

AGENDA

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING; CRIME CONTROL AND PREVENTION
DISTRICT SPECIAL MEETING**

DECEMBER 17, 2012

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

6:00 P.M.

An agenda information packet is available online at www.flower-mound.com/AgendaCenter

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/Liaison Reports
2. Discuss Consent and Regular Items
3. Request Future Agenda Items

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."

Pledges led by Webelos of Cub Scout Pack 62, the Dragon Den

G. PRESENTATIONS

1. Performance from Flower Mound High School choral ensembles
2. Arbor Day Proclamation
3. Certificate of Achievement, PostNet Flower Mound, Eric and Michele Diaz
4. Lewisville Independent School District (LISD) update by LISD Liaison Connie Smith

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 Theresa Scott. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

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.

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I. ANNOUNCEMENTS

This item allows members of the Town Council to make brief announcements relating to any of the following matters: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedules; (3) recognition of a public official, public employee, or a resident; (4) a reminder about an upcoming event organized or sponsored by the Town; (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the Town; and (6) announcements involving an imminent threat to the public health and safety. Comments by Council Members on other matters are not permitted unless they have been timely placed on the agenda in advance of the Town Council meeting.

1. Announce recent and upcoming civic and social events.

J. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects, Santa Cops program, and River Hill traffic update.

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 the minutes from a regular meeting of the Town Council held on December 3, 2012.
2. Consider approval of Change Order No. 1 for a contract reduction of \$800.00; final acceptance of the Waketon Road 16-Inch Water Line project; authorization for final payment to Saber Development Corporation, in the amount of \$4,210.50; and authorization for the Mayor to execute same on behalf of the Town.
3. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.
4. Consider approval of the 2012 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code.
5. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Ordinance No. 52-11, and amended by Ordinance Nos. 63-11, 05-12, and 34-12, for adjustments to the General Fund, Utility Fund, and the General Debt Service Fund.
6. 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 amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012, as adopted by Resolution No. 26-11 and amended by Resolution No. 12-12.

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7. Consider approval of an agreement with Innovative Transportation Solutions, Inc., to provide professional transportation services in the amount of \$75,000.00, and authorization for the Mayor to execute same on behalf of the Town.
8. Consider approval of the purchase of firefighter personal protective equipment, in the estimated annual amount of \$50,000, from NAFECO Inc., through a City of Lewisville contract.
9. Agreement between the Treasury Law Enforcement Agencies, the Internal Revenue Service Criminal Investigations, and the Town of Flower Mound, allowing the Police Department to receive an equitable share of funds from asset seizures and forfeitures.
10. Consider approval of a Professional Services Agreement with Freese and Nichols, Inc., for facility and site planning services associated with the Town of Flower Mound Town Center Master Plan, in the amount of \$92,029.00; and authorization for the Mayor to execute same on behalf of the Town.
11. Consider approval of the Competitive Sealed Proposal method to select a firm to construct the Operations and Maintenance Facility.

L. REGULAR ITEMS

12. Consider a request for a Development Plan (DP 05-12 - Waterford Park Estates Phase III) to develop a residential subdivision. The property is generally located south of FM 407 (Justin Road) and between Country Meadow Drive to the west and Morriss Road to the east. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its December 10, 2012, meeting.)*
13. **LDR 08-12 – Public Schools** **Public Hearing**
Public Hearing to consider a request to amend the Land Development Regulations (LDR 08-12) by amending the Town's SMARTGrowth Program by deleting Section 98-122, "Public Schools," from the Town's evaluation of the Adequate Public Facilities component of the Town's SMARTGrowth Program and further considering a corresponding amendment to the SMARTGrowth Implementation Manual to delete the "Public Schools" component from said manual, and to consider adopting an ordinance providing for said amendment. *(The Planning and Zoning Commission recommended approval by a vote of 4 to 2 at its December 10, 2012, meeting.)*
14. Consider approval of Bid No. 2013-20-B, for the construction of the Upper Timber Creek Interceptor Phase I, to Wright Construction Company, Inc., in the amount of \$1,232,056.50; and authorization for the Mayor to execute same on behalf of the Town.

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15. Consider approval of a Professional Services Agreement for monthly air monitoring by Modern Geosciences, LLC., in the amount of \$144,000.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of the award of Best Value Bid No. 2013-2-A Municipal Grounds Maintenance to American Landscape Systems, Inc., at the unit prices bid, in the estimated annual amount of \$150,000; and authorization for the Mayor to execute same on behalf of the Town.
17. Consider approval of Change Order No. 17 for a contract reduction of \$225,822.31, final acceptance of the Morriss/Gerault Road, Phase 1 (FM 2499 to FM 407) project; authorization for final payment to Tiseo Paving Company, in the amount of \$823,423.79; and authorization for the Mayor to execute same on behalf of the Town.

M. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

1. Set Town Council Special meeting date for January 2013.
2. Discuss possible dates for Strategic Planning Session.

N. CLOSED MEETING

The Town Council to convene into a closed meeting 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 as follows:

- a. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.
- b. Discuss and consider economic development incentives.
- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.
- d. Discuss and consider Presiding Judge, Alternate Judge, and addition of second Alternate Judge position.
- e. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

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O. OPEN MEETING

The Town Council to convene into an open meeting 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 as follows:

- a. Discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.
- b. Discuss and consider economic development incentives.
- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Oil and Gas Board of Appeals, Community Development Corporation, Environmental Conservation Commission, Parks, Arts and Library Services Board, Public Arts Committee, Planning & Zoning Commission, SMARTGrowth Commission, Tax Increment Reinvestment Zone Number One (TIRZ #1), and Transportation Commission.
- d. Discuss and consider Presiding Judge, Alternate Judge, and addition of second Alternate Judge position.
- e. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

P. ADJOURN MEETING

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: December 14, 2012, at 1:30 p.m., at least 72 hours prior to the scheduled time of said meeting.



Theresa Scott, 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. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the Town Council at a social function unrelated to the public business that is conducted by the Town Council, or the attendance by a quorum of the Town Council at a regional, state or national convention or workshop, ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event or press conference. The Town Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conferences; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the Town Secretary's Office, nothing shall preclude a quorum of the Town Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

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 Theresa Scott, Town Secretary, at (972) 874-6076.