

THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 21ST DAY OF NOVEMBER 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.

Meeting Video link: flowermoundtx.swagit.com/play/11212016-928 (subject to change)

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

Tom Hayden	Mayor
Kevin Bryant	Mayor Pro Tem
Bryan Webb	Deputy Mayor Pro Tem
Jason Webb	Councilmember Place 1
Don McDaniel	Councilmember Place 4
Itamar Gelbman	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	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Ken Parr	Executive Director of Public Works
Alora Wachholz	Economic Development Manager
Chuck Russell	Planning Manager
Wess Griffin	Police Department, Captain
Matthew Woods	Director of Environmental Health Services
Andy Kancel	Chief of Police

A. CALL REGULAR MEETING TO ORDER

Mayor Hayden 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 Mike Liles gave the invocation and Mayor Hayden led the pledges.

D. PRESENTATIONS

1. Check presentation from Denton County Sheriff Will Travis.

Sheriff Travis presented the Town of Flower Mound Police Department with a check in the amount of \$35,000, and Chief Kancel reported on how the funds will be used.

2. Presentation of Certificate of Recognition from Senator Jane Nelson in honor of Police Chief Andy Kancel receiving the 2016 Best of Denton County Award.

Mayor Hayden presented Chief Kancel with a Certificate of Recognition from Senator Nelson.

3. Small Business Saturday (November 26, 2016) Proclamation.

Ms. Wachholz accepted the Small Business Saturday Proclamation and encouraged Flower Mound residents to shop small and local on that day.

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.

	Speaker names and address	Subject (as written on the form)
1.	Mary Kay Walker, 3229 Oak Meadow Dr	Small Business Saturday and the hospital gift shop
2.	Margo Brooks, Small business owner (Salon inside Rosewood Assisted Living and American Red Cross volunteer); and three representatives from the Flower Mound Lady Jags softball team	Blood drive announcement
3.	David Rhodes, 10917 Autumn Leaf Court	Item G8 (Canyon Falls PSA)
4.	Paul Stone, 709 Lake Bluff Dr	Thanks and election results

F. ANNOUNCEMENTS

Councilmember Gelbman reported on the recent tragic events involving police officers.

Deputy Mayor Pro Tem Bryan Webb offered comments related to the Charter propositions and subsequent election results.

Mayor Pro Tem Bryant announced that the Town Christmas parade will be on December 10th and expressed well wishes to everyone for a Happy Thanksgiving.

Councilmember McDaniel had the following announcements:

- reported on an unfortunate incident in Tennessee involving a school bus crash
- UIL Gold Ceremony for Flower Mound High School on November 29th at 7pm
- Update on Argyle school priority day event he recently attended

Councilmember Jason Webb noted there is a lot to be thankful for and encouraged everyone to focus on the greater things in the community, despite differences in viewpoints.

Mayor Hayden also encouraged everyone to find something they are thankful for.

G. TOWN MANAGER'S REPORT

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

Mr. Stathatos provided an update on the following CIP projects:

- 2499 roadway and drainage improvements
- Forest Vista

2. Update and discussion on Economic Development projects.

Mr. Stathatos provided an update on the following ED projects:

- Site plan for Midwestern State University was approved by P & Z (85,000 sq. ft building)

3. Update and discussion on town hall and library expansion.

Mr. Stathatos provided an update on town hall and the library noting:

- The plans are moving forward
- The building is 42,0000 square feet
- The construction manager at risk selection process is underway

and he responded to questions from Council as follows:

- Timing for construction of the new Town Hall
- What is the schedule for the library

4. Update and discussion on senior housing.

Mr. Stathatos provided an update on recruitment efforts associated with senior housing, including the requirements related to overall development size, amount of units, number of stories, parking, and deed restrictions.

There was Council discussion regarding:

- A Town initiated Master Plan Amendment (MPA) versus allowing the free market to dictate the MPA
- How it's better to have a project in place prior to putting zoning on a property
- The economic value associated with offering entitlements
- The option to postpone various requirements until zoning was obtained

Mr. Stathatos responded to questions from Council related to timing and next steps.

H. FUTURE AGENDA ITEMS

1. Councilmember McDaniel requested a future agenda item to get more information on the Morriss Road improvement/expansion project, including history, funding, and if there is a path forward. There was consensus by three members of Council to have a future agenda item for this purpose, and for the discussion to take place prior to the March work session.

Mayor Hayden requested that the widening of Lakeside also be discussed at this same time.

Mayor Hayden asked members of Council and staff to bring forward any items that are important to the Town so that local legislators can be made aware of those issues as they prepare for the upcoming legislative session. Deputy Mayor Pro Tem Bryan

Webb summarized the outcome of the legislative strategy session held a few months ago in Flower Mound with some neighboring cities.

I. COORDINATION OF CALENDARS

1. Mayor Hayden announced that the next regular scheduled meeting is December 5th. Ms. Scott announced that the March work session is scheduled for March 23 instead of March 16th given that is LISD spring break week.

J. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on November 7, 2016.

RECOMMENDATION: Move to approve the minutes from a regular meeting of the Town Council held on November 7, 2016.

2. Consider approval of the award of RFP No. 2017-3 for Employee Basic Life Insurance, Employee Long Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee & Dependent Optional Accidental Death and Dismemberment Insurance to CIGNA Group Insurance, in the estimated annual amount of \$89,773 totaling \$269,319, for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of RFP No. 2017-3 for Employee Basic Life Insurance, Employee Long Term Disability Insurance, Employee and Dependent Optional Life Insurance, and Employee & Dependent Optional Accidental Death and Dismemberment Insurance to CIGNA Group Insurance, in the estimated annual amount of \$89,773 totaling \$269,319, for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

3. Consider approval of the award of RFP No. 2017-2 for Administrative Services Only (ASO) for Medical, Dental, Vision, Preferred Provider Organization (PPO) Network Services, and Pharmacy Network Services to Blue Cross Blue Shield of Texas in the estimated annual amount of \$234,865 totaling \$704,595 for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the award of RFP No. 2017-2 for Administrative Services Only (ASO) for Medical, Dental, Vision, Preferred Provider Organization (PPO) Network Services, and Pharmacy Network Services to Blue Cross Blue Shield of Texas in the estimated annual amount of \$234,865 totaling \$704,595 for the initial three-year contract term; and authorization for the Mayor to execute same on behalf of the Town.

4. Consider approval of the consumption of alcoholic beverages at the Flower Mound Senior Center during the SIM Auxiliary's Elite Chef Competition fundraiser.

RECOMMENDATION: Move to approve the consumption of alcoholic beverages at the Flower Mound Senior Center during the SIM Auxiliary's Elite Chef Competition fundraiser.

5. Consider approval of an Interlocal Agreement with Lewisville Independent School District for Construction and Maintenance of Hike and Bike Trail on School Property behind Forest Vista Elementary School; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve an Interlocal Agreement with Lewisville Independent School District for Construction and Maintenance of Hike and Bike Trail on School Property behind Forest Vista Elementary School; and authorization for the Mayor to execute same on behalf of the Town.

6. Consider approval of a Professional Services Agreement for design phase services for the Waketon Road project, with Halff Associates, Inc., for \$243,225.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve a Professional Services Agreement for design phase services for the Waketon Road project, with Halff Associates, Inc., for \$243,225.00; and authorization for the Mayor to execute same on behalf of the Town.

7. Consider approval of final acceptance of the Heritage Park of Flower Mound Phase II project, for Northstar Construction LLC., and authorization for final payment to Northstar Construction, in the amount of \$73,434.44.

RECOMMENDATION: Move to approve the final acceptance of the Heritage Park of Flower Mound Phase II project, for Northstar Construction LLC., and authorization for final payment to Northstar Construction, in the amount of \$73,434.44.

8. Consider approval of the Professional Services Agreement with Urban Engineers Group, Inc., to provide professional engineering services, for the Rippy Road Water Line Improvements project, for an amount not to exceed \$78,300.00; and authorization for the Mayor to execute same on behalf of the Town.

RECOMMENDATION: Move to approve the Professional Services Agreement with Urban Engineers Group, Inc., to provide professional engineering services, for the Rippy Road Water Line Improvements project, for an amount not to exceed \$78,300.00; and authorization for the Mayor to execute same on behalf of the Town.

9. Item 9 was moved from consent to regular items.

10. Consider adoption of the Town Council Strategic Plan for Fiscal Year 2016-2017.

RECOMMENDATION: Move to approve the Town Council Strategic Plan for Fiscal Year 2016-2017.

11. Item 11 was moved from consent to regular items.

12. Item 12 was moved from consent to regular items.

Deputy Mayor Pro Tem Bryan Webb moved to approve by consent Items 1 – 8, and 10. Mayor Pro Tem 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: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

K. REGULAR ITEMS

9. Consider approval of a Professional Services Agreement with MESA Design Consultants, Inc., to provide design services associated with Canyon Falls Park, in the amount of \$44,000.00; and authorization for the Mayor to execute same on behalf of the Town.

Staff Presentation

Ms. Wallace gave a presentation identifying or noting:

- Purpose of the PSA

and she responded to questions from Council as follows:

- Is the park considered a neighborhood or community park, and what is the difference between the two
- How have the Canyon Falls residents been made aware of the public meetings

Council Discussion

There was Council discussion as follows:

- How the citizens of Canyon Falls will have an opportunity to be heard as to how the park will be used

Councilmember McDaniel moved to approve a Professional Services Agreement with MESA Design Consultants, Inc., to provide design services associated with Canyon Falls Park, in the amount of \$44,000.00; and authorization for the Mayor to execute same on behalf of the Town. Mayor Pro Tem Bryant seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN

NAYS: NONE

11. Consider approval of an ordinance canvassing and declaring the results of a special election held November 8, 2016, for charter amendments.

Mayor Hayden announced that the election report just came in from Denton County and upon reviewing the report noted that there was a 68% voter turnout.

Deputy Mayor Pro Tem Bryan Webb moved to approve an ordinance canvassing and declaring the results of a special election held November 8, 2016, for charter amendments. Councilmember McDaniel seconded the motion.

ORDINANCE NO. 64-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF A SPECIAL ELECTION HELD NOVEMBER 8, 2016, FOR THE PURPOSE OF AMENDING THE HOME RULE CHARTER OF THE TOWN OF FLOWER MOUND, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

12. Review amendments to Chapter 6, "Animals," Article VI, "Wild or Exotic Animals," Section 6-203, "Exceptions to General Prohibition," of the Code of Ordinances, Town of Flower Mound, Texas.

Staff Presentation

Captain Griffin responded to questions from Council as follows:

- What is the purpose of the ordinance
- What is the Town's current practice relative to non-indigenous venomous snakes
- How will the Town inventory the animals

Mayor Pro Tem Bryant moved to approve the amendments to Chapter 6, "Animals," Article VI, "Wild or Exotic Animals," Section 6-203, "Exceptions to General Prohibition," of the Code of Ordinances, Town of Flower Mound, Texas. Councilmember Gelbman seconded the motion.

VOTE ON MOTION:

Motion passed

AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN

NAYS: NONE

ORDINANCE NO. 59-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY AMENDING CHAPTER 6, "ANIMALS," ARTICLE VI, "EXCEPTIONS TO GENERAL PROHIBITION," AND "PERMITS," PROVIDING REGULATIONS RELATED TO THE POSSESSION OF CERTAIN ANIMALS; PROVIDING FOR THE INSPECTION, SEARCH, AND SEIZURE OF WILD OR EXOTIC

ANIMALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

13. Public Hearing to consider a request for rezoning (ZPD16-0008 - Prairie Plaza) from Agricultural District (A) uses to Planned Development District No. 150 (PD-150) with Office District (O) uses, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances, and to consider adopting an ordinance providing for said amendment. The property is generally located north of Cross Timbers Road and west of Long Prairie Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 14, 2016, meeting.)*

Staff Presentation

Mr. Russell gave a presentation identifying or noting:

- General location
- Detailed location
- Land use and zoning
- Photos of the site, including the overhead utility pole
- Concept and landscape plan
- Conceptual elevations
- Building materials
- Property notices were sent and no correspondence was received

and he responded to questions from Council as follows:

- If electric power can still be brought to the development without the utility pole located in the front of the property
- Why is the applicant asking for the underground utility waiver if the pole is going away
- Is the house the only property connected to the utility pole
- Clarification that the property will not have an additional entry point on to FM 2499 and they will share existing entry and exit points with the existing adjacent property

Mayor Hayden opened the Public Hearing at 7:31 p.m. No one spoke in support or opposition. Mayor Hayden closed the Public Hearing at 7:31 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve a request for rezoning (ZPD16-0008 - Prairie Plaza) from Agricultural District (A) to Planned Development District No. 150 (PD-150) for Office District (O) uses, with an exception to Section 90-423, "Underground utilities," of the Code of Ordinances, and adopt an ordinance providing for said amendment. Councilmember Gelbman seconded the motion.

ORDINANCE NO. 60-16

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 5.0 ACRES OF LAND, BEING ALL OF LOT 10 OF THE JOHN G. YOUNG SUBDIVISION, FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT DISTRICT NO. 150 (PD-150) WITH OFFICE DISTRICT (O) USES, IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING 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; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN

NAYS: NONE

14. Public Hearing to consider a request for a Master Plan Amendment (MPA16-0013 - Land Use Definitions) to amend Section 1, Land Use Plan, by modifying the Medium Density and High Density definitions, and by creating two new residential land use categories, "Medium High Density" and "High Density Single-Family Detached", and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its November 14, 2016, meeting.)*

Staff Presentation

Mr. Dalton gave a presentation identifying or noting:

- Background information and the reason for the proposed changes
- Land use and current text
- Proposed amendments

Proposed Amendments

LAND USE	LAND USE DEFINITION	ZONING DISTRICTS	ZONING DISTRICT SUMMARY
Medium	Residential development, typically being single family detached residential development with minimum 10,000 square foot lots (nominally 1/4 acre) or greater.	SF-10	Designed primarily for single-family detached development on lots of one-quarter acre or larger. Minimum lot size is 10,000 sq. ft.
	Medium High - Residential development, typically being single family detached residential development with minimum 7,500 square foot lots or greater.	N/A	A Planned Development (PD) could be proposed that had minimum lot sizes that fell between 10,000 sq. ft. and 7,500 sq. ft.
High	High SFD - Residential development, typically being single family detached residential development with minimum 3,000 square foot lots or greater.	SF-5	Designed primarily for single family detached development on lots that are a minimum of 5,000 sq. ft.
	Residential development with 5 dwelling units per net acre or greater. Included in this category, are duplexes, townhouses and apartments.	SF-A (Townhomes)	Designed primarily for townhouse development at densities of five dwelling units per net acre or greater.
		2F (Duplex)	Designed primarily for duplex development at densities of five dwelling units per net acre or greater. Minimum lot area per duplex dwelling unit is 5,000 sq. ft.
		MF (Multifamily)	Designed primarily to accommodate multifamily housing types at densities of five dwelling units per net acre or greater. Minimum lot area per duplex dwelling unit is 2,800 sq. ft.
	MH (Mobile Home)	Designed primarily to accommodate mobile home parks and mobile home subdivisions. Minimum lot size is 7,500 sq. ft.	

- Review of the Town’s medium density land use layer (developed and undeveloped areas)

and he responded to questions from individuals who spoke during the public hearing or from Council as follows:

- A request to put the proposed amendments presentation on the Town’s website
- On the zoning districts for the medium high residential, why wasn’t 7.5 plugged in
- If a Master Plan Amendment would be required

Council Discussion

There was Council discussion as follows:

- How the issue related to density definitions goes back years
- Whether or not a new zoning district should be created
- How the proposed amendments create clarity and reduces angst by the citizens

Mayor Hayden opened the Public Hearing at 7:45 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
Jim Engel, 5110 Bayberry St	None.	None.
Paul Stone, 709 Lake Bluff Dr		
Reginald Rembert, 3625 Bonanza Ln		

Mayor Hayden closed the Public Hearing at 7:50 p.m.

Council Discussion

There was Council discussion regarding:

- The positive factors associated with the proposed amendments
- Net dwellings per acre would have been a suitable option in the land use definition
- How Council has been discussing the issue for many months, and it was discussed in detail at the planning retreat this past July

Councilmember McDaniel moved to approve a request for a Master Plan Amendment (MPA16-0013 – Land Use Definitions) to amend Section 1, Land Use Plan, by modifying the Medium Density and High Density definitions, and by creating two new residential land use categories, “Medium High Density” and “High Density Single-Family Detached,” and adopt an ordinance providing for said amendment. Deputy Mayor Pro Tem Bryan Webb seconded the motion.

ORDINANCE NO. 61-16

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, TO MODIFY THE DEFINITION FOR THE HIGH DENSITY RESIDENTIAL LAND USE CATEGORY, AND TO ADD TWO NEW RESIDENTIAL LAND USE CATEGORIES, “MEDIUM HIGH DENSITY” AND “HIGH DENSITY SINGLE FAMILY DETACHED;” PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: GELBMAN, B. WEBB, BRYANT, MCDANIEL, J. WEBB

NAYS: NONE

15. Public Hearing to consider approval of an ordinance amending Chapter 94, “Trees”, of the Land Development Regulations (LDR16-0002 – Tree Ordinance Amendments) of the Code of Ordinances by amending Section 94-22, entitled “Protected tree lists,” Section 94-23, entitled “Tree survey; development projects,” Section 94-32, entitled “Trees located in buildable area,” Section 94-39, entitled “Mitigation requirements for authorized tree removal,” Section 94-40, entitled “Incentives for preservation of protected, specimen, and historic trees,” Section 94-

51, entitled "Enumeration," Section 94-65, entitled "Residential lots," Section 94-66, entitled "Approved tree planting lists," Section 94-81, entitled "Exceptions," and deleting Section 94-67, entitled "Landscape credit for large trees." (*The Environmental Conservation Commission recommended approval by a vote of 6 to 0 at its May 3, 2016, meeting.*) (*The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its October 10, 2016, meeting.*)

Staff Presentation

Mr. Hoefert and Mr. Woods gave a presentation identifying or noting:

- Background Information (Chapter 94 "Trees")
- In depth information as it relates to the proposed amendments

Mr. Hoefert, Mr. Woods, Mr. Dalton, or Mr. Meredith responded to questions from individuals who spoke during the public hearing or from Council as follows:

- Clarification on the proposed change as it relates to mitigation and credits
- Was slope changes taken into consideration
- How can you tell the age of a post oak
- Legalities associated with vested rights
- Explanation on repairing upland habitat and associated credit calculations
- Clarification on the credits as it relates to post oaks
- For the tree topping component, who would it apply to
- How are non HOA neighborhoods handled
- What is the definition of a developed site and are credits offered for a prairie habitat
- General questions regarding the use of temporary chain link fencing, including whether or not past violations related to removal of the fencing were intentional or unintentional
- What do other cities in the state do with respect to caliper inches
- Would it be an acceptable balance if the option of 22 versus 19 caliper inches was used for post oaks
- What would be the caliper inches that staff would recommend
- Size designation as it relates to 22 caliper inches and the subsequent section adjustments that would be needed for the post oak category
- Legalities associated with going from 25 to 22 caliper inches for post oaks

Mayor Hayden opened the Public Hearing at 8:29 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
David Lehde, Director of Government Affairs, Dallas Builders Association, Plano (some elements; opposition of others)	None.	None.
Reginal Rembert, 3625 Bonanza Ln (support with some modifications to the proposed changes)		

Jim Engel, 5110 Bayberry St		
Paul Stone, 709 Lake Bluff Dr		

Mayor Hayden closed the Public Hearing at 8:43 p.m.

Council Discussion

There was Council discussion as follows:

- Is the Town creating a solution for a problem that doesn't exist
- The reduction in caliper inches is disproportionately impactful to large property owners, and could have a negative consequence resulting in the developer taking short cuts elsewhere
- How the proposed amendments offer positive reinforcement factors
- What type of habitats would be eligible for credit
- Can something be done with respect to tree circumference fencing options
- A reduction in caliper of post oaks is not proportionate to property owners
- Incentivizing preservation instead of penalizing and going lower is not the right thing to do
- Are there other cities that have the lower number of 19 inches for their post oaks
- Lowering the inches to 19 for post oaks could be perceived as an over reach by some state legislators resulting in unintended consequences
- A recited statement made by Governor Abbott relative to local government regulations as it relates to private property rights
- How the ECC was instructed to provide input based on what they believe is the right thing to do for the Town and not on what they thought Council might want to hear
- 22 versus 19 inches might be a better compromise for post oaks to balance out the scales
- How the incentives will offset the cost of the trees
- The history behind the discussion and how the changes provide positive reinforcement for saving trees
- How Post Oaks are temperamental
- Past examples of trees that were damaged during the development process
- The amount of large undeveloped properties that would be impacted by the ordinance change
- How sometimes things are done with great vigor and hope but they don't turn out the way we want them to
- How the real objective is trying to protect the best and largest trees that make Flower Mound special
- Clarification that the revised motion approves everything in the draft motion, with the change of the post oak size to 22 inches

Councilmember McDaniel moved to approve an ordinance amending Chapter 94, "Trees", of the Land Development Regulations (LDR16-0002 – Tree Ordinance Amendments) of the Code of Ordinances by amending Section 94-22, entitled "Protected tree lists," Section 94-23, entitled "Tree survey; development projects," Section 94-32, entitled "Trees located in buildable area," Section 94-39, entitled "Mitigation requirements for authorized tree removal," Section 94-40, entitled "Incentives for preservation of protected, specimen, and historic trees," Section 94-51, entitled "Enumeration," Section 94-65, entitled "Residential lots," Section 94-66, entitled

"Approved tree planting lists," Section 94-81, entitled "Exceptions," and deleting Section 94-67, entitled "Landscape credit for large trees", and with the adoption of language and changes to accommodate a reduction to 22 caliper inches from 25 as opposed to 19 for post oaks, with the proper amendment to section 94-21 to accommodate the new size designation for post oaks. Councilmember Gelbman seconded the motion.

ORDINANCE NO. 62-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, "LAND DEVELOPMENT REGULATIONS," THROUGH THE AMENDMENT OF CHAPTER 94, "TREES"; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB, GELBMAN

NAYS: NONE

16. Public Hearing to consider approval of an ordinance amending Chapter 94, "Trees" of the Land Development Regulations (LDR16-0006 – Tree Ordinance Permits) of the Code of Ordinances by amending Section 94-34, entitled "Tree removal permit" and Section 94-37, entitled "Review of application." *(The Environmental Conservation Commission recommended denial by a vote of 6 to 0 at its November 1, 2016, meeting.) (The Planning and Zoning Commission recommended approval by a vote of 4 to 3 at its November 14, 2016, meeting.)*

Staff Presentation

Mr. Woods gave a presentation identifying or noting:

- Background information
- Proposed process as it relates to administrative approval for tree removal permits

Mayor Hayden summarized the purpose of the agenda item and the current process.

Mr. Woods, Mr. Meredith, or Mr. Stathatos responded to questions from Council as follows:

- Legal functions associated with tree removal permits
- Under the administrative proposal situation what is the process in the event it gets denied
- If this administrative approval removes the approval function from ECC
- Past examples of denials of tree removal permits
- Does the ability exist to appeal staff's decision and take it to ECC or Council in the event the applicant doesn't meet the requirements
- In what situation does the Council have no choice but to say yes
- Is there value in having a public hearing for tree removal permits that could influence the developer to protect more trees
- How much time does the tree removal permit process add to a development project

- Is there an additional cost associated with having the tree removal permit process go through ECC and Council
- Are there past examples of when a developer changed their plans to save a tree(s) based on a denial from ECC

Mayor Hayden opened the Public Hearing at 9:48 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.*

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/Comments Only
David Lehde, Director of Government Affairs, Dallas Builders Association, Plano	Paul Stone, 709 Lake Bluff Dr	None.
Reginal Rembert, 3625 Bonanza Ln	Jim Engel, 5110 Bayberry St	

Council Discussion

There was Council discussion as follows:

- The impact not passing the ordinance would place on the small property owner
- Past history related to the tree ordinance
- How the item is about making government work and gives consistency and fairness to everyone, and depoliticizes trees in the Town
- If you can't say "no" to something why are you taking up staff, council, citizens, and the applicants time unnecessarily
- Importance of having public participation and oversight in an area that can actually make a difference
- How not including the ECC and Council element from the process removes the awareness factor and public input
- How having the tree removal permit go through ECC gives the people a voice
- How it's a matter of whether or not you believe in the Tree Ordinance or not

Mayor Hayden closed the Public Hearing at 10:03 p.m.

Deputy Mayor Pro Tem Bryan Webb moved to approve an ordinance amending Chapter 94, "Trees", of the Land Development Regulations (LDR16-0006 – Tree Ordinance Amendments) of the Code of Ordinances by amending Section 94-34, entitled "Tree removal permit," and Section 94-37, entitled "Review of application". Councilmember McDaniel seconded the motion.

VOTE ON MOTION:

AYES: B. WEBB, MCDANIEL

NAYS: GELBMAN, BRYANT, J. WEBB

Motion failed

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 convened into a closed meeting at 10:33 p.m. on November 21, 2016, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.074, 551.087, 551.072, and 551.071 to discuss matters relating to personnel, economic development negotiations, real property, and consultation with attorney,, and reconvened into an open meeting at 11:11 p.m. on November 21, 2016, to take action on the items as follows:

- a. Discuss and consider resignations, appointments, evaluations, reassignments, discipline, or dismissals for the following boards or commissions: Board of Adjustment/Oil & Gas Board of Appeals, **Community Development Corporation**, Planning and Zoning Commission.

No action taken.

- b. Conduct interviews for the position of Municipal Court Judge, including appointment deliberation.

Councilmember McDaniel moved to approve an Ordinance hiring Jeff Tasker as the new Municipal Judge as discussed in executive session, and for a two-year term beginning January 1, 2017 and to expire on December 31, 2018 . Deputy Mayor Pro Tem Bryan Webb seconded the motion.

ORDINANCE NO 63-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND APPOINTING THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE TOWN OF FLOWER MOUND; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION:

Motion passed

AYES: J. WEBB, MCDANIEL, BRYANT, B. WEBB

NAYS: NONE

ABSTAIN: GELBMAN

- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, hospitality projects, and performance related to certain incentive agreements.

No action taken.

- d. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights of way, and/or other municipal purposes and all matters incident and related thereto.

No action taken.

O. ADJOURN REGULAR MEETING

Mayor Hayden adjourned the meeting at 11:12 p.m. on Monday, November 21, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

THOMAS E. HAYDEN, MAYOR

ATTEST:

THERESA SCOTT, TOWN SECRETARY

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