

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 17<sup>TH</sup> DAY OF OCTOBER 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
Sandeep Sharma	Mayor Pro Tem
Ann Martin	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Jim Engel	Councilmember Place 4

with the following member absent:

Brian Taylor	Councilmember Place 3
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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
Joelle Hainley	Building Official
Dale Crown	Senior Project Engineer

**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 Jerry Cole gave the invocation and Mayor France led the pledges.

**D. PRESENTATIONS**

1. Proclamation for Chiropractic Health Month October 2022

Mayor France recited the Proclamation and presented it to Hollen Meyer and Nick Ponomarenko.

2. Presentation on the upcoming Shop Local Week (November 1-7)

Lori Walker, President, Flower Mound Chamber of Commerce, gave a presentation identifying or noting:

- Importance of shopping local

- Shop local campaign information, including a calendar and a designated website
3. Denton Central Appraisal District (DCAD) initiatives and 2023 budget planning presentation by Don Spencer, Interim Chief Appraiser

Mr. Spencer gave a presentation identifying or noting:

- 2023 proposed budget
- Allocation of the budget
- Staffing shortage
- Looking ahead
- Technology investment
- Continued improvement (communication)

and he responded to questions or comments from Council regarding:

- Technology challenges
- Contact information for board members

4. Denco Area 9-1-1 District (Denco) overview of public safety activities by Exec. Director Greg Ballentine

Mr. Ballentine gave a presentation identifying or noting:

- Emergency communications centers
- Overview of agency
- Technical services
- ECC backup facilities
- SD-Wan Project (software defined-wide area network)
- GIS Services
- Enhanced location data sources
- Indoor mapping project, including outreach
- Public safety training academy
- Operations support
- Public outreach
- AED Registry
- Public education/outreach

and he responded to questions or comments from Council regarding:

- Explanation regarding recent service interruptions
- Functionality and availability of mapping information to local government

**E. PUBLIC COMMENT**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are in Flower Mound unless otherwise indicated.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Jim Goerlich, 1216 Oak Creek Cir	No driver's license, no auto insurance
2.	Adam Shear, 3712 Alberta Ln	HCTF

**F. ANNOUNCEMENTS**

Councilmember Schiestel offered recognition to the Flower Mound Symphony Orchestra for their recent performance.

Councilmember Engel announced there will soon be a petition circulation in the community to allow alcohol sales.

Deputy Mayor Pro Tem Martin reported on the *Friends of the Library* book sale.

Mayor Pro Tem Sharma reported on the Celebration of Diwali event held last Saturday.

Mayor France had announcements regarding:

- Diwali celebration
- Early voting starts October 24
- Parks Department has various Halloween activities planned
- Veterans Day ceremony November 6

**G. TOWN MANAGER'S REPORT**

Mr. Childers provided an update on the following topics:

1. Capital improvement projects

No discussion.

2. Economic Development projects

No discussion

3. Operational updates

Recognized Parks employee Caleb Ward for the great work he's doing for the Town.

**H. FUTURE AGENDA ITEMS**

1. Mayor Pro Tem Sharma indicated there is a need for more public vehicle charging stations. There was Council consensus to place it on a future agenda.

**I. COORDINATION OF CALENDARS**

1. The next Town Council work session is scheduled for Thursday, October 20
2. The next Town Council regular meeting is scheduled for Monday, November 7

Mayor France confirmed that all seated members of Council plan to attend the above referenced meetings.

**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 October 3, 2022.
2. Consider the approval of an Interlocal Agreement between the Town and North Central Texas Council of Governments/Nearmap for Town staff to have access to an aerial imagery service, and authorization for the Mayor to execute same on behalf of the Town.
3. Consider the approval of an Interlocal Agreement renewal between the Town and NCTCOG for Town staff to have continued access to high-resolution aerial imagery, and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of a resolution authorizing the Town to join with the Steering Committee of Cities Served by Oncor to deny Oncor Electric Delivery Company's requested rate increase.

**RESOLUTION 17-22**

**RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" or "company") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

5. Consider approval of a resolution declaring expectation to reimburse water and sewer project expenditures with proceeds of future debt and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date.

**RESOLUTION 18-22**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.**

6. Consider approval of a resolution accepting grant funds from the Department of Justice's Office of Justice Programs for the purchase of bulletproof vests for the Police Department as part of the FY 2022 Bulletproof Vest Partnership.

**RESOLUTION 19-22**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF JUSTICE PROGRAMS FOR THE FISCAL YEAR 2022 BULLETPROOF VEST PARTNERSHIP PROGRAM; APPROVING THE PURCHASE OF BULLETPROOF VESTS FOR THE TOWN USING AWARDED GRANT FUNDS; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH**

**ALL PROGRAM REQUIREMENTS OF THE BULLETPROOF VEST PARTNERSHIP PROGRAM.**

7. Consider approval of a lease agreement for the acquisition of Axon electric control devices (ECD or Taser); and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of a client agreement with TargetSolutions/LMS Staffing to track required training hours and staffing for ISO and TCFP compliance in the amount of \$25,389.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of an Annual Maintenance Contract with Goddard Enterprises for Mass Notification Systems in the amount of \$17,400.00; and authorization for the Mayor to execute same on behalf of the Town.
10. Consider approval of an Annual Maintenance Contract with ProCare Services / Stryker for Emergency Services ambulance equipment in the amount of \$31,415.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of the annual firefighter physical examinations with Front Line Mobile Health through the Professional Service Agreement in the total amount of \$64,350.00 and authorization for the Mayor to approve same on behalf of the Town.
12. Consider approval of an Extended Three-Year Warranty and Preventative Maintenance Contract with Zoll Medical Corporation for the Fire Department's heart monitors in the amount of \$65,981.25 due in three equal annual payments; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval to continue contracted services with Dr. Sean Fleming in the amount of \$63,000.00 for EMS Medical Direction.
14. Consider approval of the purchase of three new Ford F450 Crew Cab Dual Rear Wheel Cab and Chassis Trucks per Town of Flower Mound Specifications and Vendor Quote from Sam Pack's Five Star Ford in the amount of \$201,645.25.

Mayor Pro Tem Sharma moved to approve by consent Items 1 – 14, 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: SCHIESTEL, ENGEL, MARTIN, SHARMA****NAYS: NONE****ABSENT: TAYLOR****K. REGULAR ITEMS**

Mayor France opened items 15 & 16 at the same time.

15. Public Hearing to consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article II, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the 2021 edition of the International Building Code and local amendments thereto.

**ORDINANCE 49-22**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR THE ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

16. Public Hearing to consider approval of an Ordinance amending Chapter 14, "Buildings and Building Regulations," Article XIV, of the Code of Ordinances of the Town of Flower Mound, to provide for the adoption of the International Residential Code, 2021 edition, and local amendments thereto.

**ORDINANCE 50-22**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XIV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL BE THE BOARD OF APPEALS FOR PURPOSES SET OUT HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**Staff Presentation**

Ms. Hainley gave a presentation for items 15 and 16 identifying or noting:

- Background information
- Local amendments
- Code adoptions

Mayor France opened the Public Hearing at 7:17 p.m. No one spoke. Mayor France closed the Public Hearing at 7:17 p.m.

Mayor Pro Tem Sharma moved to approve item 15 as presented. Councilmember Schiestel seconded the motion.

**VOTE ON MOTION:**  
**AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL**  
**NAYS: NONE**  
**ABSENT: TAYLOR**

*Motion passed*

Mayor Pro Tem Sharma moved to approve item 16 as presented. Councilmember Schiestel seconded the motion.

**VOTE ON MOTION:**  
**AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL**  
**NAYS: NONE**  
**ABSENT: TAYLOR**

*Motion passed*

17. Consider approval of a Construction Agreement with Excel 4 Construction, LLC, for the Timber Creek Water and Sewer Replacements project, in the amount of \$2,609,265.00; and authorization for the Mayor to execute same on behalf of the Town.

**Staff Presentation**

Mr. Crown gave a presentation identifying or noting:

- Timber Creek Water & Sewer replacements
- Aerial map
- Verified bid results
- Project budget, schedule

and he responded to questions or comments from Council regarding:

- Cost savings by some of the work being done in house
- Number of firms that were sent the RFP
- Traditional method comparison
- If this project will alleviate resident concerns recently expressed in this area

Mayor Pro Tem Sharma moved to approve item 17 as presented. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL**

**NAYS: NONE**

**ABSENT: TAYLOR**

Mayor France opened items 18 and 19 at the same time.

18. Public Hearing to consider an ordinance amending the Master Plan (MPA22-0001 – Cross Timbers Conservation Development District Update) by amending Section 1 “Land Use Plan,” Section 2 “Area Plan,” and Section 4 “Urban Design Plan,” for the purpose of updating conservation expectations and vision within the Cross Timbers Conservation Development District. (PZ recommended approval by a vote of 6 to 0 at its October 10, 2022, meeting.)
19. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR22-0002 – Cross Timbers Conservation Development District Update) by amending Chapter 98 “Zoning,” of the Town’s Code of Ordinances to amend conservation development standards within the Cross Timbers Conservation Development District. (PZ recommended approval by a vote of 6 to 0 at its October 10, 2022, meeting.)

Mayor Pro Tem Sharma moved to postpone items 18 and 19, including the public hearing, to November 7, 2022. Councilmember Schiestel seconded the motion.

**VOTE ON MOTION:**

*Motion passed (to postpone)*

**AYES: SCHIESTEL, ENGEL, MARTIN, SHARMA**

**NAYS: NONE**

**ABSENT: TAYLOR**

20. Public Hearing to consider an ordinance amending the Development Regulations (LDR22-0001 – Landscape Ordinance Update) by amending Chapter 74 “General Provisions,” Chapter 82 “Development Standards,” Chapter 94 “Trees,” and Chapter 98 “Zoning,” of the Town's Code of Ordinances to amend and propose new landscaping standards for the purpose of clarifying and updating certain sections. (PZ recommended approval by a vote of 6 to 0 at its October 10, 2022, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- Overview
- Sec 74-3. Definitions
- Sec. 82-73. Computing parking and loading requirements
- Sec. 82-240. Foundational plantings
- Sec. 82-242. Street buffer landscaping areas
- Sec. 94-62. Street buffer trees
- Overhead utilities
- Parking area landscaping and trees
- Large parking area landscaping and trees
- Sec. 94-65. Detention/Retention and impoundment areas
- Approved tree planting list
- Large trees not appropriate for CTCDD
- Screening plant selection list
- Invasive species – shrubs (removed)
- Additional updates

and she, Mr. Dalton, or Ms. Bruce responded to questions or comments from Council regarding:

- Why the item is coming forward for Council consideration and action
- Clarification regarding flexibility and staff allowed exceptions
- Property impact
- Clarification regarding exceptions
- Vegetation around ponds based on meeting TCEQ regulations

Mayor France opened the Public Hearing at 7:53 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 in Flower Mound unless otherwise indicated.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
	Harrison Tobin, 5605 Southern Hill Ct*	Mike Boswell, Toll Brothers
	Gerard Tobin, 5605 Southern Hill Ct*	

\*Indicated did not wish to speak



Mayor France closed the Public Hearing at 7:56 p.m.

Mayor Pro Tem Sharma moved to approve item 20 as presented. Councilmember Schiestel seconded the motion.

#### **ORDINANCE 51-22**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 74, "GENERAL PROVISIONS;" CHAPTER 82, "DEVELOPMENT STANDARDS;" CHAPTER 94, "TREES;" AND CHAPTER 98, "ZONING," OF THE TOWN OF FLOWER MOUND CODE OF ORDINANCES, TO AMEND AND PROPOSE NEW LANDSCAPING STANDARDS AND TO CLARIFY AND UPDATE CERTAIN SECTIONS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL**

**NAYS: NONE**

**ABSENT: TAYLOR**

#### **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.

Deputy Mayor Pro Tem Martin moved to appoint Adam Shear to the Historical Commission Task Force, Place 3, effective immediately, and with a term expiration date of September 30, 2024. Mayor Pro Tem Sharma seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL**

**NAYS: NONE**

**ABSENT: TAYLOR**

#### **M./ CLOSED/OPEN MEETING**

The Town Council convened into a closed meeting at 8:02 p.m. on October 17, 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 9:28 p.m. on October 17, 2022, and no action on the following items:

a. Consultation with Attorney.

1. 2006 Rule 11 agreement and dismissal, Cause No. 2005-20153-158 and Flower Mound Ranch Development

2. Housing Discrimination Complaint
3. La Estancia Investments, L.P., v. Town of Flower Mound
4. Concealing identity while carrying a firearm

Mayor France reported that the regulations he previously brought up regarding firearms are preempted by the Local Government Code and he cited the associated statute. For this reason, there will be no further discussion or action by Council on that topic.

Administrative Note: This was a future agenda item request at the September 19, 2022, Town Council meeting: Mayor France indicated he would like a future item to discuss legislation that would prevent people from wearing face and neck coverings while armed. There was Council consensus to proceed.

- 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.

**O. ADJOURN REGULAR MEETING**

Mayor France adjourned the meeting at 9:29 p.m. on Monday, October 17, 2022, 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**