

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF FEBRUARY, 2014, 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 regular meeting with the following members present:

Tom Hayden	Mayor (arrived at 7:19 p.m.)
Steve Dixon	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Michael Walker	Councilmember Place 1
Mark Wise	Councilmember Place 3
Jean Levenick	Councilmember Place 5

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

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Assistant Town Manager/CFO
Doug Powell	Executive Director of Development Services
Andy Kancel	Chief of Police

A. CALL REGULAR MEETING TO ORDER

Mayor Pro Tem Dixon 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 Don Cone gave the invocation and Mayor Pro Tem Dixon led the pledges.

D. PRESENTATIONS

1. Proclamation and presentation of Hometown Hero banner to James Lancaster.

(at the request of the family this presentation was moved to #3 position.)

Mayor Pro Tem Dixon presented James Lancaster's father, Jim Lancaster, with a proclamation in his honor.

2. Presentation from CoServ regarding Capital Credit allocation to the Town of Flower Mound.

Ms. Tracee Elrod, Area Manager, CoServ presented the Town with a check in the amount of \$52,651.37 for the capital credit allocation.

3. 35Express project update by Kimberly Sims, Public Information Coordinator.

Ms. Kimberly Sims, Public Information Coordinator for the 35Express project, gave a project update related to upcoming road construction plans.

4. Charter Review Commission Update and Recommendations, as applicable.

Paul Stone, Chair of the Charter Review Commission gave a presentation regarding the work of the Charter Review Commission with the final recommendation of the Commission being to not go forward with a Charter election at this time.

No direction from Council to staff was provided to have any item(s) come forward for the February 17th meeting agenda when the Ordinance calling the election is scheduled to be heard.

5. Charter Review Commission Members Recognition.

Mayor Pro Tem Dixon offered each Charter Review Commission member with a letter thanking them for their service.

E. PUBLIC PARTICIPATION

Names listed below don't necessarily reflect the order in which each person spoke.

Yul Shelton, 2804 Bur Oak Dr, Flower Mound, TX 75028

Mr. Shelton expressed support for the Mayor's personal Proclamation related to the Year of the Bible.

Eric Arts, 3801 Cortadera Ct, Flower Mound, TX 75028

Mr. Arts spoke about the Cortadera Park pond project in that in the future he would like to discuss it as it's a worthy investment for the Town.

Drew Larson, 3814 Cortadera Ct, Flower Mound, TX 75028

Mr. Larson indicated he is representing the Cortadera Park pond project. He noted the pond is idle and is not maintained by the Town. He is supportive of digging the pond out, putting a fountain in it, and making it an asset to the community instead of a liability. He indicated he has a petition containing 315 signatures from individuals that are in support. He asked Council to bring it up for approval.

Gayla Canant, 7708 Emerson Ln, Flower Mound, TX 75022

Ms. Canant indicated her home backs up to FM 1171 and currently there is a utility company clearing for the widening of FM 1171 and they have taken out some trees that have served as a barrier for their neighborhood. She reported having witnessed several accidents in the area and the trees prevented vehicles from entering their yard. She noted there are five homes impacted by this. Her neighborhood would like some kind of barrier before they get much farther along. She asked for assistance from the Town Council in communicating with TxDOT in the interest of the safety of their neighborhood.

Angie Cox, 7616 Emerson Ln, Flower Mound, TX 75022

Ms. Cox stated that none of the homeowners were notified that the trees would be cleared for the FM 1171 road project. In addition, near her back yard TxDOT was offering free firewood. This has since been resolved. She indicated having asked before for the Town's assistance and she recognizes it's a TxDOT road, however, they need the Town's assistance in communicating with TxDOT. Additionally, she referenced a traffic study that was done in 2002.

Steve Pace, 7612 Emerson Ln, Flower Mound, TX 75022

Mr. Pace provided background information related to the reasoning TxDOT was against putting in a sound wall and how he believes it correlated to a lower speed limit in that area. He indicated they would like the same accommodations that TxDOT has given to other neighborhoods with respect to a sound barrier.

John Tucker, 1402 Evergreen Dr, Lewisville, TX

Mr. Tucker spoke about a fundraising opportunity involving the Super Bowl, benefiting the Boys and Girls Club of America.

Marilyn Jenkins, 6716 Raintree, Flower Mound, TX 75022

Ms. Jenkins indicated she is here to talk about liquid deicing. She noted she wasn't able to get out of her driveway for 3 days. She pointed out the advantages of liquid deicing and how the Town could utilize this product to delay the freezing process. She also offered appreciation for Sergeant Ron Nottingham and the Town Manager for helping them with radar signs for their neighborhood (Raintree). She also offered appreciation to Town staff for helping with a flood plain situation. Lastly, she stressed the importance of open space to allow a habitat for the animals.

Sweetie Bowman, 6524 Orchard Dr, Flower Mound, TX 75022

Ms. Bowman offered thanks to the Charter Review Commission for their work. She indicated she is of the opinion the Arts should stay with the PALS Board and they should be given a directive to be more involved in the Arts. She pointed out various funding resources that could be utilized. She also stressed the importance of art in our community.

F. ANNOUNCEMENTS

Deputy Mayor Pro Tem Webb had the following announcements:

- New Police Department initiative - Coffee with a Cop, and he further identified the purpose, time and location of the event
- Date, time, and location of the Summit Club Western Saloon Night event

Mayor Pro Tem Dixon had the following announcements:

- Appreciation for being invited to the recent Fire Department Banquet and offered congratulations for those that received awards

G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects

Mr. Stathatos gave an update related to:

- The FM 1171 expansion project. He also provided an update regarding the sound wall concern for this area and what is currently being proposed by TxDOT.
- The Western pump station by Canyon Falls
- Background information and update related to the proposed Cortadera Park pond project, including proposed cost
- Public involvement efforts related to other parks in Town
- The study for the Regency Park and the booster pump
- Twin Coves Park

For the FM 1171 road project:

Request or statements from Council:

- Requested staff to look into the cost of doing a sound/traffic study since it hasn't been done since 2002.
- Sound barrier elements that are currently being explored
- Consideration to allowing higher fences and associated consequences
- Requested staff to look into the number of accidents that have happened in the vicinity as stated by one resident during public participation

General requests or statements from Council:

Mayor Hayden initiated the following requests or statements:

- Requested staff to look into the lighting concerns at the athletic fields at Flower Mound High School
- For the Chinn Chapel roundabout he requested that consideration be given relative to the use of architectural features in the event the project comes in under budget
- Asked staff to look into updating the Town's Personnel Manual and incentive plans for employees, and more specifically for reimbursement for training, negative impacts for on the job injuries, nepotism, and consideration for Town employees to use the Community Activity Center for free as part of the wellness program
- What the Town currently offers for disposal of items such as paint and electronics, and asked staff to report back options related to disposal of light bulbs and batteries

2. Update and discussion on Economic Development projects.

Mr. Stathatos gave an update related to:

- New businesses that are locating in Flower Mound
- Existing businesses that are currently expanding in Flower Mound

3. Update and discussion on the Town's Strategic Plan.

Mr. Dalton gave a presentation identifying or noting:

- Current process
- Implementation plan
- Next steps

Mr. Dalton responded to questions from Council related to:

- Availability of a draft of the strategic plan on the Town's web site
- Feedback received from the department heads related to the process and flow given it's a shift from the norm

There was consensus of Council to focus on the details of the Strategic Plan at the March Work Session, which would include prioritization of goals. In addition, to have this as the only item for that night.

Mayor Hayden had the following items that he would like to talk about in the way of long term planning:

- Fire Station at Canyon Falls
- Police substation in a central location of Town
- What can be done to keep residential and commercial neighborhoods vibrant
- Funding for transportation infrastructure (streets) and the need to start talking about that now. In addition, funding for the below ground infrastructure (sewer and water) and how we're going to tackle that
- The need for a park in the western part of Town

H. CONSENT ITEMS

Mayor Pro Tem Dixon moved to approve by consent Items 1 – 16. Councilmember Levenick 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 regular meeting of the Town Council held on January 6, 2014.**

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on January 6, 2014.

2. Consider approval of the minutes from a special meeting of the Town Council held on January 16, 2014.

RECOMMENDATION: Move to approve the minutes from a special meeting of the Town Council held on January 16, 2014.

3. Consider approval of the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1901 Doubletree Trail project, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$88,811.00.

RECOMMENDATION: Move to approve the purchase of creek bank stabilization and erosion control services, associated with the Bakers Branch Stabilization at 1901 Doubletree Trail project, to Knight Erosion Control, Inc., a sole source provider, in the amount of \$88,811.00.

4. Consider approval of a Professional Services Agreement with Kleinfelder Central, Inc., to provide geotechnical and material testing services associated with the Bakers Branch Collector, Phase I project, in the amount of \$41,565.00.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kleinfelder Central, Inc., to provide geotechnical and material testing services associated with the Bakers Branch Collector, Phase I project, in the amount of \$41,565.00.

5. Consider approval of the Professional Services Agreement to Alliance Geotechnical Group Inc., to provide geotechnical and material testing services associated with the FM 2499 at Lakeside Intersection Improvement project, in the amount of \$22,487.50.

RECOMMENDATION: Move to approve the Professional Services Agreement to Alliance Geotechnical Group Inc., to provide geotechnical and material testing services associated with the FM 2499 at Lakeside Intersection Improvement project, in the amount of \$22,487.50.

6. Consider approval of a Professional Services Agreement with Freese and Nichols, Inc., to provide professional engineering services for the Sagebrush Drive Improvements project, in the amount of \$299,762.00.

RECOMMENDATION: Move to approve a Professional Services Agreement with Freese and Nichols, Inc., to provide professional engineering services for the Sagebrush Drive Improvements project, in the amount of \$299,762.00.

7. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Wastewater System Model Update project, in the amount of \$137,500.00.

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Wastewater System Model Update project, in the amount of \$137,500.00.

8. **Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Water System Model Update project, in the amount of \$72,600.00.**

RECOMMENDATION: Move to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services associated with the Water System Model Update project, in the amount of \$72,600.00.

9. **Consider approval of the Final and Change Order No. 4 for the construction of the West Windsor Extension project, amending the contract with McMahon Contracting, LP., for a decrease in the contract amount of \$33,815.19, acceptance of the project and authorization for final payment of \$214,457.10 to McMahon Contracting, LP.**

RECOMMENDATION: Move to approve Change Order No. 4 for the construction of the West Windsor Extension project, amending the contract with McMahon Contracting, LP., for a decrease in the contract amount of \$33,815.19, acceptance of the project and authorization for final payment of \$214,457.10 to McMahon Contracting, LP.

10. **Consider approval of the purchase of three (3) picnic pavilions to be located in Cortadera, Culwell, and Leonard Johns Parks for the Individual Park Improvements Project Phase I, from Site Source, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$57,799.00.**

RECOMMENDATION: Move to approve the purchase of three (3) picnic pavilions to be located in Cortadera, Culwell, and Leonard Johns Parks for the Individual Park Improvements Project Phase I, from Site Source, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$57,799.00.

11. **Consider approval of the purchase of twenty-three (23) steel tables/shelters to be located in Cortadera, Leonard Johns, Shadow Ridge, Colony, Rustic Timbers, Culwell, Gaston, Grand, and Oak Parks for the Individual Park Improvements Project Phase I, from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative, in the amount of \$84,089.00.**

RECOMMENDATION: Move to approve the purchase of twenty-three (23) steel tables/shelters to be located in Cortadera, Leonard Johns, Shadow Ridge, Colony, Rustic Timbers, Culwell, Gaston, Grand, and Oak Parks for the Individual Park Improvements Project Phase I, from Child's Play, Inc.,

through the Texas Local Government Purchasing Cooperative, in the amount of \$84,089.00.

12. Consider rescinding the construction award of Bid No. 2013-80-B, from CPS Civil, LLC, for the construction of the Flower Mound Road Turn Lanes at Native Oak Drive, and Auburn Turn Lane at FM 1171 projects.

RECOMMENDATION: Move to approve rescinding the construction award of Bid No. 2013-80-B, from CPS Civil, LLC, for the construction of the Flower Mound Road Turn Lanes at Native Oak Drive, and Auburn Turn Lane at FM 1171 projects.

13. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013, and ending on September 30, 2014, as adopted by Ordinance No. 45-13 and amended by Ordinance No. 60-13 for adjustments to the General Fund, Utility Fund, and Stormwater Utility Fund.

RECOMMENDATION: Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2013, and ending on September 30, 2014, as adopted by Ordinance No. 45-13 and amended by Ordinance No. 60-13 for adjustments to the General Fund, Utility Fund, and Stormwater Utility Fund.

ORD. NO. 03-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013, AND ENDING ON SEPTEMBER 30, 2014, AS ADOPTED BY ORDINANCE NO. 45-13 AND AMENDED BY ORDINANCE NO. 60-13, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, STORMWATER UTILITY FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

14. Consider approval of the purchase of four (4) Toro Kubota mowers for the Park Services Department from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative program, in the total amount of \$51,826.83.

RECOMMENDATION: Move to approve the purchase of four (4) Toro Kubota mowers for the Park Services Department from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative program, in the total amount of \$51,826.83.

15. Consider approval of the purchase of three (3) Toro Groundmaster mowers for the Park Services Department from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative program, in the total amount of \$153,277.09.

RECOMMENDATION: Move to approve the purchase of three (3) Toro Groundmaster mowers for the Park Services Department from Professional Turf Products, L.P., through the Texas Local Government Purchasing Cooperative program, in the total amount of \$153,277.09.

16. Consider approval of a new policy to be included in the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Chapter 6, Rules of Conduct, effective immediately.

RECOMMENDATION: Move to approve a new policy to be included in the Town's Personnel and Administrative Regulations Manual (PARM), Title I, Chapter 6, Rules of Conduct, effective immediately.

VOTE ON MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Mayor Hayden opened items 17 and 18 at the same time.

I. REGULAR ITEMS

17. Public Hearing to consider a request for a Specific Use Permit (SUP13-0005 - KLA Daycare Center) to permit a day care center, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located at the northeast corner of West Windsor Drive and Bridlewood Boulevard. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its January 27, 2014, meeting.)*

Staff Presentation

Mr. Powell gave a presentation identifying or noting:

- General and detailed site location
- Land use and zoning
- Photographs of the site
- Landscape plan
- Approved site plan

Mr. Powell responded to questions from Council related to:

- Traffic study and student count information, including trip generations, road capacity, and pedestrian use

- Electrical boxes that prohibit movement of the project plan eastward
- Whether or not the project can be done with the existing driveway currently in place
- Driveway placement and the flood plain issue
- Clarification as to what can be built today under the permitted uses

Applicant Presentation

Jonathan Willette, 4 Points Development, 101 East Town Street, Studio 144, Columbus, OH 43215

Mr. Willette gave a presentation identifying or noting:

- History behind choosing the site location
- Background information about KLA
- Traffic study information
- Site plan
- Tree study

Mr. Willette responded to questions from Council related to:

- How many children will be enrolled at the day care at capacity
- Their willingness to utilize a crossing guard on their property

Mayor Hayden opened the Public Hearing at 8:27 p.m.

Public Participation

Support	Opposition and/or Questions
Jay Estabrook, 4700 Hampshire Dr, Flower Mound, TX	Andrew Doll, 4501 Kyle Ln, Flower Mound, TX

Mayor Hayden closed the Public Hearing at 8:32 p.m.

Video Minute Marker (Items 17 & 18): 39:20

There was in depth discussion related to the use of crossing or safety guards as an option at the driveway entrance on private property at the day care.

Council Discussion

There was Council discussion related to:

- The proposed use for the site location

Deputy Mayor Pro Tem Webb moved to approve a request for a Specific Use Permit (SUP13-0005 - KLA Daycare Center) to permit a day care center, with an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances, with the condition that the owner of the business provide a staff member to perform traffic duties on the property during the Town's regular school crossing guard services schedule for a period of one year from the anniversary date that the certificate of occupancy is issued, and to be revisited by Town staff, and adopt an ordinance providing for said amendment. Councilmember Wise seconded the motion.

ORD. NO. 04-14

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. 418 (SUP-418) FOR A DAY CARE FACILITY ON CERTAIN PROPERTY DESCRIBED AS 1.87 ACRES OF LAND IN THE JESSIE WATKINS SURVEY, ABSTRACT NO. 1324 AND PERRY MALONE SURVEY, ABSTRACT NO.836 AND BEING A PORTION OF LOT 3, BLOCK 1, OF THE CLUB HOUSE AT BRIDLEWOOD, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 30 (PD-30) WITH RETAIL DISTRICT-2 (R-2) USES AND SINGLE-FAMILY DETACHED (SFD) USES; GRANTING AN EXCEPTION TO THE ACCESS MANAGEMENT POLICY AND CRITERIA, REGARDING DRIVEWAY SPACING; 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 THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

- 18. Public Hearing to consider an application for a tree removal permit for the removal of one (1) specimen tree on property proposed for development as KLA Daycare. The property is generally located east of Bridlewood Boulevard and north of West Windsor Drive. *(The Environmental Conservation Commission recommended approval by a vote of 3 - 0 at its December 3, 2013, meeting).***

Mayor Pro Tem Dixon moved to approve the requested permit for the removal of one (1) specimen tree on property proposed for development as KLA Daycare. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

Video Minute Marker (Items 17 & 18): 72:25

19. Consider an ordinance to amend Article X, "Regulation of Smoking in Public Places," of Chapter 18, "Businesses," of the Code of Ordinances to prohibit the sale and distribution of Electronic Vaping Devices to minors, by amending Article VI, "Town Property," of Chapter 2 "Administration" of the Code of Ordinances to prohibit the smoking of Electronic Vaping Devices on town property, and by amending Article III, "Offenses Regarding Minors," of Chapter 50, "Offenses," of the Code of Ordinances to prohibit the possession and purchase of Electronic Vaping Devices by minors.

Staff Presentation

Chief Kancel gave a presentation identifying or noting:

- What the current ordinance prohibits
- What the proposed amendment includes, electronic vaping devices (EVD)
- Types of EVDs
- EVD chemicals
- EVD concerns
- EVD proposed amendment

There was Council discussion related to:

- Importance of keeping language consistent with the Town's existing Ordinance
- How the EVDs can be bought without nicotine in it

Chief Kancel or Mr. Meredith responded to questions from Council related to:

- The State's involvement at this juncture
- What neighboring communities are doing
- Whether the amendment is just targeting nicotine, or will other addictive substances be included
- Reference to investigation and determination on the topic by Town Council and reservations expressed
- How would anyone know if nicotine was involved or not
- Clarification of "Town property" versus "Town facilities"

Mayor Pro Tem Dixon moved to approve an ordinance to amend Article X, "Regulation of Smoking in Public Places," of Chapter 18, "Businesses," of the Code of Ordinances to prohibit the sale and distribution of Electronic Vaping Devices to minors, by amending Article VI, "Town Property," of Chapter 2 "Administration" of the Code of Ordinances to prohibit the smoking of Electronic Vaping Devices on town property, and by amending Article III, "Offenses Regarding Minors," of Chapter 50, "Offenses," of the Code of Ordinances to prohibit the possession and purchase of Electronic Vaping Devices by minors. Deputy Mayor Pro Tem Webb seconded the motion.

ORD. NO. 05-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE X, "REGULATION OF SMOKING IN PUBLIC PLACES," OF CHAPTER 18, "BUSINESSES," OF THE CODE OF ORDINANCES TO PROHIBIT THE SALE AND DISTRIBUTION OF ELECTRONIC VAPING DEVICES TO MINORS; AMENDING ARTICLE VI, "TOWN PROPERTY," OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES TO PROHIBIT THE SMOKING OF ELECTRONIC VAPING DEVICES ON TOWN PROPERTY; AND AMENDING ARTICLE III, "OFFENSES REGARDING MINORS," OF CHAPTER 50, "OFFENSES," OF THE CODE OF ORDINANCES TO PROHIBIT THE POSSESSION AND PURCHASE OF ELECTRONIC VAPING DEVICES BY MINORS; 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 EXCEPT AS OTHERWISE PROVIDED HEREIN; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Walker, Webb, Dixon, Wise

NAYS: Levenick

J. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

There was consensus of Town Council to cancel the February 20, 2014, work session given there are currently no items slated for the agenda and it is the same evening of the Flower Mound Chamber's Annual Awards Banquet.

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:37 p.m. on February 3, 2014, 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 10:20 p.m. on February 3, 2014, to take action on the items as follows:

- a. Discuss and consider economic development incentives.

No action taken.

- b. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Councilmember Levenick moved to approve the purchase of approximately 4.767 acres of property for the purpose of constructing Stonecrest Rd and the Western Operations and Maintenance Facility from Upper Trinity

Regional Water District in the amount of \$117,669.53, plus closing costs and authorization for the Town Manager, or his designee, to execute all documents at closing on behalf of the Town and also authorize the Mayor to execute a 30' water line easement document across the property for Upper Trinity Regional Water District for a future water pipeline on behalf of the Town. Mayor Pro Tem Dixon seconded the motion.

VOTE ON THE MOTION

AYES: Wise, Dixon, Levenick, Webb, Walker

NAYS: None

c. Annual Performance Review of Town Manager.

Mayor Pro Tem Dixon moved to approve the arrangement with the Town Manager as discussed in closed session. Councilmember Levenick seconded the motion.

VOTE ON THE MOTION

AYES: Walker, Webb, Levenick, Dixon, Wise

NAYS: None

M. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 10:22 p.m. on Monday, February 3, 2014, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS



THOMAS E. HAYDEN, MAYOR

ATTEST:



THERESA SCOTT, TOWN SECRETARY