

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; TOWN OF FLOWER MOUND FIRE CONTROL; PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING; AND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING HELD ON THE 8TH DAY OF AUGUST 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
Ann Martin	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Brian Taylor	Councilmember Place 3
Jim Engel	Councilmember Place 4

with the following member absent:

Sandeep Sharma	Mayor Pro Tem
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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
Melissa Demmitt	Director of Communications
JP Walton	Strategic Services Manager
Clay Riggs	Director of Public Works
Ray Watson	Director of Economic Development
Brian Waltenburg	Assistant Director of Engineering
Brittini Barnett	Grants and Financial Analyst

A. CALL REGULAR 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 Langstaff gave the invocation and Mayor France led the pledges.

D. 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	Budget & Other
2.	Kathy O'Keefe, 3004 Oxford Ct	Upcoming <i>Just Once</i> Event
3.	Jacque Norrell, 4801 Lusk Ln	FM Historical Commission
4.	Larry Lipscomb, 950 Crosswood Cir	Item 4

E. ANNOUNCEMENTS

Deputy Mayor Pro Tem Martin announced her son's recent marriage.

Councilmember Engel announced the Board and Commission Information Session is scheduled for Thursday, August 11, at 6:00 p.m.

Mayor France provided a safety reminder regarding back to school. He also announced the opportunity to apply for a Town board is underway.

F. TOWN MANAGER'S REPORT**Update and discussion on:**

1. Update and status report related to capital improvement projects.
 - a. Water Use and Conservation
Mr. Riggs provided an update on the Town's current water use situation and conservation needs.
2. Update and discussion on Economic Development projects.
 - a. Update on the 2022 Retail & Restaurant Survey results
Mr. Watson gave a presentation identifying or noting:
 - Overview
 - Top 20 retailers requested
 - Top 20 restaurants requested
 - Next stepsand he responded to questions or comments from Council regarding:
 - Request for retail and restaurant information to be provided in rank and weighted order
 - Inquiry regarding some businesses listed in the survey are already here
3. Operational updates
 - a. Flo Mo Convos
Mr. Childers reported on the outcome of the recent launch of the Flo Mo Convos sessions. Ms. Demmitt and Mr. Walton gave a presentation identifying or noting:
 - Program and survey overview
 - What we heard
 - Next steps

G. FUTURE AGENDA ITEMS

1. Councilmember Schiestel reported that the appraisal district increased their budget by 17%, and various entities disapprove of that budget. He requested a future agenda item to discuss whether the Town wants to also disapprove of the budget formally.
There was Council consensus to proceed.

H. COORDINATION OF CALENDARS

1. A budget work session is scheduled for Thursday, August 18.
2. A regular meeting is scheduled for Monday, August 22.
3. A Council retreat is proposed for Friday, October 28 and Saturday, October 29. The in-town location and time is to be determined.

Mayor France confirmed all members of Council will be present at the above referenced meeting dates, and he indicated Mayor Pro Tem Sharma will not be at the August 18 work session.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on July 18, 2022.
2. Town Council serving as the Board of Directors for the Crime Control and Prevention District (CCPD) and Fire Control, Prevention, and Emergency Medical Services (EMS) District to consider approval of an order ordering a special election to be held on the 8th day of November, 2022, for the purpose of submitting to the qualified voters of the District a ballot proposition on whether to continue the CCPD and Fire Control, Prevention, and EMS District sales tax at the rate of one-fourth of one percent for each district; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

ORDER NO. 01-22

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8th DAY OF NOVEMBER, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF FLOWER MOUND, TEXAS, A REFERENDUM ON THE CONTINUATION OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO CRIME CONTROL AND PREVENTION PROGRAMS; PROVIDING FOR ELECTION PROCEDURES AND OFFICERS; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING BALLOT PROPOSITION LANGUAGE; AUTHORIZING NECESSARY ACTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ORDER NO. 02-22

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8th DAY OF NOVEMBER, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF FLOWER MOUND, TEXAS, A REFERENDUM ON THE CONTINUATION OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE SAFETY AND EMERGENCY MEDICAL SERVICES PROGRAMS; PROVIDING FOR ELECTION PROCEDURES AND OFFICERS; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING

BALLOT PROPOSITION LANGUAGE; AUTHORIZING NECESSARY ACTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

3. Consider approval of an ordinance ordering a special election to be held on the 8th day of November, 2022, for the purpose of submitting to the qualified voters of the Town of Flower Mound, Texas, a ballot proposition to reauthorize the Street Maintenance Sales and Use Tax at the rate of one-fourth of one percent; providing for election officers; designating the places and manner of holding said election; and providing for the posting and publication of notice.

ORDINANCE NO. 36-22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON THE 8TH DAY OF NOVEMBER, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE TOWN OF FLOWER MOUND A BALLOT PROPOSITION TO REAUTHORIZE A LOCAL SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING BALLOT PROPOSITION LANGUAGE; PROVIDING FOR ELECTION PROCEDURES AND OFFICERS; AUTHORIZING NECESSARY ACTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. This item moved to regular items.
5. Consider accepting the submission of the notice of a no-new-revenue tax rate of \$0.385619 per \$100 assessed valuation and a voter-approval tax rate of \$0.406682 per \$100 assessed valuation for the fiscal year beginning October 1, 2022, and ending September 30, 2023.
6. Consider proposing a maximum tax rate of \$0.405000 per \$100 valuation for the fiscal year beginning October 1, 2022, and ending September 30, 2023; and scheduling August 22, 2022, public hearing on the budget, scheduling September 19, 2022, public hearing on the tax rate, and scheduling the September 19, 2022, adoption of said budget and tax rate; with each meeting to be held at 6:00 PM, at Town Hall, located at 2121 Cross Timbers Road.
7. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to schedule a public hearing for August 22, 2022, on the Flower Mound Crime Control and Prevention District budget and to schedule a meeting for September 19, 2022, to take action on the proposed budget; with each meeting to be held at 6:00 pm, at Town Hall, located at 2121 Cross Timbers Road.
8. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to schedule a public hearing for August 22, 2022, on the Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget and to schedule a meeting for September 19, 2022, to take action on the proposed budget; with each meeting to be held at 6:00 pm, at Town Hall, located at 2121 Cross Timbers Road.
9. Consider accepting the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2022, and ending September 30, 2023.

10. Consider approval of an ordinance establishing the 2022 certified appraisal roll.

ORDINANCE NO. 37-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING THE 2022 APPRAISAL ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

11. Consider approval of Amendment No. 6 to the Fiscal Year 2021-2022 Capital Improvement Program.
12. 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, No. 05-22 and No. 22-22 for adjustments to the Vehicle and Equipment Replacement Fund.

ORDINANCE NO. 38-22

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, NO. 05-22 and NO. 22-22, BY PROVIDING FOR ADJUSTMENTS TO THE VEHICLE AND EQUIPMENT REPLACEMENT 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.

13. Consider approval of the purchase of a Pierce Air and Light Unit (Enforcer Rescue Body) for the Fire and Emergency Services Department from Siddons-Martin Emergency Group, through the BuyBoard Contract #651-21, in the total amount of \$443,542.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider Approval of the purchase of traffic signal system software, traffic controllers, and traffic related products, in the estimated annual amount of \$400,000.00, from Paradigm Traffic Systems, Incorporated, through the BuyBoard Cooperative Purchasing contract.
15. Consider approval of an agreement for the 2022-2023 school year with the Lewisville Independent School District (LISD) to contract with the Town of Flower Mound for law enforcement services for LISD elementary schools and authorize the Mayor to execute same on behalf of the Town.
16. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound, Texas, adding a reduced school speed zone for Argyle Independent School District for Elementary School Number 3.

ORDINANCE NO. 39-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS AND PORTIONS OF CERTAIN STREETS WITHIN THE TOWN AT CERTAIN TIMES; PROVIDING A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS HEREOF;

REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

- 17. Consider approval of a partial assignment of interest in the Chapter 380 Agreement between the Town of Flower Mound and FM River Walk Hotel, I, LP, to RiverWalk750, LLC, and authorization for the Mayor to execute same on behalf of the Town.

Deputy Mayor Pro Tem Martin moved to approve by consent Items 1 – 3; 5 - 17 as presented in the agenda caption. Councilmember Engel 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: TAYLOR, SCHIESTEL, ENGEL, MARTIN

NAYS: NONE

ABSENT: SHARMA

J. REGULAR ITEMS

- 4. Item moved from consent to regular.

Consider approval of a resolution authorizing the adoption of the Program Year 2022 Action Plan for the Community Development Block Grant Program and authorizing the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

Mr. Childers provided background information regarding CDBG funding use. Ms. Barnett responded to questions from Council regarding:

- What are the obligations for accepting the funds, and does it include a modification to single family zoning
- By accepting the funds:
 - is the Town giving up any local control over zoning
 - does it prevent the Town to receive similar funds from the state
 - is the Town forced to agree to any public transportation

RESOLUTION NO. 07-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF THE PROGRAM YEAR 2022 ACTION PLAN UNDER THE TOWN’S COMMUNITY DEVELOPMENT BLOCK GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE ACTION PLAN ON BEHALF OF THE TOWN AND SUBMIT IT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Schiestel moved to approve, item 4, as presented in the agenda caption. Councilmember Taylor seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

ABSENT: SHARMA

18. Consider approval of a Construction Agreement with XIT Paving and Construction, Inc., for the Rippy Road project, in the amount of \$7,443,592.00; and authorization for the Mayor to execute same on behalf of the Town.

Administrative Note: Councilmember Engel abstained from participation on this item as the project abuts his HOA; however, there is not a legal conflict of interest.

Staff Presentation

Mr. Waltenburg gave a presentation identifying or noting:

- Rippy Road Phase I and II
- Aerial of project
- Verified bid results
- Project budget and schedule

and he responded to questions or comments from Council regarding:

- Clarification regarding the project schedule
- If the completion schedule was used as an award criteria
- Funding sources

Councilmember Taylor moved to approve item 18 as presented. Deputy Mayor Pro Tem Martin seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, SCHIESTEL, MARTIN

NAYS: NONE

ABSTAIN: ENGEL

ABSENT: SHARMA

19. Consider approval of a Construction Agreement with Urban Infraconstruction, LLC, for the Lopo Road Reconstruction and Wood Creek Circle Reconstruction project, in the amount of \$1,974,083.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Mr. Waltenburg gave a presentation identifying or noting:

- Lop Road and Woodcreek Circle project details
- Aerial of project
- Verified bid results
- Project budget and schedule

Councilmember Schiestel moved to approve item 19 as presented. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: MARTIN, ENGEL, SCHESTEL, TAYLOR

NAYS: NONE

ABSENT: SHARMA

20. Discuss and consider establishing a Flower Mound Historical Commission.

Staff Presentation

Ms. Scott gave a presentation identifying or noting:

- Background information
- Previous Flower Mound Historical Commission background
- Research summary
- Options for consideration

and she responded to questions from Council regarding:

- Clarification regarding the Parks Board role
- Use of past bylaws for future board creation

Council discussion

There was Council discussion regarding:

- Examples of cities with historical districts and the role a board has in those situations
- If there isn't enough work as a stand-alone board, possibility of an option 3 such as when something historical is identified it needs to be considered for preservation
- How the cabin was discovered
- What other historical buildings the Town has
- Interest in Historical Society as a 501 (C) 3 come forward on their own and that the Town provides some financial and staff support, and outside the realm of the Town Council
- How the Flower Mound Historical Society could serve as a support role, like the Friends of the Library
- There was general interest for a non-profit organization
- Possibility of reactivating the historic commission for them to take a deeper dive and research how they could be of service

There was Council consensus to create a temporary (two years) historical commission task force with the initial tasks to research how they could be of service to the Town in historical preservation, including offering a definition regarding their goals and objectives.

Ms. Scott pointed out there will be a draft resolution for Council discussion and consideration at the August 22 meeting.

K. BOARDS/COMMISSIONS

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

21. Discuss and consider the upcoming Board & Commission interview process in September. (No packet content)

Staff Presentation

Ms. Scott gave a presentation identifying or noting:

- Background/overview
- Current interview process
- One on One Interview option
- Hybrid I option
- Hybrid II option

There was Council discussion regarding:

- Various options

There was general Council consensus to schedule interviews for all new applicants, including those that applied last year and remain interested in serving. Existing board members with 2022 term expirations or interest in a different board would not be interviewed, given they are either known or Council has the option to watch the recorded meeting (as applicable). In addition, the meeting format would be with everyone on the floor area in Jody Smith Hall (conference seating set up) and not televised.

L./M. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 7:44 p.m. on August 8, 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 10:14 p.m. on August 8, 2022, and no action was taken on the following items:

- a. Consultation with Town Attorney.
 1. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development Application
 2. Housing Discrimination Complaint
 3. La Estancia Investments, L.P., v. Town of Flower Mound
- 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.
- 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.
- 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.

N. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 10:14 p.m. on Monday, August 8, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY