

**AGENDA**

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

**SEPTEMBER 4, 2012**

**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 online at [www.flower-mound.com/AgendaCenter](http://www.flower-mound.com/AgendaCenter)

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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/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."*

**G. PRESENTATIONS**

1. Certificate of Achievement for Eagle Scout Erich Lanz
2. Progress update by Development Process Review Committee

**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.
2. Proposed Mixed Use and Thoroughfare Plan amendments.

## **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 Joint Town Council/ECC work session held on July 19, 2012.
2. Consider approval of the minutes from a regular meeting and work session of the Town Council; Town of Flower Mound Fire Control, Prevention, and Emergency Medical Services District Special meeting; and Crime Control and Prevention District Special meeting held on August 6, 2012.
3. Consider approval of the minutes from a Joint Town Council/Parks, Arts and Library Services (PALS) work session held on August 16, 2012.
4. Consider approval of a Service Agreement for Demand Response Transit Service with Special Programs for Aging Needs, Inc., in an amount not-to-exceed \$35,000.00, 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 for the Mayor to execute same on behalf of the Town.
5. Consider approval of Change Order No. 1 for the Wastewater Treatment Plant Rehabilitation Phase II project, amending the contract with North Texas Contracting, Inc., for an increase of \$40,187.00; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of an ordinance vacating and abandoning the eastern 7.5-foot-wide and the western 7.5-foot-wide utility easements located in the back yards of Lots 3, 4, 12, and 13, Block 28, Pecan Acres, which lots are more commonly known as 5000 Bayberry Street, 4920 Bayberry Street, 5001 Dogwood Street, and 4925 Dogwood Street. The Pecan Acres Addition is generally located west of Rippy Road and north of West Windsor.
7. Consider approval of Change Order No. 4 for The Heritage Park of Flower Mound Phase I project, amending the contract with 2L Construction LLC, for an increase of \$91,060.00; and authorization for the Mayor to execute same on behalf of the Town.

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8. 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 No. 63-11 and Ordinance No. 05-12, for adjustments to the General Fund.
9. 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.
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 proposed changes to the Town's Personnel and Administrative Regulations Manual, Title I, Personnel Regulations, Chapter 5 Workers' Compensation Leave, effective immediately.
12. Consider approval of an amendment to a contract with Brandnu Marketing for marketing services regarding the Living Local FM program; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of the Second Amended Commercial Lease Agreement between the Town of Flower Mound, Texas, and the Atrium at FM, amending the current First Amended Commercial Lease by providing for a term of three years, with two one-year renewals, effective September 29, 2012; and authorization for the Mayor to execute same on behalf of the Town.

**L. REGULAR ITEMS**

14. ***Z 01-10 - Ridge Bluff Estates*** ***Public Hearing***  
Public Hearing to consider a request for rezoning (Z 01-10 - Ridge Bluff Estates) from Agricultural District (A) uses and Single-Family District-10 (SF-10) uses to Single-Family District-15 (SF-15) uses, and to consider adopting an ordinance providing for said amendment. The property is generally located west of Simmons Road and south of Holly Lane. ***(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.) (This item was tabled until September 4, 2012, at the July 16, 2012, Town Council meeting.)***
15. ***Ridge Bluff Estates – Tree Removal*** ***Public Hearing***  
Public Hearing to consider an application for a tree removal permit for the removal of two specimen trees on property proposed for development as Ridge Bluff Estates. The property is generally located west of Simmons Road and south of Holly Lane. ***(The Environmental Conservation Commission recommended approval by a vote of 4 to 0 at their June 5, 2012, regular meeting.)***

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16. Consider a request for a Development Plan (DP 02-10 - Ridge Bluff Estates) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement; and authorization for the Mayor to execute same on behalf of the Town. The property is generally located west of Simmons Road and south of Holly Lane. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its June 25, 2012, meeting.) (This item was tabled until September 4, 2012, at the July 16, 2012, Town Council meeting.)*

17. **Street Name Change - West Windsor Drive** **Public Hearing**

Public Hearing to consider approval of a street name change for the entire length of West Windsor Drive between Long Prairie Road (FM 2499) and Bridlewood Boulevard; and adopt an Ordinance providing for said change. *(The Transportation Commission recommended a ranking of proposed street names by a vote of 4 to 3 at its June 12, 2012, meeting.) (Rescheduled from 7/16/2012 Town Council 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 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 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. 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.

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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 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. 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.

**P. ADJOURN MEETING**

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**Harlan Jefferson, Town Manager**

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: \_\_\_\_\_, 2012 at \_\_\_\_\_ a.m./p.m., at least 72 hours prior to the scheduled time of said meeting.

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**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.