

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 21 DAY OF NOVEMBER 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:

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|----------------|-----------------------|
| Derek France | Mayor |
| Sandeep Sharma | Mayor Pro Tem |
| Ann Martin | Deputy Mayor Pro Tem |
| Brian Taylor | Councilmember Place 3 |
| Jim Engel | Councilmember Place 4 |

with the following member absent:

| | |
|----------------|-----------------------|
| Adam Schiestel | Councilmember Place 1 |
|----------------|-----------------------|

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

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|----------------------|--------------------------------------|
| 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 |
| Ray Watson | Director of Economic Development |
| Stephanie Billarreal | Fire Prevention Officer |

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 Russ McNamer gave the invocation and Mayor France led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero banner to Edwin Adams
Mayor France recited the proclamation and presented it to Edwin’s mother (Colleen Adams), along with his father and sister.
2. Small Business Saturday (November 26, 2022) Proclamation
Mayor France recited the Proclamation and presented it to Mr. Watson.
3. Fire Prevention Week Poster Contest Winners

Ms. Billarreal gave a presentation identifying or noting:

- Background information
- Rules and guidelines
- Poster judging
- Awards
- Poster contest winners
- Conclusion

E. PUBLIC COMMENT

No one spoke.

F. ANNOUNCEMENTS

Several members of Council extended well wishes for a safe and happy Thanksgiving.

Deputy Mayor Pro Tem Martin announced the Town's annual Christmas parade is scheduled for December 3rd.

G. TOWN MANAGER'S REPORT

No report or discussion on the following items:

1. Capital improvement projects
2. Economic Development projects
3. Operational updates

H. FUTURE AGENDA ITEMS

No request for future agenda items.

I. COORDINATION OF CALENDARS

1. A regular meeting is scheduled for Monday, December 5; December 19
2. A work session is scheduled for Thursday, December 15.

Mayor France confirmed that all Councilmembers plan to be at the above referenced meetings.

J. CONSENT ITEMS

Mayor France announced that an update canvass report was received for items 2, 3, and 4.

1. Consider approval of the minutes from a regular meeting of the Town Council held on November 7, 2022.
2. Consider approval of an ordinance canvassing returns and declaring results of a special election held November 8, 2022, for the purpose of considering a ballot proposition for the reauthorization of the local sales and use tax at the rate of one-fourth of one percent, and to continue providing revenue for maintenance and repair of municipal streets.

ORDINANCE NO 56-22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF

A SPECIAL ELECTION HELD NOVEMBER 8, 2022, FOR THE PURPOSE OF CONSIDERING A BALLOT PROPOSITION FOR THE REAUTHORIZATION OF THE MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE AND REPAIR IN THE TOWN OF FLOWER MOUND AT THE RATE OF ONE-QUARTER OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; CONTINUING THE MAINTENANCE AND REPAIR OF STREETS IN THE TOWN OF FLOWER MOUND; AND PROVIDING AN EFFECTIVE DATE.

3. The Town of Flower Mound Crime Control and Prevention District Board to consider approval of an order canvassing the results of a special election held on November 8, 2022, for the purpose of considering a ballot proposition to continue the Crime Control and Prevention District sales and use tax at the rate of one-fourth of one percent to provide revenue for crime control and prevention programs within the District.

ORDER NO. 02-22

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, CANVASSING RETURNS AND DECLARING RESULTS OF A SPECIAL ELECTION HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF CONSIDERING A BALLOT PROPOSITION FOR THE CONTINUATION OF THE CRIME CONTROL AND PREVENTION DISTRICT AND CONTINUATION OF 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 A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. The Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Board to consider approval of an order canvassing the results of a special election held on November 8, 2022, for the purpose of considering a ballot proposition to continue the Fire Control, Prevention, and Emergency Medical Services District sales and use tax at the rate of one-fourth of one percent to provide revenue for fire safety and emergency medical services programs within the District.

ORDER NO. 03-22

AN ORDER OF THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, CANVASSING RETURNS AND DECLARING RESULTS OF A SPECIAL ELECTION HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF CONSIDERING A BALLOT PROPOSITION FOR THE CONTINUATION OF THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AND THE CONTINUATION OF THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL PROGRAMS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound through the amendment of Appendix A "Fee Schedule" of the Code of

Ordinances by amending and ratifying the fee not codified in Section 70-777 relative to the charges for the Stormwater Utility System fee.

ORDINANCE NO. 55-22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

6. Consider the approval for the purchase of the Esri Enterprise Jumpstart implementation/software upgrade service in the amount of \$16,000.
7. Consider approval of Control License ICS Incident Command and Control License agreement for Special Events or large-scale incidents involving Police/Fire emergency response.
8. Consider approval of the purchase of 28 sets of bunker gear, replacement gloves and suspenders as needed from NAFECO, Inc. through BuyBoard Purchasing Contract No. 603-20 in the total amount of \$121,600.00 and authorization for the Mayor to approve same on behalf of the Town.
9. Consider approval of the purchase of one 2023 HV607 4x2 Single Axle Dump Truck per Town of Flower Mound Specifications and Vendor Quote from Southwest International Trucks in the amount of \$104,130.00.
10. Consider approval of the purchase and installation of the 2022-2023 Playground Replacements project, for Cortadera Park Playground, from Whirlix Design, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$244,926.00.
11. Consider approval of a Professional Services Agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the amount of \$75,000.00 annually, with a one-year renewal option; and authorization for the Mayor to execute same on behalf of the Town.
12. Consider approval of a Professional Services Contract with Promoter Line, Inc., to provide professional event production and planning services for the 2023 Independence Fest, in an amount not-to-exceed \$327,550.00 and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of a Services Agreement with Ansar Group, Inc. dba United Linen & Laundry Service, Inc., for linen and laundry services, in the amount of \$25,000.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of purchasing one (1) John Deere 1600 Turbo TerrainCut Commercial Wide Area Mower per Town of Flower Mound Specifications from United Ag & Turf utilizing the Sourcewell Turf 031121-DAC (PG BT CG 23) Cooperative Contract in the amount of \$69,609.33.
15. Consider approval of the purchase of 22 bleacher retrofit kits from Pioneer Athletics, through the Buy Board Cooperative Contract #665-22, in the amount of \$60,940.00.

- 16. Consider approval of naming the Wildlife Encounter Nature Trail at Heritage Park as the Gary Sims Wildlife Encounter Nature Trail. (Parks Board recommended approval by a vote of 6 to 0 at its October 6, 2022, meeting.)
- 17. Consider adoption of the Town Council Strategic Plan for Fiscal Year 2022-2023.

Deputy Mayor Pro Tem Martin moved to approve by consent Items 1; 5 – 17 as presented in the agenda caption, and with the revised reporting numbers from Denton County for items 2, 3, and 4. 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:
AYES: TAYLOR, ENGEL, MARTIN, SHARMA
NAYS: NONE
ABSENT: SCHIESTEL

Motion passed

K. REGULAR ITEMS

- 18. Public Hearing to consider a request for a Replat (RP22-0007 – Red Bud Point, Lots 29R & 30R, Block 5, Lot 31R, Block 6) to abandon a private right-of-way and relocate a lot lines with an exception to lot width to depth ratio pursuant to Section 90-272(a), of the Code of Ordinances. The property is generally located west of Red Bud Drive and south of Crooked Lane. (PZ recommended approval by a vote of 6 to 0 at its November 14, 2022, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location (involves 3 lots and a private right of way)
- Land use and zoning
- Replat (what’s being proposed)
- Exception to lot depth
- Site photos

and she responded to questions from Council regarding:

- Past access situation

Mayor France opened the Public Hearing at 6:22 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 |
|--|---|----------------------------------|
| James Rainey, 6609 Red Bud Ln | Oleg Kolgushev, 6508 Red Bud | None |

Mayor France closed the Public Hearing at 6:25 p.m.

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

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, ENGEL, MARTIN, SHARMA
NAYS: NONE
ABSENT: SCHIESTEL

Mayor France announced that the applicant has requested to postpone items 19, 20, and 21 until December 5, 2022.

19. Public Hearing to consider an ordinance amending the Master Plan (MPA21-0008 – Whyburn Farms) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designations from Low Density Residential, Office and Retail uses to Low Density Residential, Medium Density Residential and High Density Single Family Detached Residential uses. The property is generally located east of Long Prairie Road and south of Dixon Lane. (PZ recommended approval by a vote of 5 to 1 at its October 10, 2022, meeting.)
20. Public Hearing to consider an ordinance amending the zoning (ZPD21-0015 – Whyburn Farms) from Agricultural District (A) uses to Planned Development District No.189 (PD-189) with Single Family District-15 (SF-15), Single Family District-10 (SF-10) and Single Family District-5 (SF-5) uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located east of Long Prairie Road and south of Dixon Lane. (PZ recommended approval by a vote of 5 to 1 at its October 10, 2022, meeting.)
21. Public Hearing to consider an application for a tree removal permit (TRP22-0006) for nine (9) specimen trees on property proposed for development as Whyburn Farms. The property is generally located south of Dixon Lane, north of Waketon Road, and east of Long Prairie Road. (The Environmental Conservation Commission recommended denial for specimen trees #s 652, 654, 667, 668A and 668B and approval of specimen trees #s 661, 662, 772, 779, 780, 781, 842, 851 and 853 by a vote of 4-2-0 at its October 4, 2022, meeting).

Staff Presentation

No presentation

Applicant Presentation

No presentation

Mayor Pro Tem Sharma moved to postpone items 19, 20, and 21 to December 5, 2022. Councilmember Taylor seconded the motion.

VOTE ON MOTION:

AYES: SHARMA, MARTIN, ENGEL, TAYLOR

NAYS: NONE

ABSENT: SCHIESTEL

Motion passed (to postpone)

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 6:28 p.m. on November 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 6:50 p.m. on November 21, 2022, and 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 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.

O. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 6:50 p.m. on Monday, November 21, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY