



**AGENDA**

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING**

**TOWN OF FLOWER MOUND FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SPECIAL MEETING**

**TOWN OF FLOWER MOUND CRIME CONTROL AND PREVENTION DISTRICT SPECIAL MEETING**

**SEPTEMBER 20, 2010**

**FLOWER MOUND TOWN HALL, 2121 CROSS TIMBERS ROAD  
FLOWER MOUND, TEXAS**

**6:00 P.M.**

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AN AGENDA INFORMATION PACKET IS AVAILABLE FOR PUBLIC INSPECTION  
IN THE FLOWER MOUND LIBRARY AND ONLINE AT [WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP](http://WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP)  
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*All pagers and cell phones must be turned off in the Council Chambers.*

**A. CALL BRIEFING SESSION TO ORDER**

**B. BRIEFING SESSION**

1. Town Council Boards and Commissions Subcommittee Reports.
2. Discuss Consent and Regular Items.
3. Discuss Future Agenda Items.
4. Discuss Council Communications.

**C. ADJOURN BRIEFING SESSION**

**D. CALL MEETING TO ORDER**

**E. INVOCATION**

**F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG  
*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."***

**G. PRESENTATIONS**

- Proclamation – Fall Prevention Awareness Week
- Update from the Oil and Gas Advisory Board – Dennis McKaige

**H. PUBLIC PARTICIPATION**

Please fill out an "Appearance Before Town Council" form in order to address the Council, and turn the form in prior to Public Participation, or by 6:10 p.m. to Town Secretary Paula Paschal. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

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The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not the subject of a public hearing. Any item requiring a Public Hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing." Items that are the subject matter jurisdiction of the Town Council include Town policy and legislative issues. Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling Town Hall at 972-874-6000 during business hours.

**I. MAYOR AND TOWN COUNCIL MEMBER ANNOUNCEMENTS**

- Announcements and brief discussion regarding recent and upcoming civic and social events, traffic issues, informational update on Town projects, capital improvement projects, reports about contacts with other groups and/or individuals about Town issues and projects, Town legislative and regulatory issues, informational responses to questions and information sharing.

**J. TOWN MANAGER'S REPORT**

- Update and status report related to operational issues, capital improvement projects, budget projections, grants, legislation and regulatory activities.
- Hilliard gas well and tank battery setback issues

**K. CONSENT AGENDA - Consent Items**

This agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of minutes from a special meeting of the Town Council, special meeting of the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District, and special meeting of the Town of Flower Mound Crime Control and Prevention District held on August 26, 2010.
2. Consider approval of minutes from a special meeting of the Town Council held on September 7, 2010.
3. Consider approval of an ordinance adopting Atmos Energy Corp., Mid-Tex Division's rate tariffs that reflect the negotiated rate change pursuant to the Rate Review Mechanism process, extending the Rate Review Mechanism process for two cycles, and ratifying a settlement agreement that includes cost recovery for a steel service line replacement program.
4. Consider approval of the purchase of two dump trucks with bodies from Southwest International Trucks Inc. Arlington, through the Texas Local Government Purchasing Cooperative, in the amount of \$199,897.82.
5. Consider approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide traffic signal design services associated with signal designs for the Garden Ridge Boulevard Phase III project, in the amount of \$22,600.00, and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of naming the wildflower area located in Wilkerson Park, as the John Thomas Wildflower Preserve in memory of former Parks, Arts, and Library

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Services Board member John Thomas. (The Parks, Arts and Library Services Board recommended approval by a vote of 6 to 0 at its July 29, 2010, meeting.)

7. Consider approval of the award of Competitive Sealed Bid No. 81-10-B for FM 1171 to HWY 377 Water Line Phase 1 Project (Tour 18 to Roanoke Hills), to Quality Excavation, Ltd., in the amount of \$694,375.000, and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of an ordinance amending the Code of Ordinances of the Town of Flower Mound by amending Appendix A "Fee Schedule" by amending Section 34-421(c) relative to the charges for oil and gas well inspection fees.
9. Consider approval of an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VI, "On-Site Sewage Disposal," and adopting a new Article VI, "On-Site Sewage Disposal."
10. Consider approval of a resolution adopting an Investment Policy for funds for the Town of Flower Mound as required annually by the Public Funds Investment Act.
11. Consider approval of a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$25,000.00 to provide transportation service for Town citizens who are age 65 or older and Town citizens with verifiable disabilities that prevent them from driving, and authorization of the Mayor to execute same on behalf of the Town.

**L. REGULAR ITEMS**

12. Consider approval of an ordinance adopting the budget for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011, and making appropriations for each fund and department.
13. Consider approval of an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011, and for each fiscal year thereafter until otherwise provided, at the rate of \$0.4497 per \$100 assessed valuation on all taxable property within the corporate limits of the Town of Flower Mound as of January 1, 2010.
14. Town Council acting as the Board of Directors for the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District to consider approval of a resolution adopting the Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011.
15. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution adopting the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2010, and ending on September 30, 2011.

**16. SP 04-10 – Western Elevated Storage Tank**

Consider a request for a Site Plan (SP 04-10 - Western Elevated Storage Tank) to construct an elevated storage tank. The property is located at 4400 Freeman Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its July 12, 2010, meeting.)*

**M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS**

**N. CLOSED MEETING**

The Town Council to convene into a closed meeting pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to discuss matters relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations as follows:

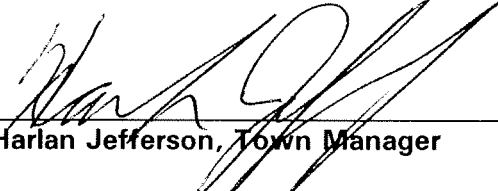
- a. Discuss and consider economic development incentives.
- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.
- c. Consultation with Town Attorney regarding legal issues associated with contract between the Town and the Flower Mound Chamber of Commerce.
- d. Consultation with Town Attorney regarding legal issues associated with acquisition and/or release of extraterritorial jurisdiction areas located between the Town of Flower Mound and the Town of Bartonville, and all matters incident and related thereto.
- e. Discuss Town of Flower Mound v. Mockingbird Pipeline, L.P., No. 02-10-00069-CV, pending in the Texas Court of Appeals at Fort Worth, and all matters incident and related thereto.
- f. Discuss and consider Virginia Simonson and Prakash Parameswaran v. Town of Flower Mound, et al., Cause No. 2010-50955-367, pending in the 367th Judicial District Court of Denton County, Texas, and all matters incident and related thereto.
- g. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission, TIRZ #1 Board, and Transportation Commission.
- h. Discuss and consider appointment of a Presiding Municipal Judge for the Municipal Court of Record No. 1 in the Town of Flower Mound, Texas.
- i. Discuss selection of and applications for Town Secretary position, and all matters incident and related thereto.

**O. OPEN MEETING**

The Town Council to reconvene into an open meeting pursuant to Texas Government Code Sections 551.071, 551.072, 551.074, and 551.087 to take any action necessary relating to consultation with Town Attorney, pending litigation, real property, personnel, and economic development negotiations as follows:

- a. Discuss and consider economic development incentives.
- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.
- c. Consultation with Town Attorney regarding legal issues associated with contract between the Town and the Flower Mound Chamber of Commerce.
- d. Consultation with Town Attorney regarding legal issues associated with acquisition and/or release of extraterritorial jurisdiction areas located between the Town of Flower Mound and the Town of Bartonville, and all matters incident and related thereto.
- e. Discuss Town of Flower Mound v. Mockingbird Pipeline, L.P., No. 02-10-00069-CV, pending in the Texas Court of Appeals at Fort Worth, and all matters incident and related thereto.
- f. Discuss and consider Virginia Simonson and Prakash Parameswaran v. Town of Flower Mound, et al., Cause No. 2010-50955-367, pending in the 367th Judicial District Court of Denton County, Texas, and all matters incident and related thereto.
- g. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Environmental Conservation Commission, LISD Liaison, Parks, Arts and Library Services Board, Planning and Zoning Commission, TIRZ #1 Board, and Transportation Commission.
- h. Discuss and consider appointment of a Presiding Municipal Judge for the Municipal Court of Record No. 1 in the Town of Flower Mound, Texas.
- i. Discuss selection of and applications for Town Secretary position, and all matters incident and related thereto.

**P. ADJOURN MEETING**

  
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Harlan Jefferson, Town Manager

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I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: SEPTEMBER 17, 2010 at 1:15 PM, at least 72 hours prior to the scheduled time of said meeting.



**Tracy Knierim, Interim Town Secretary**

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting by contacting Tracy Knierim, Interim Town Secretary, at (972) 874-6090.