

THE FLOWER MOUND TOWN COUNCIL SPECIAL 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 19th DAY OF JANUARY 2012, 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.

The Town Council met in a special meeting with the following members present:

Melissa Northern	Mayor
Al Filidoro	Mayor Pro Tem
Steve Lyda	Deputy Mayor Pro Tem (arrived at 6:14)
Kendra Stephenson	Councilmember Place 1
Mark Wise	Councilmember Place 3
Tom Hayden	Councilmember Place 5

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

Harlan Jefferson	Town Manager
Theresa Scott	Town Secretary
Terrence Welch	Town Attorney
Kent Collins	Assistant Town Manager
Chuck Springer	Assistant Town Manager/CFO
Gary Sims	Executive Director of Community Services
Doug Powell	Director of Development Services
Christine Hastings	Animal Services Manager

A./B. CALL BRIEFING SESSION TO ORDER

Mayor Northern called the briefing session to order at 6:01 p.m.

1. Town Council Boards and Commissions Subcommittee Reports

Councilmember Hayden reported the Parks, Arts, Library Services (PALS) Board met on January 5th and he summarized the items discussed.

Councilmember Wise reported on the items discussed at the January 9th Planning and Zoning meeting.

Mayor Pro Tem Filidoro reported recently attending the Boards and Commissions chair and vice chair meeting.

Councilmember Stephenson reported the Environmental Conservation Commission held its first meeting of the year on January 3rd and she summarized the items discussed.

In response to questions from Councilmembers with regard to timing associated with recommendations from the Charter Review Commission (CRC), Mr. Welch

responded by stating items for the May ballot would need to be submitted by the CRC to Council, with action by Council no later than March 5th. Furthermore, if those Charter amendments pass, under state constitution, there couldn't be another Charter Amendment Election for two years, making it May of 2014. He added, if the items on the May ballot fail, then the Commission could come forward for recommendations on the November ballot.

Mayor Northern reported attending the following meetings or events:

- Boards and Commissions Chair and Vice Chair meeting
- Community Development Corporation meeting and she summarized the items discussed.

2. Discuss Consent and Regular Items

Councilmember Wise requested Consent Item 4 be pulled.

3. Discuss Future Agenda Items

Councilmember Stephenson requested having the Charter Review Commission (CRC) Chair come forward at the next Town Council meeting to provide an overview regarding what they have decided with regard to what process they will use to get public input, and what their time frames are with regard to bringing recommended items forward to Council.

Mayor Northern asked for clarification by asking Councilmember Stephenson if the objective is to make sure that the Chairman comes in and tells Council that he has a complete understanding of the items the Town Attorney will be discussing with him.

Councilmember Stephenson indicated it would be good for Council and the public to make sure they understand the constraints they are working under and to communicate what was decided with regard to how they are going to operate, what their deliberation process is going to be, how they are going to get public input and how open to the public will their meetings be. She also expressed interest in having the CRC meetings televised.

After some discussion as to whether or not the CRC Chair could submit a report or appear before Council, a majority of Councilmembers agreed to proceed with extending an invitation to the CRC Chair to provide an update at the next Council meeting.

Councilmember Hayden announced that on April 5th the Chamber is conducting their Annual Spring fundraiser and he would like a future agenda item to come forward for the purpose having the Town consider sponsorship in that event.

Councilmember Stephenson indicated she would support having that discussion, and she indicated there are other Chamber related items such as luncheons coming up that require sponsorship, and would like to look at all available

sponsorships the Chamber has in the year and consider making a decision on everything at the same time.

The majority of Councilmembers agreed to have a discussion on the topic of Chamber sponsorship opportunities.

4. Discuss Council Communications

Mr. Jefferson reported on the following Council Communication items:

Regional Transportation

Mr. Jefferson indicated this communication is related to the role of the Transportation Commission with regard to regional transportation activities. He noted the Communication listed opportunities to participate in regional activities as presented to the Transportation Commission, of which, many don't allow for public participation.

Mr. Jefferson stated the feedback from Council is that only one member would participate in the various activities listed, and that individual should represent themselves and the Commission, and would include sharing appropriate information with the Commission, as well as the Town Council. In addition, that individual should not have a speaking role, nor should they speak on behalf of the Town as a whole.

Mr. Jefferson clarified that if Council is satisfied with that direction he would proceed in communicating that information to the Transportation Commission.

Mayor Northern confirmed with Council that is the direction.

CDBG Final Funding and Residential Rehabilitation Program

Mr. Jefferson stated this communication has to do with approval of final funding in association with the Community Development Block Grant (CDBG) in relation to Sunrise Circle paving and improvement project, along with plans for future CDBG projects. He provided a history of the CDBG program in relation to Flower Mound and what has been done to date. He indicated with the 2010 census there are no areas that qualify for HUD CDBG funding. For that reason staff recommends closing out the project by using some street maintenance funding and then transition to a Residential Rehabilitation Program. This program would allow the Town to address safety, environmental, and code enforcement issues. He identified various ways in which the funding could be used and the funding allocation for the program. He further added that transportation funding used out of CDBG funding for aging and disabled residents could be utilized if that budget continues to grow.

Mr. Jefferson stated the feedback received from Council was in support of the item, and for that reason staff will proceed with an Agenda item with respect to

finishing out the Sunrise Circle project, and going forward staff will change the submission to HUD for a different type of program.

Mayor Northern confirmed with Councilmembers that is the direction.

Shop Flower Mound Program

Mr. Jefferson provided an update regarding the Shop Flower Mound program and indicated staff would like to conduct a rebranding of the program, which would include partnering with the Flower Mound Chamber of Commerce. He highlighted some of the new features that are being considered and noted the vendor being reviewed for the program, along with the process.

Mayor Pro Tem Filidoro offered some suggestions in relation to showcasing Flower Mound restaurants.

Councilmember Hayden inquired about the associated costs with the rebranding program, and what part of the budget would those funds come from.

Mr. Jefferson responded \$14,000, and funds for the program would come from the Economic Development budget.

Deputy Mayor Pro Tem Lyda expressed interest in having a focus group that would include residents as well as businesses.

Retail Coach Economic Development Project

Mr. Jefferson state this communication outlines a firm that does analysis to determine what retailers best match with Flower Mound and how that information is later used in approaching retailers. He pointed out clients they have worked with and indicated this item could be discussed at the upcoming Strategic Planning Session. Furthermore, he stated if Council decides to pursue the project, there could be a budget amendment item or to bring it back during the budget process later this year, which could be implemented over the next twelve months.

Evaluation regarding streamlining the development process.

Mr. Jefferson stated this item goes back to an item that was brought about in 2007 in relation to comments about the Town being difficult to do business with. He noted that staff has met with the development community and identified issues, had the Council rank those in the order they would like addressed, and eighteen months have been spent evaluating ordinances, in which some changes have been made. He noted that given this concern has been recently brought up again, the Council Communication is for the purpose of identifying if there is a need to go through that process again to identify if there are issues that hinder development in the community.

Mr. Jefferson indicated the feedback received to date indicates being supportive

of staff initiating this process.

Councilmember Stephenson and Hayden indicated there might be a different approach needed, such as how can the process get moving quicker and review what other communities do to streamline their processes. Councilmember Stephenson and Mayor Pro Tem Filidoro expressed interest in pursuing an incubator program for new businesses.

Mayor Pro Tem Filidoro agreed with Councilmember Stephenson's idea, however, he would like to see a report for the purpose of gaining a better understanding as to the "why" Flower Mound is considered difficult place to do business with. At that point, Council can discuss what can be done. In this way the issue can be quantified. He stated it's important to keep in mind it's not always the Town that is holding up the application process as the developer doesn't always come back in a certain amount of days. If there is a fast track program implemented all parties involved need to understand and be in agreement of the schedule presented.

Councilmember Hayden indicated he would like to review the Town's Ordinances and contrast that with other cities to identify what is making the Town noncompetitive in North Texas.

Mr. Jefferson asked for clarification as to if he is referring to all Ordinance or just the areas identified by the development community.

Councilmember Hayden clarified he is referring to the Town's standards and the whole process. For example, is the Town asking for a standard that is different from what another community is asking for? He noted with regard to permits as an example.

Deputy Mayor Pro Tem Lyda offered appreciation of the tracking process the Town has implemented. He noted there have been changes in the design standards. He stated he didn't want to sacrifice standards to lower quality of life.

Mr. Jefferson summarized some of the items mentioned in 2007 and how those areas have been addressed.

Mayor Northern indicated the new planning software is anticipated to shorten some of the process.

Mayor Northern stated its Councils direction to discuss this item in further detail at the upcoming Strategic Planning Session.

C./D. ADJOURN BRIEFING SESSION AND CALL REGULAR MEETING TO ORDER

Mayor Northern adjourned the briefing session and called the regular meeting to order at 6:56 p.m.

E./F. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG

Chaplain Mark Sherrill gave the invocation and Troop 265 led the pledges.

G. PRESENTATIONS

Danny Hodges, Area Manager, ONCOR, presented a check to the Town in the amount of \$30,729.00 in conjunction with the ONCOR Energy Efficiency Matching Grant.

H. PUBLIC PARTICIPATION

Patsy Mizeur, 1821 Castle Ct, Flower Mound, TX 75028

Ms. Mizeur expressed interest in having the Town Council meeting minutes available to the public in a timely manner.

I. ANNOUNCEMENTS

Deputy Mayor Pro Tem Lyda announced Walmart is now open in the former Albertson's location.

Councilmember Wise announced that on March 3rd the Summit Club is having their annual Western Saloon Night at Circle R Ranch.

Councilmember Hayden had the following announcements:

- Chamber of Commerce awards event on Feb 9th
- Vine and Dine Rotary event
- Highlighted features of the Cross Timbers Trailhead and also indicated there is a need to anchor the trash cans at that location

Mayor Northern had the following announcements:

- Various events associated with the Flower Mound Fit program
- Metroplex Mayor's meeting
- Lake Lewisville Symphony event
- FM Rotary Vine and Dine event

Mayor Northern reported attending the following meetings or events:

- Metroplex Mayor's meeting
- Martin Luther King, Jr. celebration event
- Walmart grand opening
- North Central Texas College (met new director)
- Precinct 4 Task Force meeting
- Seniors in Motion Dance

J. TOWN MANAGER'S REPORT

Mr. Jefferson reported on the following:

- Announced that the boil notice for western Flower Mound has been rescinded
- Attended the Precinct 4 meeting in which road project updates were provided for FM1171, 407, as well as other projects in Denton County
- Provided an update on Dixon Lane
- Announced various grants the Town was recently awarded that will aid in the work of police and fire efforts
- Announced the Town was not awarded a grant from the Texas Parks and Wildlife in association with the application that was submitted for the additional phases for Twin Coves Park
- Announced the Town recently released a free iPhone app for iPhone users called FM In Touch and he explained the associated features of the app.
- Provided a crime statistics report

K. CONSENT ITEMS

Mayor Pro Tem Filidoro moved to approve by consent Items 1 - 3, and 5 -10. Councilmember Stephenson seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

1. **Consider approval of the minutes from a work session of the Town Council held on October 20, 2011.**

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on October 20, 2011.

2. **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 held on November 7, 2011.**

RECOMMENDATION: Move to approve 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 held on November 7, 2011.

3. **Consider approval of the minutes from a work session of the Town Council held on November 17, 2011.**

RECOMMENDATION: Move to approve the minutes from a work session of the Town Council held on November 17, 2011.

Item 4 pulled from consent at the request of Councilmember Wise.

5. **Consider approval of an agreement with Lee Engineering, L.L.C., to provide traffic signal design services associated with the intersection of Old Settlers Road and Sagebrush Drive in the amount of \$16,500.00; and authorization for the Mayor to**

execute same on behalf of the Town.

RECOMMENDATION: Move to approve an agreement with Lee Engineering, L.L.C., to provide traffic signal design services associated with the intersection of Old Settlers Road and Sagebrush Drive in the amount of \$16,500.00; and authorization for the Mayor to execute same on behalf of the Town.

6. **Consider approval of Change Order No. 1 for the construction of the 2011 Street Reconstruction project, with Jet Underground Utilities, Inc., for an increase in the amount of \$30,105.75; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Change Order No. 1 for the construction of the 2011 Street Reconstruction project, with Jet Underground Utilities, Inc., for an increase in the amount of \$30,105.75; and authorization for the Mayor to execute same on behalf of the Town.

7. **Consider approval of a Professional Services Agreement with Leathers & Associates, Inc., to provide design, organization, and construction services associated with the community built playground within The Heritage Park of Flower Mound project, in the amount of \$55,850.00; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Leathers & Associates, Inc., to provide design, organization, and construction services associated with the community built playground within The Heritage Park of Flower Mound project, in the amount of \$55,850.00; and authorization for the Mayor to execute same on behalf of the Town.

8. **Consider approval of Amendment No. 1 for the Sunrise Circle, CDBG Phase V project, amending the Professional Services Agreement with Teague Nall and Perkins, Inc., for an increase of \$32,500.00 to the contract amount; and authorization for the Mayor to execute same on behalf of the Town.**

RECOMMENDATION: Move to approve Amendment No. 1 for the Sunrise Circle, CDBG Phase V project, amending the Professional Services Agreement with Teague Nall and Perkins, Inc., for an increase of \$32,500.00 to the contract amount; and authorization for the Mayor to execute same on behalf of the Town.

9. **Consider approval of the purchase of one ambulance for Fire and Emergency Services from Professional Ambulance, through the Texas Local Government Purchasing Cooperative, in the amount of \$189,123.**

RECOMMENDATION: Move to approve the purchase of one ambulance for Fire and Emergency Services from Professional Ambulance, through the Texas Local Government Purchasing Cooperative, in the amount of \$189,123.

10. Consider acceptance of Texas Department of Public Safety Grant 11-SR-26232-01, awarded under the Fiscal Year 2011 Homeland Security Grant Program to carry out community preparedness and participation activities; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve acceptance of Texas Department of Public Safety Grant 11-SR-26232-01, awarded under the Fiscal Year 2011 Homeland Security Grant Program to carry out community preparedness and participation activities; and authorization for the Mayor to execute same on behalf of the Town.

VOTE ON MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None.

L. REGULAR ITEMS

Item 4 pulled from consent at the request of Councilmember Wise.

4. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound relating to prima facie speed limits for specific streets by lowering the prima facie speed limits for Amber Court, Aurora Court, Biscayne Drive, Blue Grass Court, Blue Grass Drive, Bosque Court, Canter Way, Chilton Lane, Dade Drive, Equestrian Court, Equestrian Way, Forest Hill Drive (285 feet south of Remington Park Drive), Fuller Drive, Gallant Court, Georgetown Drive, Glenshire Drive, Haley Drive, Hampshire Drive, Huntwick Lane, Indale Way, Joshua Drive, Jubilee Drive, Kingswood Drive, Liberty Court, Manor Way, Morningstar Circle, Morningstar Drive, Mustang Trail, Pacer Way, Pack Saddle Way, Remington Park Court, Remington Park Drive, Sorrel Court, Sorrel Drive, Stone Court, Trotter Lane, and Withers Avenue to 25 mph.

Staff Presentation

Mr. Collins summarized the purpose of the item, identified streets near schools, pointed out the Transportation Commission's recommendations, and identified the Town's policy with regard to setting speed limits.

Councilmember Wise inquired about what input the residents had with regard to this change.

Mr. Collins stated staff worked with the President of Saddle Oaks and Bridlewood Homeowners Association (HOA) to garner the opinion of affected residents. He noted feedback from the HOA's was that e-mails were sent to residents.

Councilmember Wise offered his understanding with regard to how the survey was distributed, along with the results of that survey. Furthermore, he stated it's his understanding the problem is on Mustang and inquired how that request turned into thirty seven other streets.

Mr. Collins noted the process with regard to the new policy, which includes a review of neighborhoods of streets, and an outreach is done through neighborhood homeowner's representatives to identify if there is interest in pursuing the change for other streets.

Councilmember Wise commented that based on the proposed average speed on Mustang, the speed limit change wouldn't change driver habits, and he asked for clarification as to the reasoning for the study.

Mr. Collins stated the reason the study was done is because the process for an exception requires an engineering study. He provided a history regarding how the the Town's policy with regard to speed limits was established, and particularly in relation to schools.

Deputy Mayor Pro Tem Lyda commented about the history on this topic with regard to the Transportation Commission.

Councilmember Wise inquired if there had been multiple accidents or speeding violations.

Mr. Collins indicated not that he is aware of.

Mayor Pro Tem Filidoro indicated since it's so broad it's his desire to table the item until there is a firm Town policy in place with regard to notification.

Mayor Northern and Councilmember Stephenson indicated their preference is to provide advance notification.

Deputy Mayor Pro Tem Lyda indicated the Transportation Commission would most likely be acceptable to considering taking this item up at a future meeting.

Councilmember Wise moved to table an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound relating to prima facie speed limits for specific streets by lowering the prima facie speed limits for Amber Court, Aurora Court, Biscayne Drive, Blue Grass Court, Blue Grass Drive, Bosque Court, Canter Way, Chilton Lane, Dade Drive, Equestrian Court, Equestrian Way, Forest Hill Drive (285 feet south of Remington Park Drive), Fuller Drive, Gallant Court, Georgetown Drive, Glenshire Drive, Haley Drive, Hampshire Drive, Huntwick Lane, Indale Way, Joshua Drive, Jubilee Drive, Kingswood Drive, Liberty Court, Manor Way, Morningstar Circle, Morningstar Drive, Mustang Trail, Pacer Way, Pack Saddle Way, Remington Park Court, Remington Park Drive, Sorrel Court, Sorrel Drive, Stone Court, Trotter Lane, and Withers Avenue to 25 mph. Mayor Pro Tem Filidoro second the motion.

VOTE ON MOTION

AYES: Hayden, Wise, Filidoro, Stephenson

NAYS: Lyda

Mayor Northern opened Items 11 and 12 at the same time.

11. **Z 01-11 – Hawthorne**

Public Hearing

Public Hearing to consider a request for rezoning (Z 01-11 - Hawthorne) from Agricultural District (A) uses to Single-Family District -10 (SF-10) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located on the north side of Kirkpatrick Lane and west of Timber Creek Road. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2011, meeting.)

Staff Presentation

Mr. Powell provided a presentation identifying the location, land use, zoning, development plan, and summarized the request being made. In addition, he pointed out there have been a few calls and a couple e-mails indicating concern regarding the impact on the schools. He noted the Parks, Arts, and Library Services Board being acceptable with money being taken in lieu of actual park dedication.

Questions and Answers

Deputy Mayor Pro Tem Lyda asked if feedback was obtained from the neighborhood to the north.

Mr. Powell indicated yes, the homeowners in Stone Hill Farms were sent a letter.

Mayor Northern referenced a letter received in which they were not opposed to the development.

Councilmember Stephenson noted with regard to the parks, if there is a park within a mile, if the Town has a measurement function with respect to the utilization of parks, such as a certain amount of residents that determines when a park is considered over utilized.

Mr. Powell noted one of the foundations of SMARTGrowth addresses the amount of acreage per population, and Mr. Sims noted when the Town's Parks and Trails Master Plan was completed there was a measurement put in place based upon population.

Councilmember Stephenson stated receiving a few calls with regard to how the Town judges this, and going forward she requested this process be reviewed with respect to not moving away from having the park component, and to provide good answers to residents when decisions are made to take money in lieu of parks.

Some discussion was made on pocket parks relating to their functionality.

Mr. Powell responded to questions regarding fence standards, drainage, retention ponds, and the types of barrier that would be used with respect to the adjacent neighborhood.

Applicant Presentation

Kyle Hogue, G & A Consultants, 111 Hillside Drive, Lewisville.

Mr. Hogue responded to questions from Councilmembers and the audience with regard to neighborhood barriers such as fences, and their drainage plan.

Larry Jackson, David Weekly Homes, 2125 Winthrop Hill, Argyle, TX

Mr. Jackson identified their plan for fencing.

Jed Dolson, JBGL Capital, 3131 Harvard Ave, Ste 103, Dallas, TX

Mr. Dolson spoke about the value of the homes going in and how he believed the fences will be nicer than what exists today.

Charles Mitchell, 1608 Kirkpatrick, Flower Mound, TX

Mr. Mitchell responded to an inquiry in relation to the type of fence product for an adjacent property being discussed, and clarified it is wood.

Mayor Northern opened the Public Hearing at 8:15 p.m.

Public Participation

Patti Fennessey, 1804 Castle Ct, Flower Mound, TX 75028

Ms. Fennessey expressed concerns regarding drainage, fencing, and the need for parks with rest rooms, and she referenced Tiger Park specifically.

Colleen Jacob, 1813 Morning Mist, Flower Mound, TX 75028

Ms. Jacob expressed concern regarding lack of parks and had a question about how the developer would handle fencing in relation to the barbed wire fence that exist on her property.

Mayor Northern closed the Public Hearing at 8:27 p.m.

The applicant responded to all of the above referenced questions.

Deputy Mayor Pro Tem Lyda moved to approve a request for rezoning (Z 01-11 - Hawthorne) from Agricultural District (A) uses to Single-Family District-10 (SF-10) uses and adopt an ordinance providing for said amendment. Councilmember Stephenson seconded the motion.

Council Deliberation

There was Council deliberation with regard to making sure the interests of the residents were addressed in relation to fencing.

ORDINANCE NO. 02-12

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 CHANGING THE ZONING ON APPROXIMATELY 17.283 ACRES OF LAND SITUATED IN THE ELISHA SMITH SURVEY, ABSTRACT NUMBER 1161, FROM AGRICULTURAL DISTRICT (A) USES TO SINGLE-FAMILY DISTRICT-10 (SF-10) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND IN ACCORDANCE WITH CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

12. DP 04-11 – Hawthorne

Consider a request for a Development Plan (DP 04-11 - Hawthorne) to develop a residential subdivision. The property is generally located on the north side of Kirkpatrick Lane and west of Timber Creek Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 12, 2011, meeting.)*

Mayor Pro Tem Filidoro moved to approve a Development Plan (DP 04-11 - Hawthorne) to develop a residential subdivision and acceptance of Park Development Fees in the amount of \$72,176.00 and cash in lieu of land in the amount of \$121,673.10 to satisfy the requirements of the Park Land Dedication Ordinance. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

13. *Code of Ordinances - Section 6-47*

Public Hearing

Public Hearing to consider amending Section 6-47, "Prohibited actions against animals," of Chapter 6, "Animals," of the Code of Ordinances by adding a new subsection (12) generally prohibiting the sale, exchange, raffle, auction or giving away a live cat or dog as a prize or inducement in certain circumstances.

Staff Presentation

Ms. Hastings provided a presentation which included background information related to the Ordinance, and limitations within the ordinance.

Questions and Answers

Ms. Hastings responded to questions from Councilmembers regarding advertising, and the option of a certificate for an animal.

Mr. Welch clarified the Ordinance doesn't distinguish between a voucher or an animal, and noted, for example, if you are saying here's a certificate – go get a dog or if the dog is there, there is no distinction.

Deputy Mayor Pro Tem Lyda suggested, and Councilmember Stephenson agreed, with the option of assistance in the adoption in the way of waiving fees.

Linda Norman, 1601 Arrowhead Dr, Flower Mound, TX 75028

Ms. Norman, as a representative of the Humane Society, responded to Council questions with regard to background information regarding the Humane Society, and identified their adoption process.

Mayor Northern opened the Public Hearing at 8:52 p.m.

Public Participation

Mary O'Meara, 3908 Belstrum Dr, Flower Mound, TX 75028

Spoke in support of the Ordinance.

Michelle Langenberg, 2104 Carrington Ave, Flower Mound, TX 75028

Spoke in support of the Ordinance.

Stacy Smith, 9124 Cherokee Tr, Flower Mound, TX 75022 (volunteer for Humane Society, former Animal Services Board member, current North Texas Chapter President of the Texas Humane Legislation Network)

Spoke in support of the Ordinance.

Jennifer Giles, 2901 Hornby Ln, Flower Mound, TX 75022

Spoke in support of the Ordinance.

Linda Norman, 1601 Arrowhead Dr, Flower Mound, TX 75028

Spoke in support of the Ordinance.

Mayor Northern closed the public hearing at 9:03 p.m.

Council Deliberation

Deputy Mayor Pro Tem Lyda offered appreciation for the Animal Services Board taking on this topic and stated the ordinance demonstrates proactive measures on the part of the Town.

Mr. Welch responded to questions from Councilmembers regarding motion phraseology, and clarified that selling an animal is not prohibited in this proposed Ordinance, and is applicable only if the animal is used as a prize.

Councilmember Wise moved to approve an ordinance amending Section 6-47, "Prohibited actions against animals," of Chapter 6, "Animals," of the Code of Ordinances by adding a new subsection (12) generally prohibiting the sale, exchange, raffle, auction or giving away a live cat or dog as a prize or inducement in certain circumstances. Mayor Pro Tem Filidoro seconded the motion.

ORDINANCE NO. 01-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 6, "ANIMALS," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SECTION 6-47 THEREOF, ENTITLED "PROHIBITED ACTIONS AGAINST ANIMALS," BY ADDING A NEW SUBSECTION (12) GENERALLY PROHIBITING THE SALE, EXCHANGE, RAFFLE, AUCTION OR GIVING AWAY A LIVE DOG OR CAT AS A PRIZE OR INDUCEMENT IN CERTAIN CIRCUMSTANCES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Hayden, Wise, Lyda, Filidoro, Stephenson

NAYS: None

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

Mayor Northern announced future Council meeting dates of January 20th and 21st.

N./O. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:17 p.m. on January 19, 2012, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.087, 551.072, 551.074, and 551.071 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations and reconvened into an open meeting at 10:06 p.m. on January 19, 2012, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

Deputy Mayor Pro Tem Lyda moved to approve the purchase of the Right-of-Way and drainage easements, in association with the Chinn Chapel Road Phase I project, from Mr. Kenneth and Josephine Anderson and Mr. Floyd Robertson, not to exceed the settlement amount, plus closing costs; authorize the Assistant Town Manager, or his designee, to execute all documents at closing on behalf of the Town; and authorize the Town Attorney, or his designee, to file condemnation proceedings against the property owners in the event a settlement cannot be reached. Councilmember Wise seconded the motion.

VOTE ON THE MOTION

AYES: Stephenson, Filidoro, Lyda, Wise, Hayden

NAYS: None

- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.

No action taken.

P. ADJOURN REGULAR MEETING

Mayor Northern adjourned the meeting at 10:09 p.m. on Thursday, January 19, 2012, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



MELISSA D. NORTHERN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY