

**AGENDA**

**FLOWER MOUND TOWN COUNCIL REGULAR MEETING & WORK SESSION**

**June 20, 2011**

**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/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**

1. National Parks and Recreation Month - July (Proclamation).
2. Lewisville Independent School District Update -Tony Gepner.
3. Presentation on Delinquent Tax Collections by Sawko & Burroughs, Attorneys at Law.

**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 Interim Town Secretary Theresa Fawcett. 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. MAYOR AND TOWN COUNCIL MEMBER ANNOUNCEMENTS**

1. 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**

1. Update and status report related to operational issues, capital improvement projects, budget projections, grants, legislation, and regulatory activities.

### **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 special meeting and work session of the Town Council held on May 24, 2011.
2. Consider approval of the minutes from a strategic planning session of the Town Council held on June 3, 2011.
3. Consider approval of the minutes from a strategic planning session of the Town Council held on June 4, 2011.
4. Consider approval of cancelling the September 5, 2011, regular meeting of the Town Council and calling a special meeting on September 6, 2011.
5. Consider approval of Change Order No. 2 for phase two of the FM 2499 Section 2 & 3 Sound Wall project, for a decrease of \$3,470.00, final acceptance of the project, authorization for final payment to the contractor, Aber Fence and Supply Company, Inc., in the amount of \$38,043.50; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc., to provide additional professional engineering services for the Upper Timber Interceptor Phase I project, for an increase of \$16,900.00; and authorization for the Mayor to execute same on behalf of the Town.
7. Consider approval of a participation letter with Emergicon, LLC, for EMS billing services, through a City of Port Isabel agreement, in the estimated annual amount of \$49,500; a related subscription agreement with ESO Solutions, Inc.; related and separate business associate contracts with ESO Solutions, Inc. and Emergicon, LLC; and authorization for the Mayor to execute same on behalf of the Town.

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8. Consider approval of the engagement letter with Pattillo, Brown & Hill, L.L.P., to perform external auditing services for the fiscal year ending September 30, 2011, and authorization for the Mayor to execute same on behalf of the Town.
9. Consider approval of Bid No. 33-11-B for the purchase of a 4-wheel drive wheel loader to Hi-Way Equipment Co., in the amount of \$124,425.
10. Consider approval of the purchase of firefighter bunker gear, in the estimated annual amount of \$50,000, from NAFECO Inc., through a City of Lewisville contract.
11. Consider approval of the purchase of slurry seal services, in the estimated amount of \$65,000, from Viking Construction, Inc., through a City of Euless contract.
12. Consider a request for a Plan for Development (MISC 02-11) to develop a residential subdivision. The property is generally located south of Cross Timbers Road, east of Shiloh Road, and west of Scenic Drive. ***(The Planning and Zoning Commission recommended denial by a vote of 7 to 0 at its June 13, 2011, meeting.)***
13. Consider a request for a Plan for Development or Plat (MISC 01-11) to develop a residential subdivision. The property is located at 1500 Long Prairie Road. ***(The Planning and Zoning Commission recommended denial by a vote of 7 to 0 at its June 13, 2011, meeting.)***

### **L. REGULAR ITEMS**

14. DP 01-11 – Suncrest Ph II  
Consider a request for a Development Plan (DP 01-11 - Suncrest, Phase II) to develop a residential subdivision. The property is located at the northeast corner of Timber Creek Road and Kirkpatrick Lane. ***(The Planning and Zoning Commission recommended approval by a vote of 7 to 0 at its June 13, 2011, meeting.)***
15. Public Hearing to review and discuss an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VII, "Oil and Natural Gas Well Drilling and Production Operations," and adopting a new Article VII, "Oil and Natural Gas Well Drilling and Production Operations."
16. Public Hearing to review and discuss an ordinance amending Chapter 34 of the Code of Ordinances by repealing existing Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article VIII, "Oil and Gas Pipeline Standards," and adopting a new Article IX, "Vested rights/preemption determination."
17. Consider approval of an ordinance amending Ordinance No. 10-11 by extending the expiration dates for the oil and gas ordinance-related suspensions referenced in said ordinance from 11:59 p.m. on Friday, July 15, 2011, to 11:59 p.m. on Wednesday, September 7, 2011.

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18. Consider approval of Change Order No. 8 for the construction of the Morriss/Gerault Improvement Phase I project, amending the contract with TISEO Paving Company for an increase in the amount of \$288,492.56; and authorization for the Mayor to execute same on behalf of the Town.

**M. WORK SESSION**

19. Receive presentations, hold a discussion, and provide direction regarding the Community Support funding for various organizations.

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

**O. 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. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Economic Development Advisory Committee, Environmental Services Commission, Oil and Gas Board of Appeals, Parks, Arts and Library Services Board, Planning & Zoning, SMARTGrowth Commission, and Transportation Commission.
- d. Consultation with Town Attorney regarding legal issues associated with proposed amendments to oil and natural gas drilling and production ordinance, oil and gas pipeline standards ordinance, and vested rights review ordinance, pursuant to Chapter 34 of the Town's Code of Ordinances, and all matters incident and related thereto.
- e. Discuss Interim Town Secretary position, evaluation, and potential title change to Town Secretary.

**O. OPEN MEETING**

The Town Council to convene into an open 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.

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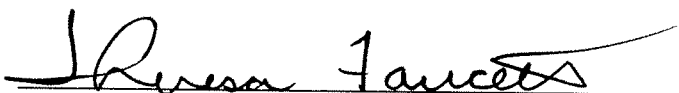
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- c. Discuss and consider appointments to the Animal Services Board, Board of Adjustment, Community Development Corporation, Economic Development Advisory Committee, Environmental Services Commission, Oil and Gas Board of Appeals, Parks, Arts and Library Services Board, Planning & Zoning, SMARTGrowth Commission, and Transportation Commission.
- d. Consultation with Town Attorney regarding legal issues associated with proposed amendments to oil and natural gas drilling and production ordinance, oil and gas pipeline standards ordinance, and vested rights review ordinance, pursuant to Chapter 34 of the Town's Code of Ordinances, and all matters incident and related thereto.
- e. Discuss Interim Town Secretary position, evaluation, and potential title change to Town Secretary.

**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 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: JUNE 16, 2011 at 5:00, at least 72 hours prior to the scheduled time of said meeting.

  
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**Theresa Fawcett, 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 Theresa Fawcett, Interim Town Secretary, at (972) 874-6076.