.m. on February 21, 2022, 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, and reconvened into an open meeting at 9:59 p.m. on February 21, 2022, to take action on the items as follows:

a. Consultation with Attorney.

1. Cause No. 18-9622-431; EagleRidge Operating, LLC v Town of Flower Mound, Texas, et al

Councilmember Engel moved to approve the settlement agreement as discussed in closed session. Deputy Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:*Motion passed***AYES: MARTIN, ENGEL, SHARMA, SCHIESTEL****NAYS: NONE****ABSENT: BUMGARNER**

2. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Applications

No action taken

- b. 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.

No action taken

- c. Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, Community Development Corporation, and Planning and Zoning Commission.

No action taken

- d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

No action taken

O. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 10:00 p.m. on Monday, February 21, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY