

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 15TH DAY OF FEBRUARY 2016, 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
Steve Dixon	Mayor Pro Tem
Itamar Gelbman	Deputy Mayor Pro Tem
Mark Wise	Councilmember Place 1
Bryan Webb	Councilmember Place 2
Kevin Bryant	Councilmember Place 3

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
Gary Sims	Executive Director of Community Services
Doug Powell	Executive Director of Development Services
Ken Parr	Executive Director of Public Works
Eric Greaser	Fire Chief
Andy Kancel	Police Chief
Tommy Dalton	Director of Strategic Services
Matthew Woods	Director of Environmental Services
Wendell Mitchell	Assistant Chief of Police
James Hoefert	Environmental Review Analysis
Tom Vyles	Environmental Health Manager

**A. CALL REGULAR MEETING TO ORDER**

Mayor Hayden called the regular meeting to order at 6:02 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Little gave the invocation and Mayor Hayden led the pledges.

**D. PRESENTATIONS**

1. Presentation and update by Keep Flower Mound Beautiful (KFMB).

Marilyn Lawson, representing KFMB, gave a report on the work being done by KFMB.

**E. PUBLIC PARTICIPATION**

*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)</b>
1.	Landon Plunkett, 3112 Winston Dr, Highland Village Parker Mitchell, Student Body President at Marcus High School	Marcus High School Student Council Fundraiser
2.	Jody Smith, 3705 Sarah Springs	Children's Advocacy Center
3.	Ellen Hakala, 808 Tree Haven Ct, Highland Village	Item 14 (Bureau of Land Management)
4.	Jamella Omeger, 4010 Bomey Dr, Highland Village	Bureau of Land Management
5.	Jim Engel, 5110 Bayberry St	Suggestion for agenda packet
6.	Rustan Tarafdar, 3404 Dorchester Ct	Bureau of Land Management

**F. ANNOUNCEMENTS**

Councilmember Bryant had the following announcements:

- Welcomed the participants of the Flower Mound Citizens Academy who were present
- Reported on the recent Fire Department banquet and offered appreciation for the work they do, along with the Town staff who supports their efforts

Councilmember Webb had the following announcements:

- Reported on his experience at the Fire Department banquet
- Summit Club Western Saloon Night scheduled for March 5<sup>th</sup>

**G. TOWN MANAGER'S REPORT**

**Update and discussion on:**

1. Update and status report related to capital improvement projects.

Mr. Stathatos reported on the following CIP projects:

- Long Prairie 12 inch water project
- Pintail pump station upgrades

Mayor Hayden indicated that once the budget discussions begin, he would like for Council to have the opportunity to consider a CIP item to expand the public library.

2. Update and discussion on Economic Development projects.

Mr. Stathatos reported on the following ED projects:

- Leadercast event on Friday, May 6<sup>th</sup>, in conjunction with the Flower Mound Chamber
- Announced the resignation and future plans for a member of Town staff (Alora Wachholz, Economic Development Specialist)
- Chief Greaser, Chief Kancel, Mayor Hayden, and Councilmember Webb offered statements of fact in response to recent social media posts as it relates to Fire and Police Department response times

3. Update and discussion on Density Gap.

Mr. Stathatos gave an update on the issue of the density gap.

There was Council discussion as follows:

- History of why the discussion is coming forward
- There is a need for a discussion so there could be a definition for the gap between 7,500 and 10,000
- High density single family district is a good option
- Breaking out multi-family from high density makes sense, resulting in a better understanding of future applications, and can be discussed at an upcoming council meeting
- Filling the gap makes sense but will take more discussion
- Worthy of review and that can happen either at a work session or the strategic planning session
- Better to proceed sooner than later to allow for clear wording in the Town's ordinances and development plans to avoid confusion as it relates to high density zoning

Mayor Hayden summarized that the consensus of Council is to proceed forward with a process that allows for a step somewhere between 0 and 10,000 as it relates to a density gap, and that there should be some break points within that.

4. Update and discussion on using the Town's video copter (drone) to monitor development impacts on tree canopy.

Mr. Stathatos and Mr. Dalton gave an update on the proposed suggestion of using the Town's video copter (drone) to monitor development impacts on tree canopy, pointing out or noting:

- Examples of drones
- Purpose
- Method of deployment
- Tree growth examples
- Observations from the program
- Regulations
- Environmental challenges
- Resources
- Current monitoring
- Recommendation
- Alternatives

Mr. Dalton or Mr. Matthew Woods responded to questions from Council related to:

- Background information that led to the topic coming up for discussion
- Availability of private sector businesses to provide the data that the Town could use and fit in our current software
- Frequency of National Agriculture Imagery Program (NAIP) data
- Other sources for historical aerial photography
- If staff has the appropriate tools for canopy analysis on a go forward basis

**H. FUTURE AGENDA ITEMS**

1. No proposed future agenda items were presented.

**I. COORDINATION OF CALENDARS**

Mayor Hayden announced that the next Town Council meeting is scheduled for February 18<sup>th</sup>, and that it is a joint work session with the Environmental Conservation Commission (ECC), and confirmed that all members of Council would be in attendance.

**J. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on February 1, 2016.

**RECOMMENDATION:** Move to approve the minutes from a regular meeting of the Town Council held on February 1, 2016.

2. Consider approval of a resolution of the Town of Flower Mound, Texas calling for a General Election to be held on May 7, 2016, for the offices of Mayor, Town Council Place 2, and Town Council Place 4; and a Special Election for the office of Town Council Place 1, on this same date.

**RECOMMENDATION:** Move to approve a resolution of the Town of Flower Mound, Texas calling for a General Election to be held on May 7, 2016, for the offices of Mayor, Town Council Place 2, and Town Council Place 4; and a Special Election for the office of Town Council Place 1, on this same date.

**RESOLUTION NO. 03-16**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBERS FOR COUNCIL PLACES 2 AND 4; CALLING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR TOWN COUNCIL PLACE 1 FOR THE REMAINDER OF THE UNEXPIRED TERM, ESTABLISHING PROCEDURES FOR THOSE ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015, and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15 and Ordinance No. 04-16 for an adjustment to the Utility Fund.

**RECOMMENDATION:** Move to approve an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2015, and ending on September 30, 2016, as adopted by Ordinance No. 52-15 and amended by Ordinance No. 70-15 and Ordinance No. 04-16 for an adjustment to the Utility Fund.

**ORDINANCE NO. 09-16**

**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, 2015, AND ENDING ON SEPTEMBER 30, 2016, AS ADOPTED BY ORDINANCE NO. 52-15 AND AMENDED BY ORDINANCE NO. 70-15 AND ORDINANCE NO. 04-16, BY PROVIDING FOR ADJUSTMENTS TO THE UTILITY FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING FOR PUBLICATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

4. Consider approval of a resolution of the Town Council of the Town of Flower Mound, Texas, authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018.

**RECOMMENDATION:** Move to approve a resolution of the Town Council of the Town of Flower Mound, Texas, authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018.

**RESOLUTION NO. 05-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE TOWN NEGOTIATE A CONTRACT FOR ELECTRICITY; AUTHORIZING MAYOR THOMAS E. HAYDEN OR TOWN MANAGER JIMMY STATHATOS TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE TOWN'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP.**

5. Consider approval of the purchase of a new Super Duty, Regular Cab, 4x4, Cab/Chassis w/Brush-Chip Tree Care Body for the Parks Department from Sam Pack's Five-Star Ford through the Texas Local Government Purchasing Cooperative program, in the total amount of \$62,182.00.

**RECOMMENDATION:** Move to approve the purchase of a new Super Duty, Regular Cab, 4x4, Cab/Chassis w/Brush-Chip Tree Care Body for the Parks Department from Sam Pack's Five-Star Ford through the Texas Local Government Purchasing Cooperative program, in the total amount of \$62,182.00.

6. Consider approval of the purchase of two (2) new 2016 Ford Interceptor Sedans for the Police Department from Sam Pack's Five-Star Ford through the Texas Local Government Purchasing Cooperative program, in the total amount of \$98,456.34.

**RECOMMENDATION:** Move to approve the purchase of two (2) new 2016 Ford Interceptor Sedans for the Police Department from Sam Pack's Five-Star Ford through the Texas Local Government Purchasing Cooperative program, in the total amount of \$98,456.34.

7. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Article I, "In General" of Chapter 54 "Parks and Recreation" of the Code of by amending Sections 54-2(d)(1-3) and adding Section 54-2(d)(4), entitled "Seniors in Motion", and by amending Appendix A "Fee Schedule" Section 54-2(d) "Seniors in Motion Membership Fee" to change the calendar year annual fee to a twelve month pass and add a day pass for the Seniors in Motion program.

**RECOMMENDATION:** Move to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Article I, "In General" of Chapter 54 "Parks and Recreation" of the Code of by amending Sections 54-2(d)(1-3) and adding Section 54-2(d)(4), entitled "Seniors in Motion", and by amending Appendix A "Fee Schedule" Section 54-2(d) "Seniors in Motion Membership Fee" to change the calendar year annual fee to a twelve month pass and add a day pass for the Seniors in Motion program.

#### ORDINANCE NO. 10-16

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE I, "IN GENERAL" OF CHAPTER 54, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 54-2(d)(1-3) AND ADDING SECTION 54-2(d)(4) "SENIORS IN MOTION", AND AMENDING APPENDIX A "FEE SCHEDULE" SECTION 54-2(d) "SENIORS IN MOTION MEMBERSHIP FEE" TO CHANGE THE CALENDAR YEAR ANNUAL FEE TO A TWELVE MONTH PASS AND TO ADD A DAY PASS FOR THE SENIORS IN MOTION PROGRAM; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

8. Consider approval of the consumption of alcoholic beverages at the Flower Mound Senior Center during the SIM Auxiliary's Casino Night.

**RECOMMENDATION:** Move to approve the consumption of alcoholic beverages at the Flower Mound Senior Center during the SIM Auxiliary's Casino Night

9. Consider approval of Amendment No. 3 to the Fiscal Year 2015-2016 Capital Improvement Program.

**RECOMMENDATION:** Move to approve Amendment No. 3 to the Fiscal Year 2015-2016 Capital Improvement Program.

10. Consider approval of 14 Decorative Street Lights and an agreement with Oncor to provide the fixtures and provide for maintenance service of same in the amount of \$25,528.57 and authorize the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve an agreement with Oncor to provide the fixtures and provide for maintenance service of same in the amount of \$25,528.57 and authorize the Mayor to execute same on behalf of the Town.

11. Consider approval of the Final and Change Order No. 1 for the construction of the Flower Mound Road Turn Lanes at Native Oak Drive and Auburn Turn Lane at FM 1171 project, amending the contract with 3D Paving and Contracting, LLC., for a decrease in the contract amount of \$29,032.40; acceptance of the project; and authorization of final payment to the contractor, 3D Paving and Contracting, LLC., in the amount of \$20,287.57; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Final and Change Order No. 1 for the construction of the Flower Mound Road Turn Lanes at Native Oak Drive and Auburn Turn Lane at FM 1171 project, amending the contract with 3D Paving and Contracting, LLC., for a decrease in the contract amount of \$29,032.40; acceptance of the project; and authorization of final payment to the contractor, 3D Paving and Contracting, LLC., in the amount of \$20,287.57; and authorization for the Mayor to execute same on behalf of the Town.

12. Consider approval of an Ordinance for the release and abandonment of three easements located on a 50 acre tract located within the City of Grapevine and Town of Flower Mound limits that is owned by Grapevine; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve an Ordinance for the release and abandonment of three easements located on a 50 acre tract located within the City of Grapevine and Town of Flower Mound limits that is owned by Grapevine; and authorization for the Mayor to execute same on behalf of the Town.

#### **ORDINANCE NO. 08-16**

**AN ORDINANCE VACATING AND ABANDONING EASEMENTS LOCATED IN THE TOWN OF FLOWER MOUND AND CITY OF GRAPEVINE; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

13. Consider approval of the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the FM 1171 at FM 2499 East Bound Right Turn Lane project in the amount of \$52,000.00; and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Move to approve the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services, for the FM 1171 at FM 2499 East Bound Right Turn Lane project in the amount of \$52,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Councilmember Webb moved to approve by consent Items 1 – 13, and Councilmember Bryant seconded the motion. Each item, as approved by consent, is restated above along with the approved recommendation, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

**K. REGULAR ITEMS**

14. Consider approval of a Resolution protesting the proposed sale by the United States Department of the Interior, Bureau of Land Management of minerals encompassing the Lake Lewisville area for oil and gas development and directing the Town Attorney to submit the protest on behalf of the Town.

*Administrative Note: There were unknown audio/video technical difficulties for approximately 4 minutes at the beginning of the discussion for this item. For that reason Town Council recessed at 7:20 p.m. and reconvened at 7:45 p.m.*

*An audio only recording of these 4 minutes is available by clicking on the following icon:*

There was Council discussion as follows:

- Lake Lewisville is not the place and now is not the time for gas development near a critical water supply, but today is the time and place for Council to be a voice for the residents who have clearly stated what their positions are on this over the years
- How it's about protecting our drinking water resource
- How there is a lot to lose and very little to gain
- Timing and whether gas commodity pricing should be a factor or not
- Benefit versus potential negatives
- Everything needs to be done to discourage this part of the property at this time
- Interest in striking the reference to timing of the proposed sale (Whereas Section 10)
- Reasoning associated with Whereas Section 10

*Administrative Note: There were minor modifications to the Resolution after the agenda packet was posted, and for that reason the final Resolution, as approved by Council, is included in its entirety below, and is as recited by Mayor Hayden:*



Councilmember Bryant moved to approve a Resolution protesting the proposed sale by the United States Department of the Interior, Bureau of Land Management of minerals encompassing the Lake Lewisville area for oil and gas development and directing the Town Attorney to submit the protest, as mentioned in the amendment, on behalf of the Town. Deputy Mayor Pro Tem Gelbman seconded the motion.

**RESOLUTION NO. 04-16**

**RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, PROTESTING THE INCLUSION OF PARCEL NUMBER NM-201604-043, LOCATED IN DENTON COUNTY, TEXAS AS AVAILABLE FOR COMPETITIVE SALE TO BE USED FOR OIL AND GAS LEASING; DIRECTING THE TOWN ATTORNEY TO SUBMIT THIS PROTEST ON BEHALF OF THE TOWN OF FLOWER MOUND TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

**WHEREAS**, the US Bureau of Land Management intends to conduct a competitive sale, to be held on April 20, 2016, to auction certain Federal lands located in Denton County, Texas to be used for oil and gas development; and,

**WHEREAS**, pursuant to Title 43 CFR 3120.1-3, the Town of Flower Mound hereby protests the inclusion of parcel number NM-201604-043, composed of 258.90 acres and known as the Lake Lewisville Project, that is listed in the sale notice published by the United States Department of the Interior, Bureau of Land Management; and,

**WHEREAS**, the Town Council of the Town of Flower Mound is an elected body that represents the citizens of the Town whose property rights are greatly affected by the sale of parcel number NM-201604-043 to be used for oil and gas development; and,

**WHEREAS**, Lewisville Lake is located within the 258.90 acres of parcel number NM-201604-043; and,

**WHEREAS**, Lewisville Lake serves as the primary source of the Town's public water supply; and,

**WHEREAS**, the Town Council finds that permitting oil and gas operations on parcel number NM-201604-043 may negatively affect Lewisville Lake and as a result threaten the Town's largest source of water; and,

**WHEREAS**, the Lewisville Dam, which is located within parcel number NM-201604-043, is currently undergoing repairs from devastating May 2015 storms and the Corps of Engineers has identified numerous elements that must be addressed as the repairs are carried out, including certain structural hazards related to the integrity of the Dam; and,

**WHEREAS**, the Town Council finds that oil and gas development may further harm the Lewisville Dam and exacerbate the structural hazards identified by the Corps of Engineers and threaten the health, safety, and general welfare of Town citizens; and,

**WHEREAS**, for the foregoing reasons, the Town Council of the Town of Flower Mound hereby protests the inclusion of parcel number NM-201604-043 as available for competitive sale to be used for oil and gas development.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:**

**SECTION 1.**

That the Town of Flower Mound, Texas hereby respectfully requests that the Bureau of Land Management withdraw parcel number NM-201604-043, located in Denton County, Texas from the available parcels for competitive lease sale at the April 20, 2016 Oil & Gas Competitive Lease Sale.

**SECTION 2.**

That the Town Attorney is hereby directed to file this protest with the Bureau of Land Management on or before February 18, 2016.

**SECTION 3.**

That this Resolution shall be effective from its date of adoption.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS 15TH DAY OF FEBRUARY, 2016.**

**VOTE ON MOTION:**

*Motion passed.*

**AYES: GELBMAN, DIXON, BRYANT, WEBB, WISE**

**NAYS: NONE**

15. The first of two Public Hearings to review Chapter 50, Article III, "Offenses regarding Minors," Division 2, "Curfew."

**Staff Presentation**

Assistant Chief Mitchell gave a presentation identifying or noting:

- Tonight is one of two public hearings
- Statute requirement for juvenile curfew ordinance
- Background information
- Options that Council can take
- Total Class C citations issued to juveniles after curfew by year (last 6 years review)
- Other neighboring cities also have curfew ordinances

- Class C citations issued in 2010 after curfew by violation, and subsequent years through 2015
- The effectiveness of the curfew ordinance
- Allowances for certain circumstances

Mr. Mitchell responded to questions from Council as follows:

- Clarification regarding the reference to Saturday and Sunday in the statute
- Clarification regarding the age involved
- What is the penalty for violations
- What happens when someone violates the curfew

Mayor Hayden opened the Public Hearing at 8:00 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 8:00 p.m.

16. Public Hearing to consider approval of an ordinance of the Town of Flower Mound, Texas calling for a special election to be held on May 7, 2016, for the purpose of submitting Charter amendments to the voters.

**Staff Presentation**

Ms. Scott indicated she didn't have a formal presentation for this item given it was discussed previously on two occasions and the packet information summarizes the item.

Mayor Hayden opened the Public Hearing at 8:08 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>
None.	None.	Paul Stone, 709 Lake Bluff Dr, requested Council delay taking any action, along with consideration for a November election for a variety of reasons.

Mayor Hayden closed the Public Hearing at 8:09 p.m.

There was Council discussion related to:

- Goal of having Council move forward in taking up the Charter discussion
- Appointment process
- Timing and deadlines
- Whether the items slated to go forward on the ballot warrant having an election
- Interest in gathering public input
- Voter turnout in November versus a May election
- Let the newly elected Council make the decision of putting together a CRC

- How the Commission brings forward recommendations and Council decides which items go forward on the ballot
- Council elected in May should be the one to call the items
- The current Council can make the commission member appointments now

Ms. Scott responded to questions from Council regarding:

- Timing
- Deadlines
- Past promotional efforts

There was Council consensus to move forward with selecting a Charter Review Commission at the next Council meeting on March 21, 2016; with the understanding the new Council will have the option as to whether or not they wish to accept any recommendations that come forward.

Mayor Hayden asked each member of Council to come up with a representative for the purpose of serving on the Charter Review Commission.

Council took no action on this item.

17. Public Hearing to consider an application for a tree removal permit for one (1) specimen tree on property proposed for development as Mi Dia. The property is generally located west of Long Prairie Road and south of West Windsor Drive. *(The Environmental Conservation Commission recommended approval by a vote of 6-0-0 at its February 2, 2016, meeting).*

#### **Staff Presentation**

Mr. Hoefert gave a presentation identifying or noting:

- Aerial of site location
- Project information
- Tree survey
- Photo of tree

There was Council discussion as follows:

- How the tree ordinance works
- How the site is engineered where there aren't many options

Mr. Hoefert responded to questions from Council as follows:

- Was there not any way to move the road
- How many feet do you need to move the road
- Are other trees going to be planted for the removal

Mayor Hayden opened the Public Hearing at 8:30 p.m. No one spoke in support or opposition. Mayor Hayden closed the public hearing at 8:30 p.m.

Councilmember Wise moved to approve the requested permit to remove one (1) specimen tree on property proposed for development as Mi Dia. The property is generally located west of Long Prairie Road and south of West Windsor Drive. Councilmember Webb seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

18. Consider a request for a Development Plan (DP14-0009 – Hawks Hill) to develop a non-residential subdivision. The property is generally located south of Waketon Road and west of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its February 8, 2016, meeting.)*

**Staff Presentation**

Mr. Powell gave a presentation identifying or noting:

- General location
- Photos of site
- Concept plan
- Development plan
- Concept landscape plan
- Conceptual elevations

Councilmember Webb moved to approve a Development Plan (DP14-0009 – Hawks Hill) to develop a non-residential subdivision. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: DIXON, BRYANT, WEBB, WISE**

**NAYS: GELBMAN**

19. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Chapter 18, "Businesses", Article III "Food and Food Establishments", by amending Section 18-92 to adopt the updated Texas Food Establishment Rules from the Texas Department of State Health Services, and adopting a new Section 18-127 to establish a variance process to allow dogs on patios of permitted food establishments, and by amending Appendix A "Fee Schedule", relative to adding a permit fee for the variance application.

**Staff Presentation**

Mr. Woods gave a presentation identifying or noting:

- Background information
- Texas food establishment rules
- Variance process for dogs on patios
- Permit conditions
- Permit application process for business owners

There was Council discussion related to:

- How San Antonio was used as an example for some of the proposed standards
- Standards associated with cleaning the patio

Mr. Woods or Mr. Vyles responded to questions or comments from Council related to:

- Permit cost for the business owner
- Sanitation requirements such as cleaning the patio at the end of each shift
- Has there been a lot of residents asking for this
- Are the standards basically consistent with what other places have done
- Clarification that the dog owners and dogs must have direct access to the patios
- What is the cost of the application fee
- What other cost are there for the restaurant owner
- How would it be enforced

**ORDINANCE NO. 11-16**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES; PROVIDING FOR A PERMIT TO ALLOW DOGS ON OUTDOOR PATIOS AT FOOD ESTABLISHMENTS; PROVIDING FOR THE SUSPENSION OR REVOCATION OF THE PERMIT; ADOPTING AN APPLICATION FEE FOR THE PERMIT; 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.**

Deputy Mayor Pro Tem Gelbman moved to approve an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Chapter 18, "Businesses", Article III "Food and Food Establishments", by amending Section 18-92 to adopt the updated Texas Food Establishment Rules from the Texas Department of State Health Services, and adopting a new Section 18-127 to establish a variance process to allow dogs on patios of permitted food establishments, and by amending Appendix A "Fee Schedule", relative to adding a permit fee for the variance application, and as amended to include a cleaning frequency provision of at least every 24 hours. Councilmember Bryant seconded the motion.

**VOTE ON MOTION:**

*Motion passed.*

**AYES: WISE, WEBB, BRYANT, DIXON, GELBMAN**

**NAYS: NONE**

20. Consider Town participation options for proposed Emerson Lane Screening Fence/Guardrail Installation.

**Staff Presentation**

Mr. Parr gave a presentation identifying or noting:

- Background and history information
- Site plan – Emerson Lane
- Guardrail cost credited toward fence cost option

- Photographs of site and placement restrictions
- Right-of-way access

There was Council discussion as follows:

- How the realignment of FM 1171 put the residents in this position
- The 10 foot height makes sense
- not using a guardrail to offset the cost associated with the higher fence option
- Cost sharing options with the impacted homeowners for the difference between 8 and 10 feet
- the liability of public safety for the residents
- Grade levels of the improved roadway
- Background information as to what was approved on November 17, 2014

Mr. Parr responded to questions from Council as follows:

- Safety factors
- The possibility of use of a guardrail for some of the lots instead of all five of them
- Resident interest level for a guardrail

Mayor Hayden summarized that the direction of the majority of Council is to eliminate the guard rail and increase the fence height at the two locations identified.

**L. BOARDS/COMMISSIONS (Executive Conference Room)**

Discuss and consider resignations, appointments, or evaluations for the following boards or commissions: Animal Services Board, Cultural Arts Committee, **Environmental Conservation Commission**, Parks, Arts and Library Services Board, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and **Transportation Commission**.

No action taken.

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

The Town Council did not convene into closed meeting and therefore no action was taken.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 9:28 p.m. on Monday, February 15, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

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THOMAS E. HAYDEN, MAYOR

ATTEST:

\_\_\_\_\_  
THERESA SCOTT, TOWN SECRETARY