

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 1<sup>st</sup> DAY OF NOVEMBER 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
Sandeep Sharma	Deputy Mayor Pro Tem
Adam Schiestel	Councilmember Place 1
Jim Engel	Councilmember Place 4
Ann Martin	Councilmember Place 5

with the following member absent:

Ben Bumgarner	Mayor Pro Tem
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constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Tommy Dalton	Interim Town Manager
Tiffany Bruce	Assistant Town Manager/Town Engineer
Lexin Murphy	Director of Planning Services

**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 Richard Plunk gave the invocation and Cub Scout Pack 256 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.	Paul Stone, 4100 Broadway	Compliments

**E. PRESENTATIONS**

1. Presentation of the National Night Out block party winners on behalf of the Flower Mound Police Dept.

Officers Augenstine and Rachal reported on the National Night Out block party and presented awards to the winning neighborhoods.

2. Proclamation to designate November as Arts Month in Flower Mound

Mayor France recited the Proclamation and presented it to Cultural Arts Commission chair, Ron Miller.

3. Cultural Arts Commission (CAC) report

Mayor France provided background information on the purpose of the Cultural Arts Commission report. Ron Miller, Chair of the CAC, gave a presentation identifying or noting:

- Background information about the CAC
- Cultural Arts Master Plan
- One-Time Projects
- Recurring/ongoing projects
- Monthly articles highlighting art and artists in Flower Mound
- Town website presence
- Annual cultural arts grant requests
- Library metrics review

#### **F. ANNOUNCEMENTS**

Councilmember Martin offered congratulations to everyone celebrating Diwali. She also announced that registration is now open for the Flower Mound Citizens Academy.

Councilmember Schiestel reported on the Veterans Day Ceremony on November 7 and the Veterans Relay Run on November 11.

Councilmember Engel extended thanks to Mr. Childers for accepting the Town's offer to be the new Town Manager.

Deputy Mayor Pro Tem Sharma announced the Dorothy's Dash event on November 13.

Mayor France announced its "No Shave November" and he's supporting the Pediatric Brain Cancer Center. He also announced details about the Shop Local campaign.

#### **G. TOWN MANAGER'S REPORT**

1. Introduction of new Town Manager James Childers

Mayor France introduced James and he offered comments.

2. Capital improvement projects (CIP)

Mr. Dalton reported on the following CIP projects:

- Wastewater Treatment Plant Phase 5 improvements

3. Economic Development projects

Mr. Dalton reported on now open or coming soon businesses.

**H. FUTURE AGENDA ITEMS**

No future agenda item request.

**I. COORDINATION OF CALENDARS**

Mayor France announced the following meeting dates and confirmed members of Council will be in attendance:

1. A regular meeting is scheduled for Monday, November 15.
2. A work session is scheduled for Thursday, November 18.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a special meeting of the Town Council held on October 15; a regular meeting of the Town Council held on October 18; and a special meeting of the Town Council held on October 25, 2021.
2. Consider approval of a Resolution authorizing the Town Manager to execute global opioid settlement documents, and adopting the Texas term sheet.

**RESOLUTION NO. 27-21****A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE GLOBAL OPIOID SETTLEMENT DOCUMENTS AND ADOPTING THE TEXAS TERM SHEET.**

3. Consider approval of the purchase of amenities for the Rheudasil Park Improvements project, from Paul E. Allen Company, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$67,242.00.
4. Consider approval of Change Order No. 2 to J.B. & Co., LLC. for the Hound Mound Parking Lot and Restroom project, in the amount of \$37,998.60; and authorization for the Mayor to execute same on behalf of the Town.
5. Consider approval of Amendment No. 1 to the Fiscal Year 2021-2022 Capital Improvement Program.
6. Consider approval of an agreement with Denton County Emergency Services District No. 1 to provide fire suppression, emergency medical services, hazardous materials response and other emergency and non-emergency services to citizens located in designated areas of the District and the Town and authorization for the Mayor to execute same on behalf of the Town.
7. Item 7 moved from consent to regular items.

Deputy Mayor Pro Tem Sharma moved to approve by consent Items 1 – 6, as presented in the agenda caption. Councilmember Schiestel 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, SHARMA, ENGEL, MARTIN****NAYS: NONE****ABSENT: BUMGARNER****K. REGULAR ITEMS**

7. Consider approval of an amended Professional Services Agreement with WSB & Associates, Inc., to provide consultant services regarding mixed-use developments; and authorization for the Mayor to execute same on behalf of the Town after approval of the contract terms by the Town Attorney.

Deputy Mayor Pro Tem Sharma pointed out that he would like the contract language to include “no current conflicts” as well as future conflicts.

Mr. Dalton pointed out the contractor is acceptable to that.

Deputy Mayor Pro Tem Sharma moved to approve Item 7 as amended. Councilmember Schiestel seconded the motion.

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

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

8. Public Hearing to consider an ordinance for a Master Plan Amendment (MPA21-0005 - Silveron Flower Mound Duke) to amend Section 1.0, Land Use Plan and Section 2.0, Area Plans, of the Master Plan by changing the current land use designation within the Lakeside Business District Area Plan from Campus Commercial uses to Campus Industrial uses. The property is generally located north of International Parkway and east of Silveron Boulevard. (On July 12, 2021, the Planning and Zoning (P & Z) Commission tabled this item to July 26, 2021 - vote of 6 to 0. On July 26, 2021, P & Z tabled this item to August 9, 2021 - vote of 5 to 0. On August 9, 2021, P & Z tabled this item to August 30, 2021 - vote of 5 to 0. On August 30, 2021 P & Z recommended approval by a vote of 5 to 1.) (On October 4, 2021, the Town Council moved to approve as presented; the motion failed by a vote of 3 to 2 as Master Plan Amendments require a super majority vote.)
9. Public Hearing to consider an ordinance amending the zoning (ZPD21-0003 - Silveron Flower Mound Duke) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No.181 (PD-181) with Campus Industrial District (CI) uses, with certain waivers, exceptions and modifications to the Code of Ordinances including but not limited to an exception to Section 98-147, “Topographical Slope Protection”, and an exception to Section 82-302, Compatibility buffer. The property is generally located north of International Parkway and east of Silveron Boulevard. (On July 12, 2021, the Planning & Zoning (P&Z) Commission tabled this item to July 26, 2021-vote of 6 to 0. On July 26, 2021, P & Z tabled this item to August 9, 2021-vote of 5 to 0. On August 9, 2021, P & Z tabled this item to August 30, 2021-vote of 5 to 0. On August 30, 2021, P & Z recommended approval by a vote of 5 to 1). (On October 4, 2021, the Town Council moved to deny this item on the basis of inconsistency with the Master Plan [MPA21-0005]. The motion passed by a vote of 4 to 1.)

**Staff Presentation**

Ms. Murphy provided background information on both items and noted that Councilmember Schiestel requested the item come back for reconsideration.

Councilmember Schiestel outlined the reasons why he requested the item to come back for reconsideration.

**Applicant Presentation**

Matt Hymann, Duke

Mr. Hymann pointed out what they would be willing to do should this item be brought forward for reconsideration.

Mayor France noted that the Public Hearing for this item has already been held.

Councilmember Schiestel moved to reconsider item 8 and remand it back to the Planning & Zoning Commission. Councilmember Engel seconded the motion.

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

Councilmember Schiestel moved to reconsider item 9 and remand it back to the Planning & Zoning Commission. Councilmember Engel seconded the motion.

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

10. Public Hearing to consider a Site Plan (SP21-0004 – Dutch Bros Coffee) to develop a fast food restaurant with a drive through window, with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design, a waiver to Architectural Standards in the Town's Urban Design Plan for roof pitch, and an exception to 'Underground Utilities' pursuant to Section 82-377, "Exceptions," of the Code of Ordinances. The property is generally located south of Justin Road and west of Stone Hill Farms Parkway. (The Planning & Zoning Commission recommended approval without exceptions by a vote of 6 to 0 at its October 11, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site plan
- Site photos
- Exceptions requested

- Meritorious design (colors, roof pitch)
- Underground utilities
- Landscape plan
- Proposed elevations
- Proposed colors

and she or Mr. Meredith responded to questions from Council:

- Clarification regarding the exceptions
- What would change if the meritorious design was not approved
- If the pitched roof falls under meritorious design

### **Applicant Presentation**

#### **Gene Colley, Embree Development Group**

Mr. Colley responded to questions from Council regarding:

- Why the exceptions are needed

There was Council Discussion regarding:

- Thoughts as it relates to each of the exception requests
- Landscape plan and types of trees
- Degree of separation to the adjacent building

Mayor France opened the Public Hearing at 7:05 p.m. No one spoke. Mayor France closed the Public Hearing at 7:05 p.m.

#### **Motion #1**

Councilmember Engel moved to approve as presented. Motion failed due to lack of a second.

#### **Motion #2**

Councilmember Schiestel moved to approve as presented; however, with a denial of the meritorious design exception, and more specifically for the proposed blue color.

Councilmember Schiestel withdrew the above motion.

#### **Motion #3**

Councilmember Schiestel moved to approve item 10, excluding the blue. Motion failed due to lack of a second.

#### **Motion #4**

Deputy Mayor Pro Tem Sharma moved to approve item 10, excluding all exceptions other than the underground utilities exception. Councilmember Schiestel seconded the motion.

#### **VOTE ON MOTION:**

**AYES: SCHIESTEL, SHARMA**

**NAYS: ENGEL, MARTIN, FRANCE**

**ABSENT: BUMGARNER**

*Motion failed*

*Administrative Note: Mayor votes in the event of a tie.*

Motion #5

Councilmember Engel moved to approve as presented. Councilmember Martin seconded the motion.

**VOTE ON MOTION:**  
**AYES: MARTIN, ENGEL, FRANCE**  
**NAYS: SHARMA, SCHIESTEL**  
**ABSENT: BUMGARNER**

*Motion passed*

*Administrative Note: Mayor votes in the event of a tie.*

11. Public Hearing to consider a request for a Site Plan (SP21-0006 – Loreto House) to develop an office building with an exception to ‘Underground Utilities’ pursuant to Section 82-377, “Exceptions,” of the Code of Ordinances. The property is generally located southwest corner of Morriss Road and Acropolis Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 25, 2021, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photos
- Exception request
- Site plan
- Landscape plan
- Elevations

**Applicant Presentation**

Randy Bolig, President of Loreto House

Mr. Bolig provided background information about Loreto House.

Mayor France opened the Public Hearing at 7:48 p.m. No one spoke. Mayor France closed the Public Hearing at 7:48 p.m.

**Council discussion**

There was Council discussion regarding the overhead power lines.

Councilmember Schiestel moved to approve item 11 as presented. Councilmember Martin seconded the motion.

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

*Motion passed*

**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.

12. Discuss the process associated with the recruitment and selection of board and commission members, including communication resources.

**Staff Presentation**

Ms. Scott provided background information regarding the board and commission process and she responded to questions from Council regarding technology and resources.

Mayor France and Councilmembers presented various suggestions as it relates to the board and commission application and interview process, including technology resources.

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

The Town Council did not convene into a closed meeting. No action was taken 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 Applications
- 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.



O. **ADJOURN REGULAR MEETING**

Mayor France adjourned the meeting at 8:08 p.m. on Monday, November 1, 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