

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING AND 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 19TH DAY OF SEPTEMBER 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
Brian Taylor	Councilmember Place 3
Jim Engel	Councilmember Place 4

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
Matthew Woods	Director of Environmental Services
Kay Wilkinson	Director of Budget Services

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 Richard Plunk gave the invocation and Mayor France led the pledges.

D. PRESENTATIONS

1. Keep Flower Mound Beautiful (KFMB) Annual Update
Marilyn Lawson, KFMB President, provided an update on accomplishments and future projects or events.
2. Big Brothers/Big Sisters (BBBS) Month Proclamation
Mayor France recited the Proclamation and presented it to Taffy Olszewski, Dev Spcl & Executive Director Ozzie Smith of BBBS Greater Tarrant and Denton County.
4. Food Safety Awards

Mr. Woods announced its National Food Safety Month, and each year Environmental Services recognizes establishments who receive high marks on their health inspections for their dedication to food safety. The 2022 recipients in the various categories are:

- Firehouse Subs
 - Hollymead
 - Luna Grill
 - Sprouts
 - Panda Express (Long Prairie)
5. Septic Smart Proclamation

Mayor France recited the Proclamation and presented it to Mr. Woods.

E. 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.

	Speaker names and address	Subject (as written on the form)
1.	Barbara Harris, 4205 Woodbine	Timber Creek Wooden Bridge
2.	Paul Stone, 1868 N Meyerwood	CIP & Open Meetings
3.	Scott Langley, 800 Carter Ct	Flower Mound Ranch
4.	Tim Whisenant, 2300 Olympia, #1484	Class Room Trailers

ANNOUNCEMENTS

Councilmember Taylor announced the October 4 National Night Out event and encouraged residents to participate in their neighborhood gatherings.

Councilmember Schiestel offered thanks for everyone who applied, new appointees, gratitude for the outgoing members.

Deputy Mayor Pro Tem announced the October 15 Winning the Fight Stompin' Stigma event.

Mayor France announced the November 12 Dorothy's Dash event.

F. TOWN MANAGER'S REPORT

Mr. Childers provided a report or update on the following items:

1. Capital improvement projects
No items.
2. Economic Development projects
No items.
3. Operational updates
Staff recruitment video.

4. Bond refunding overview
Mr. Childers provided background information regarding why this item is on the agenda.

John Martin, Hilltop Securities

Mr. Martin gave a presentation identifying or noting:

- Savings from refundings 2014 – 2022
- General obligation refunding bonds

G. FUTURE AGENDA ITEMS

1. Mayor Pro Tem Sharma requested a future agenda item to discuss the creation of a Technology Committee. There was Council consensus to proceed.
2. Mayor France expressed interest in having a future agenda item to hear from the Police Department regarding catalytic converter thefts and if there is a need to implement legislation for this type of crime. There was Council consensus to proceed.
3. 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.

H. COORDINATION OF CALENDARS

1. The next Town Council regular meeting is scheduled for Monday, October 3

Mayor France announced the above referenced meeting and confirmed that all members of Council plan to be in attendance.

I. CONSENT ITEMS

Mayor France pointed out there is a typo in agenda packet for item #2 and the executed document will reflect the correct written text of \$16,100.

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 22, 2022; and the special meetings of the Town Council held on September 13, and 15, 2022.
2. Consider approval of a Professional Services Agreement with The Mejorando Group to facilitate a strategic planning retreat, in the amount of \$16,100; and authorization for the Mayor to execute same on behalf of the Town.
3. Consider approval of a Professional Services Agreement with ECS Southwest, LLP for the Rippy Road project, in the amount of \$79,197.00; and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, Inc., for the 2022 Street Reconstruction project, in the amount of \$26,205.00; and authorization for the Mayor to execute same on behalf of the Town.

5. Consider approval of a Contract Renewal Quotation for the Everbridge emergency notification system for a total amount of \$26,145.00, and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of a resolution adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process.

RESOLUTION NO. 10-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

7. *This item moved from consent to regular.*
8. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.

RESOLUTION NO. 12-22

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS ("TOWN"), ADOPTING AN INVESTMENT POLICY FOR FUNDS FOR THE TOWN AS REQUIRED ANNUALLY BY THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

9. Consider approval of a resolution authorizing the Town of Flower Mound to become a participant in the Texas Cooperative Liquid Assets Securities System Trust, designating and appointing authorized representatives and providing an effective date.

RESOLUTION NO. 13-22

A RESOLUTION OF THE TOWN OF FLOWER MOUND TO BECOME A PARTICIPANT IN THE TEXAS COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM TRUST INVESTMENT POOL, DESIGNATING AND APPOINTING AUTHORIZED REPRESENTATIVES AND PROVIDING AN EFFECTIVE DATE.

10. Consider approval of an ordinance amending Appendix A of the Code of Ordinances by amending the charges for residential and non-residential water and sewer service; providing a severability clause; providing for publication; and providing an effective date.

ORDINANCE NO. 44-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING THE CHARGES CONTAINED THEREIN FOR RESIDENTIAL AND NON-RESIDENTIAL WATER AND SEWER SERVICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Sharma moved to approve by consent Items 1 - 6, 8 – 10, 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: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

J. REGULAR ITEMS

11. Presentation and discussion regarding Tax Increment Reinvestment Zones (TIRZ).

Staff Presentation

Mr. Childers provided background information about why this item is coming forward and he introduced the guest speakers:

Mary Petty, P3 Works, and George Purefoy, former City Manager of Frisco.

Ms. Petty provided technical information about a TIRZ and Mr. Purefoy provided practical information about the application of a TIRZ.

They, Mr. Meredith, or Mr. Childers responded to comments or questions from Council regarding:

- If a TIRZ can pay for maintenance cost expenses, and when should that be designated
- How density affects or controls a TIRZ
- Redevelopment versus development areas
- How the determination of future growth by Council is made
- Financial obligations, risks
- County participation level
- Funding Town facilities and functions
- Process for updating the rules that govern the TIRZ
- What happens if end up with excess revenue
- What happens to the tax rate
- Process to unwind a TIRZ
- How the TIRZ Board is formulated

- Examples of a past TIRZ where it ended up not being in the best interest of the city
 - Are there examples of developments that would have flourished without a TIRZ
 - Measuring the return on investment for TIRZ
 - Commercial vs. residential projects
 - Typical duration of a TIRZ
 - How large was the geographic area for TIRZ #1 in Frisco
7. Consider approval of a resolution amending the financial policies of the Town of Flower Mound.

Councilmember Engel pointed out he had concerns regarding the accounting and budgeting planning as it relates to the TIRZ.

Mr. Childers responded to his concern and pointed out there will be a strategy going forward to address number 12 to manage that process.

RESOLUTION NO. 11-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF AMENDED FINANCIAL POLICIES; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Engel moved to approve as stated in the agenda caption. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

Mayor France recused himself from participation in items 12, 13, and 14.

Mayor Pro Tem Sharma opened Items 12 - 14 at the same time

12. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023, and making appropriations for each fund and department.
13. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023.
14. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023.

Staff Presentation

Ms. Wilkinson gave a presentation identifying or noting:

- 2022 Debt service and tax rate
- Average tax bill over past 10 years
- Required budget and tax rate adoption language
- Changes since proposed budget filed in July
- Compensation/benefits
- General fund overview
- Utility fund overview
- Water/Wastewater rates
- Stormwater utility fund
- Special revenue funds
- Crime Control & Prevention District budget
- Fire Control, Prevention & Emergency Medical Services District budget
- Capital Improvement Program

Item 12 (Part 1) Motion:

Councilmember Taylor moved to approve an ordinance adopting the budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023, and making appropriations for each fund and department. Councilmember Engel seconded the motion.

ORDINANCE NO. 45-22

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, AND MAKING APPROPRIATIONS FOR EACH FUND AND DEPARTMENT; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE INTEREST ON SINKING FUND AND OTHER OBLIGATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

Item 12 (Part 2) Motion:

Councilmember Taylor moved to ratify the property tax revenue increase reflected in the FY 2022-2023 budget. Councilmember Engel seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

Item 13 Motion

Councilmember Engel, acting as the Board of Directors for the Crime Control and Prevention District, moved to approve a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023. Councilmember Schiestel seconded the motion.

RESOLUTION NO. 14-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

VOTE ON MOTION:*Motion passed***AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA****NAYS: NONE****Item 14 Motion**

Councilmember Schiestel, acting as the Board of Directors for the Fire Control, Prevention, and Emergency Medical Services District, moved to approve a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023. Councilmember Taylor seconded the motion.

RESOLUTION NO. 15-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, ACTING AS THE BOARD OF DIRECTORS OF THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING AND APPROVING THE BUDGET FOR THE TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

15. Public Hearing to consider approval of an ordinance adopting the 2022 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.405000 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2022.

Mayor France opened the Public Hearing at 8:16 p.m. No one spoke. Mayor France closed the Public Hearing at 8:17 p.m.

Mayor Pro Tem Sharma moved that the property tax rate be increased by the adoption of a tax rate of \$0.405000 per \$100 of assessed value, which is effectively a 5.03 percent increase in the tax rate; and move to approve an ordinance adopting the 2022 tax rolls and fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2022, and ending on September 30, 2023, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.405000 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2022. Councilmember Engel seconded the motion.

ORDINANCE NO. 46-22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.4050 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2022; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE TOWN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR APPROVAL OF THE 2022 TAX ROLLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

16. Consider a request for a Site Plan (SP22-0007 – Los Caminos Restaurant) to develop a restaurant, with an exception to the Architectural Standards of the Town's Urban Design Plan for meritorious design and a waiver to Architectural Standards in the Town's Urban Design Plan for roof pitch. The property is generally located south of Lakeside Parkway and east of International Parkway. (PZ recommended approval by a vote of 6 to 0 at its August 29, 2022, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

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

and she responded to questions or comments from Council regarding:

- Roof pitch
- Materials clarification
- Roadway transition

Applicant Presentation

Sam Pan, Realty Capital and Jeffrey Denman, Los Caminos Restaurant

Mr. Pan gave a presentation identifying or noting:

- Building rendering, floor plan
- Menu

and they responded to comments or questions from Council regarding:

- If the picture shown will be what is built in Flower Mound
- Parking access
- Construction timeline and opening date

Deputy Mayor Pro Tem Martin moved to approve as presented. Mayor Pro Tem Sharma seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: SHARMA, MARTIN, ENGEL, SCHIESTEL, TAYLOR

NAYS: NONE

17. Consider approval of a Resolution to adopt a Board, Commission, and Committee Manual for the Town.

The Town Council convened into a closed meeting at 8:38 p.m. on September 19, 2022, pursuant to Texas Government Code Chapter 551.071 for consultation with attorney on this item, and reconvened into an open meeting at 8:55 p.m.

Staff Presentation

Ms. Scott expressed appreciation for everyone involved in the creation of the manual.

Councilmember Engel moved to approve as presented, with a modification to Section 2.13, Social Media Policy, to include language providing a cautionary notation that board members may incur personal liability for statements made publicly outside of a posted meeting. Mayor Pro Tem Sharma seconded the motion.

RESOLUTION NO. 16-22

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS ADOPTING A BOARD, COMMISSION, AND COMMITTEE MANUAL; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: TAYLOR, SCHIESTEL, ENGEL, MARTIN, SHARMA

NAYS: NONE

K. 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.

L./M CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 8:57 p.m. on September 19, 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 11:15 p.m. on September 19, 2022, and no action was taken on the following items:

- a. Annual Performance Review of Town Manager and Town Secretary.
- b. 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
 - c. 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.
 - 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 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.

N. ADJOURN REGULAR MEETING

Mayor France adjourned the meeting at 11:15 p.m. on Monday, September 19, 2022, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



DEREK FRANCE, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY