

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF JANUARY 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
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
Alicia Kreh	Town Attorney
Bryn Meredith (Closed Session only)	Town Attorney
James W. Childers	Town Manager
Tommy Dalton	Assistant Town Manager
Tiffany Bruce	Asst 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 6:01 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 or stated)</b>
1.	Reginald Rembert, 4316 Laura Ln, with donated time from: <ul style="list-style-type: none"> <li>• C. Pearl Rembert, 1400 Simmons Rd</li> <li>• Hope Tinley Rembert, 1400 Simmons Rd</li> <li>• Reginald Rembert, Jr., 1400 Simmons Rd</li> <li>• Paul Stone, 4100 Broadway</li> <li>• Ida Rembert, 4316 Laura Ln</li> <li>• Debbie Oneal, 2704 Hetherwood</li> <li>• Michael Sidberry, 1813 Hope Tinley Ln</li> </ul>	Emerald Place

**E. PRESENTATIONS**

1. Administer Oath of Office to new Town Manager James W. Childers

Mayor France administered the Oath of Office to James W. Childers.

2. Proclamation and presentation of Hometown Hero to Hunter Leyendecker

Mayor France recited the proclamation and presented it to Kristia and Dennis Leyendecker (Hunter's parents).

3. Insurance Services Office to present Public Protection Classification 1 (PPC/ISO 1) to the Town of Flower Mound Fire Department

Jeff Edwards, Senior Field Representative, ISO Insurance Solutions

Mr. Edwards gave a presentation identifying or noting:

- Insurance Services Office program overview
- Fire suppression rating schedule (FSRS)
- FSRS classes 1 to 10
- PPC distribution
- Evaluation elements:
  - Emergency communications
  - Fire Department assessment (equipment, reserve apparatus, deployment analysis, personnel, training)
  - Water supply
  - Community risk reduction
  - Score summary
  - Certificate of Recognition

Joel Duke, State Fire Marshal Office, offered congratulations for the achievement of ISO 1 and presented the Town with a plaque.

**F. ANNOUNCEMENTS**

Councilmember Schiestel announced he will be running for Place 1 in the upcoming May 7, 2022 election.

Mayor France and members of Council extended well wishes for a happy new year and welcomed the new Town Manager James Childers.

**G. TOWN MANAGER'S REPORT**

Mr. Childers provided an update or report on the following projects or topics:

1. Capital improvement projects
  - Items 7 and 8 on the agenda – traffic signalization projects
2. Economic Development projects
  - New or coming soon businesses

3. Town Manager's Onboarding Strategy
  - His approach for the new position
4. Use of Town Manager's Report on Future Agendas
  - How plans to use this part of the agenda going forward

#### **H. FUTURE AGENDA ITEMS**

1. Councilmember Schiestel requested two future agenda items:
  1. Exercising disapproval authority as it relates to DCAD board action  
There was Council consensus to proceed with the discussion.
  2. Review the timeline of the application process between P & Z and Council  
There was Council consensus to proceed with the discussion.

#### **I. COORDINATION OF CALENDARS**

1. The regular meeting scheduled for Monday, January 17 has been rescheduled to Tuesday, January 18 due to the MLK holiday.
2. A regular meeting is scheduled for February 7.

Mayor France announced the above referenced meeting dates and confirmed council member availability.

#### **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 December 6, 2021; and a work session of the Town Council held on December 16, 2021.
2. Consider approval of purchasing immutable cloud backup expansion through Centre Technologies in the amount of \$ 23,290.16
3. Consider approval of an ordinance amending Appendix A "Fee Schedule," referenced in Chapter 14, "Buildings and Buildings and Building Regulations," Section 14-1, "Building, plumbing, mechanical and electrical permit fees," of the Code of Ordinances of the Town of Flower Mound, Texas, by revising various building permit fees.

#### **ORDINANCE NO. 01-22**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," REFERENCED IN CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," SECTION 14-1, ENTITLED "BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMIT FEES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, TO REVISE THE FEES RELATED TO THE ISSUANCE OF CERTAIN BUILDING PERMITS; 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.**

4. Consider approval of the purchase of apparatus rescue equipment for aerial ladder trucks from Metro Fire through BuyBoard Purchasing Contract No. 603-20 in the total amount of \$54,731.00 and authorization for the Mayor to approve same on behalf of the Town.
5. Consider approval of the purchase of uniforms in the annual estimated amount of \$66,310 from Galls, LLC, Impact Promotional Services, LLC dba Got You Covered Work Wear and Uniforms; and GT Distributors, Inc. through North Central Texas Council of Governments (NCTCOG) Master Service Agreement (MSA) #2021-073
6. Consider the approval of the proposed contract with Motorola Solutions, Inc titled "MCC7500 Dispatch Console Upgrade" for the purpose of upgrading the Flower Mound Police Communications Center existing radio console equipment and installing an additional radio console as approved in the FY 2021-2022 Town budget for a total cost of \$ 181,605.00; and authorization from the Mayor to execute same of behalf of the Town.
7. Consider approval of a Professional Services Agreement with Kimley Horn and Associates, Inc., to provide traffic signal designs for the Garden Ridge Boulevard at Forest Vista Drive, FM 1171 at Canyon Falls Boulevard, and Signal Rehabilitation - FM 2499 at Firewheel Drive projects in the amount of \$106,000; and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of an Interlocal Cooperation Agreement with the City of Lewisville for the Garden Ridge Blvd. at Forest Vista Dr. Signal project, for \$85,000.00; and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., for the design phase services associated with the Timber Creek Road at College Parkway Intersection Reconstruction & Melody Court Reconstruction project, in the amount of \$98,620.00; and authorization for the Mayor to execute same on behalf of the Town.
10. Consider approval of the purchase of street leveling services from Nortex Concrete Lift & Stabilization, Inc., through a City of Grand Prairie contract, in the estimated annual amount of \$75,000.00.
11. Consider termination of a Development Agreement for the property located at 800 Enterprise Rd; and authorization for the Mayor to execute the same on behalf of the Town.

Deputy Mayor Pro Tem Sharma moved to approve by consent Items 1 – 11, as presented in the agenda caption. Mayor Pro Tem Bumgarner 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**

12. Public Hearing to consider an ordinance granting a Specific Use Permit No. 473 (SUP21-0007 – Stone Hill Boat Sales) to permit Retail, general (outdoors) facility for a boat dealership, with 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 and Zoning Commission recommended denial 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
- Conceptual site plan, landscape plan, elevations
- Exception request
- Site photos
- SUP Conditions

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

- Clarification regarding retail general versus industrial use definitions
- Use of the property as a regular or extended stay hotel
- Would the lot size be able to accommodate a hotel
- What is permitted by right at the site
- Setback requirements from the property line
- How long does an SUP last
- Car sales use language
- Lighting standards

### **Applicant Presentation**

Paul Bosco, Jr. responded to questions from Council regarding:

- Why did the hours of operation change from what was presented at the neighborhood meeting
- What are the concerns regarding light abatement
- Clarification regarding noise and interest that the doors be closed during normal operations
- Possibility of reorientating the south facing bay doors
- Other uses for the property if the boat use doesn't get approved
- Willingness to reorient the southern facing doors and apply enhanced standards for lighting

### **Council Discussion**

There was Council discussion regarding:

- Boat sales and hotel use
- Concerns about noise, lighting, application changes from P & Z, uncertainty as it relates to information P & Z was provided
- If terms can be agreed to by the applicant, there is an opportunity
- The location of the boats right outside of the fences of the residents is a concern
- Concerns this is not the right use
- Interest in changing the hours, elimination of south facing bay doors, and lighting restrictions
- Possibility of postponing the item

Mayor France opened the Public Hearing at 7:21 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.*

<b>Support: Comments/Questions</b>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Robert Flandrau, 1816 Stone Crest Dr	Dora Merrick, 6125 Rock Ridge Dr	Ashley Jones, address not provided
Ronnie Jones, 6007 Thorn Trl	Jeffrey Darlington, 1824 Stone Crest Dr	
Noelle Field, 6009 Rock Cove	Sam Merrick, 6125 Rock Ridge Dr	
Edwena Potter, 5804 Valencia Dr	Leesa Sullivan, 1504 Old Oak Trail	
	Patrick Sullivan, 1504 Old Oak Trail	

Mayor France closed the Public Hearing at 7:45 p.m.

Councilmember Schiestel moved to approve SUP 21-0007 – Stone Hill Boat Sales, as presented, and with the following modifications:

- Hours of operation change to Tuesday through Saturday, 9:00 a.m. to 5:00 p.m.
- West facing service bay doors closed during normal operation
- Elimination of south facing bay doors

Councilmember Engel seconded the motion.

**ORDINANCE NO. 02-22**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY APPROVING SPECIFIC USE PERMIT NO. 473 (SUP-473) TO PERMIT A RETAIL, GENERAL (OUTDOORS) FACILITY FOR A BOAT DEALERHIP ON CERTAIN PROPERTY DESCRIBED AS 5.33 ACRES OF LAND AND BEING ALL OF LOT 3R, BLOCK A, OF THE STONE HILL FARMS RETAIL ADDITION AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 43 (PD-43) WITH COMMERCIAL DISTRICT-2 (C-2) USES; GRANTING AN EXCEPTION TO SECTION 82-376, UNDERGROUND UTILITIES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

**AYES: SCHIESTEL, BUMGARNER, ENGEL, MARTIN**

**NAYS: SHARMA**

*Motion passed*

13. Public Hearing to consider an application for a tree removal permit (TRP21-0024) for one (1) specimen tree on Lot 8, Block B of the Pepper Creek Ranch Addition subdivision. The property is located at 4709 Angels Landing. (The Environmental Conservation Commission recommended approval by a vote of 6 to 0 at its December 7, 2021, meeting).

**Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Project information
- General location
- ESAs identified on the lot
- Tree survey
- Tree removal and preservation plan
- Photo of tree
- Legal consideration

and he responded to questions from Council regarding:

- Clarification regarding a diseased tree

**Applicant Presentation**

Brian Earley, Lewis and Earley Custom Homes

Mr. Earley responded to questions from Council regarding:

- Clarification regarding the site plan differences (garage orientation for one of the lots)
- Protected trees within the buildable area

Mayor France opened the Public Hearing at 8:36 p.m. No one spoke. Mayor France closed the Public Hearing at 8:36 p.m.

Mayor Pro Tem Bumgarner moved to approve as presented. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

**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.

14. Consider appointment of a regular member and selection of chair for the Tax Increment Reinvestment Zone No. 1 (TIRZ)

Ms. Scott summarized the purpose of the agenda item.

For the Tax Increment Reinvestment Zone # 1 Board, Mayor Pro Tem Bumgarner moved to designate Paul Stone as Chair effective immediately and through December 31, 2022, and to appoint Mark Hargreaves as Place 1 effective immediately and with a term expiration date of 12/31/2023. Councilmember Engel seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

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

**NAYS: NONE**

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

The Town Council convened into a closed meeting at 8:38 p.m. on January 3, 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 9:29 p.m. on January 3, 2022, and there was no action taken on the following items:

- a. Consultation with Attorney.
  1. Cause No. 18-9622-431; EagleRidge Operating, LLC v Town of Flower Mound, Texas, et al
  2. 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 9:29 p.m. on Monday, January 3, 2022.

TOWN OF FLOWER MOUND, TEXAS



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DEREK FRANCE, MAYOR

ATTEST:



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THERESA SCOTT, TOWN SECRETARY