

**AGENDA**

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING**

**APRIL 15, 2013**

**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 MEETING TO ORDER**

**B. INVOCATION**

**C. 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."***

**D. PRESENTATIONS**

1. Motorcycle Safety and Awareness Month (May) Proclamation.
2. Presentation by a representative of Realty Capital related to the Lakeside DFW development, including an update on development applications and the selection of a consultant for the amphitheater market/design study, and Town Council to discuss and consider same.

**E. 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.

**F. ANNOUNCEMENTS**

1. Announce recent and upcoming civic and social events.

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### G. TOWN MANAGER'S REPORT

1. Update and status report related to capital improvement projects.
2. Update and discussion on Economic Development projects.
3. Update and status report related to ATMOS.

### H. 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. **Minutes 3/18** - Consider approval of the minutes from a regular meeting of the Town Council held on March 18, 2013.
2. **Cancel July 1 meeting** - Consider approval of canceling the July 1, 2013, regular meeting of the Town Council.
3. **Property Exchange Agreement/Flower Mound Oaks** - Consider approval of a Real Property Exchange Agreement by and between the Town of Flower Mound, and Toll Brothers TX, LLC, exchanging approximately 0.225 acres of unimproved Town-owned right-of-way in the Lake Forest Phase II North Addition for 0.344 acres of land owned by Toll Brothers TX, LLC, in the Flower Mound Oaks Addition; and authorization for the mayor to execute all documents related to said real property exchange on behalf of the Town.
4. **Change Order – Sunrise Circle** - Consider approval of Change Order No. 3 for the Sunrise Circle Paving Improvements project, amending the contract with 3D Paving and Contracting, LLC., for a decrease of \$7,506.00, final acceptance of the project, authorization of final payment to the contractor, 3D Paving and Contracting, LLC., in the amount of \$23,823.43; and authorization for the Mayor to execute same on behalf of the Town.
5. **Street Reconstruction (3 streets)** - Consider approval to award Bid No. 2013-47-B, for the 2013 Street Reconstruction project (Wood Creek Drive, Sheffield Court, and Colony Street Reconstruction projects), to P&E Contractors, Inc., in the amount of \$970,477.00; and authorization for the Mayor to execute same on behalf of the Town.
6. **PSA - Material Testing** - Consider approval of a Professional Services Agreement with Kleinfelder Central, Inc., to provide geotechnical and material testing services associated with the 2013 Street Reconstruction project (Wood Creek Drive, Sheffield Court, and Colony Street Reconstruction projects), in the amount of \$74,560.00; and authorization for the Mayor to execute same on behalf of the Town.
7. **Interlocal Agreement/COG** - Consider approval of an Interlocal Agreement for Cooperative Purchasing for Actuarial Shared Services with North Central Texas Council of Governments, and a Master Agreement with Gabriel, Roeder, Smith & Company to provide actuarial services, in the amount of \$7,725; and authorization for the Mayor to execute same on behalf of the Town.

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8. **Employee Uniforms** - Consider approval of the award of Best Value Bid No. 2013-6-A Employee Uniforms, to The Richie Company, at the unit prices and guaranteed percentage discounts bid, in the estimated annual amount of \$60,000.
9. **Temp. Network Tech** - Consider approval of a Staffing Agreement with AMTEK Consulting LLC, not to exceed the amount of \$30,000, for a temporary Network Technician for the Information Technology Division; and authorization for the Mayor to execute same on behalf of the Town.
10. **Water Line Easements** - Consider approval of a partial release of two old water line easements and a temporary construction easement upon, over, under, and across land owned by Lakeside DFW Land, Ltd.; and authorization for the Mayor to execute same on behalf of the Town.

### I. REGULAR ITEMS

11. **PSA – Elsey & Elsey** - Consider the approval of a professional services agreement with Elsey & Elsey, Attorneys at Law for the collection of outstanding taxes and other accounts receivable.
12. **Water Line – 1171/377** - Consider approval to award Bid No. 2013-49-B for the FM 1171 to HWY 377 Water Line Phase 1 (Roanoke Hills to Hwy 377) and Hwy 377/UPRR Water Line Phase I project, to Condie Construction Company, Inc., in the amount of \$2,700,901.00; and authorization for the Mayor to execute same on behalf of the Town.
13. **PSA – Material Testing** - Consider approval of a Professional Services Agreement with Fugro Consultants, Inc., to provide geotechnical and material testing services associated with the FM 1171 to HWY 377 Water Line Phase 1 (Roanoke Hills to Hwy 377) and Hwy 377/UPRR Water Line Phase I project, in the amount of \$32,731.60; and authorization for the Mayor to execute same on behalf of the Town.
14. **Site Plan/Lakeside Ranch** - Consider a request for a Site Plan (SP 02-13 - Lakeside Ranch Buildings 32 & 33) to develop warehouse buildings. The property is generally located south of Lakeside Parkway, west of Garden Ridge Boulevard, and north of Enterprise Road. *(The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its April 8, 2013, meeting.)*
15. **Tax Abatement Reinvestment Zone - Ordinance** **Public Hearing**  
Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial-warehouse tax abatement.

16. **Tax Abatement Reinvestment Zone – Agreement** **Public Hearing**  
Public Hearing to consider approval of a Tax Abatement Agreement with Exeter Lakeside Land L.P., to provide for incentives for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of the Town.
17. **Riverwalk – Resolution** - Resolution expressing support for legislation to create the Riverwalk Municipal Management District #1 within the Town's corporate limits.

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

**K. 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 purchase, exchange, lease or value 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. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

**L. 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 purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

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- 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. Consultation with Town Attorney regarding legal issues relative to franchise agreement with utility provider and contract utilities.

**M. 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: April 12, 2013, at 3:00 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.