

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 20<sup>TH</sup> DAY OF OCTOBER 2008 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:

Jody Smith	Mayor
Al Filidoro	Councilmember Place 2
Jean Levenick	Councilmember Place 4
Jeff Tasker	Councilmember Place 5

with the following members absent:

Tim Trotter	Mayor Pro Tem
Joel Lindsey	Deputy Mayor Pro Tem

constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Terry Welch	Town Attorney
Chuck Springer	Assistant Town Manager/Chief Financial Officer
Kent Collins	Assistant Town Manager
Kenny Brooker	Police Chief
Eric Metzger	Fire Chief
Doug Powell	Executive Director of Development Services

**A. CALL MEETING TO ORDER**

Mayor Smith called the meeting to order at 6:08 p.m.

**B. CALL BRIEFING SESSION TO ORDER**

Mayor Smith called the briefing session to order at 6:08 p.m.

**C. BRIEFING SESSION**

**1. Town Council Boards and Commissions Liaison Reports**

Councilmember Filidoro announced that the Planning and Zoning Commission recently elected Nick Hollingshad as Chair and Mike Wallace as Vice Chair.

**2. Discuss Consent and Regular Items - None**

**3. Discuss Future Agenda Items - None**

**C. ADJOURN BRIEFING SESSION**

**D. CALL REGULAR MEETING TO ORDER**

Mayor Smith called the regular meeting to order at 6:09 p.m.

**E. INVOCATION**

Chaplain Mike Liles gave the Invocation.

**F. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Boy Scout Troop 2 led the pledges.

**G. PUBLIC PARTICIAPTION - None**

**H. PRESENTATIONS**

- **Presentation on the County Bond Program – Commissioner Andy Eads and Commissioner Bobbie Mitchell**

Commissioners Eads and Mitchell gave a presentation about the Denton County Bond Program on the November 4, 2008 ballot.

- **National Night Out Winner – Bakers Branch Subdivision**

Mayor Smith and Lt. Wess Griffin presented the National Night Out Winner sign to residents from Bakers Branch Subdivision.

- **Proclamation – Chamber of Commerce Week**

Mayor Smith presented a proclamation to Commissioner Bobbie Mitchell (also on the Board of Directors for the Flower Mound Chamber) for Chamber of Commerce Week.

**I. ANNOUNCEMENTS**

- **Announce current civic and social events**

Councilmember Filidoro congratulated the Chamber of Commerce on the Fiesta Flower Mound event. He also congratulated the Bankers Branch Subdivision.

Mayor Smith announced the First Flower Mound Mayor's "Evening of the Stars" Golf Tournament on November 19, 2008. Proceeds will go to providing scholarships for seniors.

**J. CONSENT ITEMS**

Councilmember Filidoro made a motion to approve by consent, Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19. Councilmember Tasker seconded the motion. Each item, as approved by consent, is restated below along with the approved recommendation for each, for the record.

1. Consider approval of minutes from a regular meeting of the Town Council held on October 6, 2008.

**RECOMMENDATION:** Approve minutes from a regular meeting of the Town Council held on October 6, 2008.

2. Consider approval of an ordinance amending Chapter 38, "Fire Prevention and Protection," of the Code of Ordinances of the Town of Flower Mound by amending Section 38-1, "International Fire Code Adopted," and amending Section 38-2, "Amendments to the International Fire Code," by adopting the 2006 edition of the *International Fire Code* with amendments; by adopting a new Section 38-7, "Excessive Fire Alarm Fee;" and amending Appendix A., "Fee Schedule," relative to "Construction or Repair Permit and Plan Review Fees" as set forth in Section 38-4, and further relative to "Excessive Fire Alarm Fees" as set forth in new Section 38-7.

**RECOMMENDATION:** Approve Ordinance No. 64-08 amending Chapter 38, "Fire Prevention and Protection," of the Code of Ordinances of the Town of Flower Mound by amending Section 38-1, "International Fire Code Adopted," and amending Section 38-2, "Amendments to the International Fire Code," by adopting the 2006 edition of the *International Fire Code* with amendments; by adopting a new Section 38-7, "Excessive Fire Alarm Fee;" and amending Appendix A., "Fee Schedule," relative to "Construction or Repair Permit and Plan Review Fees" as set forth in Section 38-4, and further relative to "Excessive Fire Alarm Fees" as set forth in new Section 38-7. The caption of the ordinance reads as follows:

**ORDINANCE NO. 64-08**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION" TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL FIRE CODE*, 2006 EDITION, BY AMENDING SECTION 38-1, ENTITLED "INTERNATIONAL FIRE CODE ADOPTED," BY AMENDING SECTION 38-2, ENTITLED "AMENDMENTS TO THE INTERNATIONAL FIRE CODE," BY THE ADOPTION OF A NEW SECTION 38-7, ENTITLED "EXCESSIVE FIRE ALARM FEE," AND AMENDING APPENDIX A, "FEE SCHEDULE," RELATIVE TO CONSTRUCTION OR REPAIR PERMIT AND PLAN REVIEW FEES AS SET FORTH IN SECTION 38-4 AND FURTHER RELATIVE TO EXCESSIVE FIRE ALARM FEES AS SET FORTH IN NEW SECTION 38-7; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

3. Consider approval of a resolution declaring expectation to reimburse expenditures with proceeds of future certificates of obligation and authorizing the preparation of the documents associated with the issuance, sale and delivery of the debt obligations.

**RECOMMENDATION:** Approve Resolution No. 24-08 declaring expectation to reimburse expenditures with proceeds of future certificates of obligation and authorizing the

preparation of the documents associated with the issuance, sale and delivery of the debt obligations. The caption of the resolution reads as follows:

**RESOLUTION NO. 24-08**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE CERTIFICATES OF OBLIGATION, AND AUTHORIZING THE PREPARATION OF THE DOCUMENTS ASSOCIATED WITH THE ISSUANCE, SALE AND DELIVERY OF THE DEBT OBLIGATIONS.**

- 4. Consider the purchase of annual maintenance for the Police Department's software and support for CAD, MDC's, Records System, and equipment from Integrated Computer Systems Inc., a sole source provider, for the total amount of \$65,031.20.**

**RECOMMENDATION:** Approve the purchase of annual maintenance for the Police Department's software and support for CAD, MDC's, Records System, and equipment from Integrated Computer Systems Inc., a sole source provider, for the total amount of \$65,031.20.

- 5. Consider approval of an agreement between the Town of Flower Mound, Texas, and Christian Community Action, in the amount of \$15,000, to provide certain services to citizens of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve an agreement between the Town of Flower Mound, Texas, and Christian Community Action, in the amount of \$15,000, to provide certain services to citizens of Flower Mound, and authorize the Mayor to execute same on behalf of the Town.

- 6. Consider approval of an agreement between the Town of Flower Mound, Texas, and Communities in Schools of North Texas, in the amount of \$10,000, to provide certain services to citizens of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve an agreement between the Town of Flower Mound, Texas, and Communities in Schools of North Texas, in the amount of \$10,000, to provide certain services to citizens of Flower Mound, and authorize the Mayor to execute same on behalf of the Town.

- 7. Consider approval of First Amendment to Contract No. 4108-A for Landscape Maintenance Program awarded to VMC Landscape Services, in the estimated annual amount of \$61,937, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve First Amendment to Contract No. 4108-A for Landscape Maintenance Program awarded to VMC Landscape Services, in the estimated annual amount of \$61,937, and authorize the Mayor to execute same on behalf of the Town.

8. Consider approval of Best Value Bid No. 4008-A Municipal Grounds Maintenance to Greener Pastures Landscape, Inc., at the unit prices bid, in the estimated annual amount of \$75,000, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve Best Value Bid No. 4008-A Municipal Grounds Maintenance to Greener Pastures Landscape, Inc., at the unit prices bid, in the estimated annual amount of \$75,000, and authorize the Mayor to execute same on behalf of the Town.

9. Consider approval of Bid No. 3708-A for Pulverized Quicklime to Texas Lime Company, Inc., at the unit prices bid, in the estimated annual amount of \$143,750, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve Bid No. 3708-A for Pulverized Quicklime to Texas Lime Company, Inc., at the unit prices bid, in the estimated annual amount of \$143,750, and authorize the Mayor to execute same on behalf of the Town.

10. Consider approval of the purchase of asphalt overlay services from Reynolds Asphalt and Construction Company, through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$142,754.

**RECOMMENDATION:** Approve the purchase of asphalt overlay services from Reynolds Asphalt and Construction Company, through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$142,754.

11. Consider approval of the purchase of slurry seal services from Viking Construction Inc., through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$52,525.

**RECOMMENDATION:** Approve the purchase of slurry seal services from Viking Construction Inc., through the Innovations Group National Purchasing Alliance cooperative purchasing agreement, for an estimated expenditure of \$52,525.

12. Consider approval of an interlocal agreement between the Town of Flower Mound and the County of Cooke, for the purchase of various goods and services, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve an interlocal agreement between the Town of Flower Mound and the County of Cooke, for the purchase of various goods and services, and authorize the Mayor to execute same on behalf of the Town.

13. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County, and authorization for the Mayor to execute same on behalf of the Town.

**RECOMMENDATION:** Approve an Interlocal Cooperation Agreement with Denton County for the provision of library services for the benefit of the citizens of Denton County, and authorize the Mayor to execute same on behalf of the Town.

14. **Consider approval of Change Order No. 2 for the construction of the Leonard Johns Trail project, amending the contract with The General Contractors Group of North Texas, LLC, for a decrease in the contract amount of \$38,802.10, authorization for final acceptance of the project, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve Change Order No. 2 for the construction of the Leonard Johns Trail project, amending the contract with The General Contractors Group of North Texas, LLC, for a decrease in the contract amount of \$38,802.10, authorize final acceptance of the project, and authorize the Mayor to execute same on behalf of the Town.

15. **Consider approval of payment to the Texas Department of Transportation (TxDOT) for the relocation of Town utilities that are in conflict with the TxDOT FM 1171 Section 1 Paving Improvements project in the amount of \$34,502.31.**

**RECOMMENDATION:** Approve payment to the Texas Department of Transportation (TxDOT) for the relocation of Town utilities that are in conflict with the TxDOT FM 1171 Section 1 Paving Improvements project in the amount of \$34,502.31.

16. **Consider approval of Change Order No. 3 for construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, amending the contract with LH Lacy Company, Ltd., for an increase in the amount of \$19,117.54, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve Change Order No. 3 for construction of Kirkpatrick Lane Phase I, from Morriss Road to north-south Kirkpatrick Lane, amending the contract with LH Lacy Company, Ltd., for an increase in the amount of \$19,117.54, and authorize the Mayor to execute same on behalf of the Town.

17. **Consider approval of the award of RFP No. 3108-A for Administrative Services Only (ASO) for Medical, Dental, Vision, Flexible Spending Administrative Services, Preferred Provider Organization (PPO) Network Services and Pharmacy Network Services to Blue Cross Blue Shield of Texas, in the estimated annual amount of \$220,948.44, and authorization for the Mayor to execute same on behalf of the Town.**

**RECOMMENDATION:** Approve the award of RFP No. 3108-A for Administrative Services Only (ASO) for Medical, Dental, Vision, Flexible Spending Administrative Services, Preferred Provider Organization (PPO) Network Services and Pharmacy Network Services to Blue Cross Blue Shield of Texas, in the estimated annual amount of \$220,948.44, and authorize the Mayor to execute same on behalf of the Town.

18. Consider approval of ratification of emergency expenditures for the FM 1171 Booster Pump Station to Pierce Pump Company, Inc. in the amount of \$133,206.00 for the purchase of a booster pump station; to Red River Construction Company in the amount of \$345,300.00 for the installation of the booster pump station; and to Kellogg Brown & Root, Inc. in the amount of \$87,081.00 for professional design services.

**RECOMMENDATION:** Approve ratification of emergency expenditures for the FM 1171 Booster Pump Station to Pierce Pump Company, Inc. in the amount of \$133,206.00 for the purchase of a booster pump station; to Red River Construction Company in the amount of \$345,300.00 for the installation of the booster pump station; and to Kellogg Brown & Root, Inc. in the amount of \$87,081.00 for professional design services.

19. Consider approval of an ordinance amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound relating to prima facie speed limits for specific streets by lowering the prima facie speed limit for Hemmingway Lane, Frost Lane, Wentworth Drive, Newport Drive, Marlow Drive, Lancashire Drive, and Bosbury Drive to 25 mph.

**RECOMMENDATION:** Approve Ordinance No. 65-08 amending Chapter 66, Article V, Section 66-214 of the Code of Ordinances of the Town of Flower Mound relating to prima facie speed limits for specific streets by lowering the prima facie speed limit for Hemmingway Lane, Frost Lane, Wentworth Drive, Newport Drive, Marlow Drive, Lancashire Drive, and Bosbury Drive to 25 mph. The caption of the ordinance reads as follows:

**ORDINANCE NO. 65-08**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 66, ARTICLE V, SECTION 66-214 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS BY REVISING THE LIST OF ENUMERATION OF PRIMA FACIE SPEED LIMITS FOR SPECIFIC STREETS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON THE MOTION**

**AYES:** Filidoro, Tasker, Levenick  
**NAYS:** None  
**ABSENT:** Trotter, Lindsey

**K. REGULAR ITEMS**

Mayor Smith opened Items 20, 21 and 22.

20. ***MPA 13-07 Whisper Creek***  
Public Hearing to consider a request to amend the Master Plan 2001 (MPA 13-07 - Whisper Creek) by amending Section 1.0 Land Use Plan, to change the land use

designation from Estate Density, Low Density, and Medium Density to Low Density, and to adopt an ordinance providing for said amendment. The property is generally located east of Long Prairie Road and north of Spinks Road. (The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its September 22, 2008, meeting.)

**21. *Z 08-07 Whisper Creek***

Public Hearing to consider a request for rezoning (Z 08-07 - Whisper Creek) from Agricultural District (A) to Single-Family District-15 (SF-15) and to adopt an ordinance providing for said amendment. The property is generally located east of Long Prairie Road and north of Spinks Road. (The Planning and Zoning Commission recommended approval by a vote of 4 to 0 at its September 22, 2008, meeting.)

**22. *DP 08-07 Whisper Creek***

Consider a request for a Development Plan (DP 08-07 - Whisper Creek) to develop a residential subdivision, subject to the terms and conditions in the attached Development Agreement and authorization for Mayor to execute same on behalf of the Town. The property is generally located east of Long Prairie Road and north of Spinks Road. (The Planning and Zoning Commission recommended approval by a vote of 3 to 1 at its September 22, 2008, meeting.)

Mayor Smith announced that due to the absence of two councilmembers, there was no supermajority present, therefore the three items would have to be postponed.

Councilmember Levenick moved to postpone Items 20, 21, and 22 to the next regular meeting on November 3, 2008. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Levenick, Tasker, Filidoro

**NAYS:** None

**ABSENT:** Trotter, Lindsey

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

The Council will discuss, on November 3, whether or not to have a November work session.

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

The Town Council convened into a closed meeting at 7:06 p.m. on October 20, 2008 pursuant to Texas Government Code Sections 551.071, 551.072, and 551.087 to discuss matters relating to consultation with Town Attorney, real property, and economic development negotiations and reconvened into an open meeting at 7:32 p.m. on October 20, 2008 to take action on the items as follows:

- a. Discuss and consider economic development incentives.



No action taken.

- b. Discuss and consider acquisition and/or lease of real property for municipal purposes and all matters incident and related thereto.

No action taken.

- c. Discuss *Red Oak Sabine LP, Red Oak Gas LP, Red Oak Gas Operating Company LP, Red Oak Gas II LP vs. the Town of Flower Mound, and the Flower Mound Oil and Gas Board of Appeals*, Cause No. 2008-10189-16, pending in the 16<sup>th</sup> Judicial District Court of Denton County, Texas.

Councilmember Levenick moved to authorize the Town Manager to execute documents as discussed in Closed Session. Councilmember Filidoro seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Filidoro, Tasker, Levenick  
**NAYS:** None  
**ABSENT:** Trotter, Lindsey

**O. ADJOURN REGULAR MEETING**

Mayor Smith adjourned the meeting at 7:34 p.m. on October 20, 2008, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

\_\_\_\_\_  
**JODY A. SMITH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**PAULA J. PASCHAL, TOWN SECRETARY**