

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING; CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING, HELD ON THE 23<sup>rd</sup> DAY OF AUGUST 2021, 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
Debra Wallace	Interim Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Assistant Town Manager/Town Engineer
Kay Wilkinson	Budget Manager
Brian Waltenburg	Assistant Director of Engineering

**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 Russ McNamer 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.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Bryan Webb, 4112 High Rd, with donated time from: Paul Stone, Al Picardi, Angie Cox, Patsy Mizeur	MPAs
2.	Britt Stock, 4005 Rothschild	LISD Property
3.	Scott Langley, 800 Carter Ct	Edgewood Speed Limit and Dorothy's Dash

**E. PRESENTATIONS**

## 1. Republic Services Recycling Update

Mayor France noted that the topic of commercial recycling and household hazardous waste was brought up at the Strategic Planning Session (SPS) and at that time the Town Council agreed to continue the discussion on those topics when a representative from Republic could be here.

Jeri Harwell, Municipal Services Manager, Republic Services

Ms. Harwell gave a presentation identifying or noting:

- After China Sword
- Contamination for residential recycling
- RecyclingSimplified.com educational resource
- Multi-family recycling
- Commercial recycling
- Household hazardous waste/E-waste program

and she responded to questions or comments from Council regarding:

- Instead of managing request for hazardous waste disposal via telephone, would prefer to have a web-based form-fill option or other alternatives in the interest of customer service
- Who pays the additional cost for multi-family recycling

**F. ANNOUNCEMENTS**

Councilmember Martin reported on the Flower Mound Library Book Sale.

Mayor France announced a blood drive event on September 11<sup>th</sup>.

**G. TOWN MANAGER'S REPORT**

Ms. Wallace provided an update on the following projects:

1. Capital improvement projects
  - Hound Mound restroom and parking lot
  - Pink Evening Primrose connection
  - Tennis Center virtual study
  - Online community survey
2. Economic Development projects
  - Introduction of Ray Watson, new Economic Development Director
  - New or coming soon businesses

**H. FUTURE AGENDA ITEMS**

There were no future agenda item request.

**I. COORDINATION OF CALENDARS**

Mayor France announced the following meeting dates:

1. Special meeting - Board interviews:
  - a) Tuesday, September 14
  - b) Thursday, September 16
2. Regular meeting:
  - a) Monday, September 20
3. Special meeting (Closed Session) - Town Manager search:
  - a) Thursday, September 2, 10:00 a.m.
  - b) Monday, September 27, 11:00 a.m.
  - c) Friday, October 22, 9:00 a.m.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting on August 2, 2021.
2. Consider adoption of the Town Council 2021 Strategic Planning Session Summary Report.
3. Consider and approve annual update to the River Walk Public Improvement District No. 1 (PID) Service and Assessment Plan (SAP) and Assessment Roll.
4. Consider approval of an ordinance amending Appendix A "Fee Schedule," referenced in Chapter 94, "Trees," Section 94-38, "Per-caliper-inch cash value; replacement trees; mitigation fee credit," of the Code of Ordinances of the Town of Flower Mound, Texas, by adding the per-caliper-inch fee. (The Environmental Conservation Commission recommended the rate increase by a vote of 7 to 0 at its July 6, 2021, meeting).

**ORDINANCE NO. 36-21**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," CHAPTER 94, "TREES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, TO ADD THE FEE RELATED TO THE PER-CALIPER-INCH CASH VALUE FOR REPLACEMENT TREES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

5. Consider approval of a second amendment to a Tower/Ground Lease Agreement between the Town and Verizon located at 3911 S Broadway Avenue,

6. Consider approval of a resolution stating the Town of Flower Mound's intent to become a Dark Sky Community through the International Dark-Sky Association.

**RESOLUTION NO. 19-21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS STATING THE TOWN OF FLOWER MOUND'S INTENT TO BECOME A DARK SKY COMMUNITY THROUGH THE INTERNATIONAL DARK-SKY ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE.**

7. Consider approval of a Construction Agreement with XIT Paving and Construction, Inc., for the Bruton Orand Boulevard at FM 1171 – Right Turn Lane project, in the amount of \$252,742.15; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of Change Order No. 2 for the construction of the Rheudasil Park project, amending the contract with North Rock Construction, LLC., to provide an increase to the contract in the amount of \$21,775.00; and authorization for the Mayor to execute same on behalf of the Town.
9. 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, relating to the prima facie speed limits for specific streets by lowering the prima facie speed limit on various streets within the Edgewood Subdivision to 25 mph (The Transportation Commission recommended approval of the exception request by a vote of 4 to 0 at its July 13, 2021, meeting.)

**ORDINANCE NO. 37-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 66-214, "ENUMERATION FOR SPECIFIC STREETS;" PROVIDING FOR THE ADDITION OF FOUR STREETS TO THE LIST OF STREETS ENUMERATED THEREIN; IDENTIFYING A MAXIMUM PRIMA FACIE SPEED LIMIT FOR SAID STREETS; 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.**

10. Consider approval of a Professional Services Agreement with IMS Infrastructure Management Services, LLC., to provide Town-wide Pavement Management Analysis and Asset Management Inventory, in the amount of \$150,000.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of Change Order No. 1 for the construction of the FM2499 and Waketon Road Intersection Improvements project, amending the contract with Quality Excavation, LLC, to provide for an increase to the contract in the amount of \$34,262.50; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of Amendment No. 4 to the Fiscal Year 2020-2021 Capital Improvement Program.
13. Consider approval of the purchase of traffic sign sheeting material, in the estimated annual amount of \$75,000.00, from 3M Company, through a City of Fort Worth contract.

14. Consider approval of the award of Bid No. 2021-72-B, Utility Cut Repairs and Park Improvements to Apex Concrete Construction, Inc. and to establish an annual unit bid price contract for Utility Cut Repairs and Park improvement projects in an annual estimated amount of \$200,000.00; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.
15. Consider approval of Change Order No. 2 for the construction of the Lift Station Improvements and Decommissioning Phase II project, amending the contract with Fort Worth Civil Constructors, LLC, to provide an increase to the contract in the amount of \$99,575.95; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of Change Order No. 1 for the construction of the Canyon Falls Park project, amending the contract with MSB Contractors, Inc., to provide for an increase to the contract in the amount of \$74,005.38; and authorization for the Mayor to execute same on behalf of the Town.
17. Consider approval of the First Amendment to the Professional Services Agreement for the Wastewater Treatment Plant Rehabilitation Phase V – Solids Facility Improvements project, amending the agreement with Plummer Associates, Inc., for an increase in the amount of \$30,203.00; and authorization for the Mayor to execute same on behalf of the Town.
18. Consider approval of a Service Agreement for Demand Response Transit Service with SPAN, Inc., in an amount not-to-exceed \$49,624.80, to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving; and authorization for the Mayor to execute same on behalf of the Town.

Mayor Pro Tem Bumgarner moved to approve by consent Items 1 – 18, 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: MARTIN, ENGEL, BUMGARNER, SHARMA, SCHIESTEL**

**NAYS: NONE**

**K. REGULAR ITEMS**

Mayor France opened items 19 – 21 at the same time.

19. Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022.
20. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider the Flower Mound Crime Control and Prevention District proposed budget for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022.
21. Public Hearing by the Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider the Flower Mound Fire Control, Prevention, and Emergency Medical Services District proposed budget for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022.

**Staff Presentation**

Ms. Wallace or Ms. Wilkinson gave a presentation for items 19 - 21 identifying or noting:

- Proposed budget background information
- Budget process
- Budget timeline and next steps
- Highlights and assumptions
- How Flower Mound compares
- Financial goals
- 2021 debt service & tax rate
- Average tax bill over past 10 years
- Strategic goals
- Changes since proposed budget
- Compensation benefits
- General fund
- Prior year budgets
- Utility funds
- Water/Wastewater rates
- How Flower Mound compares
- Stormwater utility fund
- Stormwater rates
- SWUS Rates
- Special revenue funds
- Crime Control & Prevention District budget
- Fire Control, Prevention & Emergency Medical Services District budget
- Reminder: Next Steps
- Capital Improvement Projects:
  - Streets
  - Street reconstruction
  - Facilities
  - Parks
  - Water
  - Stormwater
  - Wastewater

and Ms. Wallace or Mr. Waltenburg answered questions regarding:

- Timeline for hearing back from Northlake regarding cost sharing interest for the 1171/Canyon Falls traffic signal
- Clarification regarding no new debt
- Carryover/savings recovery option

Mayor France opened the Public Hearing at 7:29 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
None	None	Brit Stock, 4005 Rothschild

Mayor France closed the Public Hearing at 7:33 p.m.

Mayor France announced that no Council action is needed at this time.

**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.

No action taken.

**M./N. CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 7:36 p.m. on August 23, 2021, 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 7:51 p.m. on August 23, 2021, and took no action on the following items:

- a. Consultation with Attorney.
  - 1. MPA21-0005 and ZPD21-0003 known as the Silveron Flower Mound Duke development project.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, cultural arts center, 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.
- e. Discuss and consider the recruitment process for the Town Manager, and all matters incident and related thereto.

O. **ADJOURN REGULAR MEETING**

Mayor France adjourned the meeting at 7:51 p.m. on Monday, August 23, 2021, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



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DEREK FRANCE, MAYOR

ATTEST:



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THERESA SCOTT, TOWN SECRETARY