REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034

5:00 PM

TUESDAY, OCTOBER 02, 2012

AGENDA

CALL TO ORDER

1. ROLL CALL

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

   A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:

      i. Receive legal advice regarding Frisco's involvement in the Arts Center of North Texas and other legal issues related thereto.
      ii. Receive legal advice regarding Frisco Square, Frisco Square Municipal Management District, and the Behringer Harvard bankruptcy and its effect on Frisco Square.
      iii. Receive legal advice regarding settlement agreement with Elizabeth Metting.

   B. Section 551.072. To deliberate the purchase, exchange, lease or value of

real property located:

i. Bordered by Eldorado Parkway on the north, Teel Parkway on the west, Preston Road on the east and SH121 on the south.

C. Section 551.074. Personnel Matters: Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:

i. Deliberation regarding the annual evaluation of City Manager, George Purefoy.

D. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

REPORTS

4. Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development

5. City of Frisco Hike & Bike Trail Update

6. Engineering Services Monthly Report on Roads, Traffic, Water & Sewer Projects

7. Financial Services Monthly Budget Report for August 2012

8. Library report on usage and programming activities

9. Council Subcommittee reports for current activities of the Legislative, Governance, Frisco Square Management District and the Budget and Audit Committee.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

10. Consider and act upon approval of minutes from the September 18, 2012 Regular City Council Meeting and the July 31, 2012 Regular City Council Meeting.

11. Consider and act upon approval of minutes from the February 26, 2011 Mid Year Work Session, August 31, 2011 Special Called Nominating Meeting, December 14, 2011 Joint City Council and CVB Meeting, January 26, 2012 Mid-Year Work Session, January 26, 2012 Supplemental (closed session) Meeting, January 27, 2012 Mid-Year Work Session, January 28, 2012 Mid-Year Work Session, January 28, 2012 Supplemental Meeting (Pat Fallon), January 28, 2012 Supplemental Meeting (closed session), March 28, 2012 Joint City Council /EDC Meeting, March 28, 2012 Joint City Council/P&Z, August 13, 2012 Budget Work Session, November 15, 2011 TIRZ Meeting, December 21, 2010 Election Committee Meeting, and February 7, 2011 Election Committee Meeting. (CSO/JP)

12. Consider and act upon a First Amendment to Retail Development Agreement by and between the City of Frisco and Custer Road Market Place, Ltd. (CMO/RP)

13. Consider and act upon directing staff to accept bids for the sale of a .284 tract of land being Lot 1, Block J, County Club Ridge at the Trails, Phase 2, an Addition to the City of Frisco, Denton County Texas according to the plat thereof recorded in Volume W, Page 467, of the Plat Records, Denton County, Texas. Addressed as 1113 Yuma Drive, Frisco, Texas. (CMO\RP)

14. Consider and act upon a Resolution to support the reconstruction of US 380 from the Denton County Line to Custer Road. (Engineering/JB)

15. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Ratliffe Hardscape for Phillips Creek Ranch STEP Grant Improvements. (Engineering/JB)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Five to the Professional Services Agreement by and between the City of Frisco and Halff Associates, Inc. for the design of the Panther Creek Sewer Interceptor. (Engineering/DLC)

17. Consider and act upon award of RFP #1206-063, Dental and Vision Plans, to Assurant Employee Benefits for dental plans, Block Vision of Texas, Inc. for a voluntary vision plan and approval authorizing the City Manager to execute

agreements for these services. (HR/TJ)

18. Consider and act upon approval of a purchase order to 3M Company for the purchase of sign sheeting to be used by Traffic Division during the fiscal year 2013. (Public Works/TJ)

19. Consider and act upon approval of a purchase order to American Tire Distributors, Inc. for the purchase of tires for Fleet Services during the fiscal year 2013. (Fleet/TJ)

20. Consider and act upon approval of a purchase order to Azteca Systems, Inc. for the purchase of annual update and software support for Cityworks asset management software. (IT/TJ)

21. Consider and act upon approval of a purchase order to CRW Systems, Inc. for the purchase of TRAKiT, TRAKiT PDA, eTRAKiT and TRAKiT Sync annual update and software support. (IT/TJ)

22. Consider and act upon approval of a purchase order to Goodyear Tire for the purchase of Police Tahoe replacement tires during the fiscal year 2013. (Fleet/TJ)

23. Consider and act upon approval of a purchase order to Hall-Mark Fire Apparatus, Inc. for the purchase of parts and service for the Frisco Fire Department's E-One fire trucks during the fiscal year 2013. (Fire/TJ)

24. Consider and act upon approval of a purchase order to HD Supply Waterworks for the purchase of water meters and water meter parts during the fiscal year 2013. (Public Works/TJ)

25. Consider and act upon approval of a purchase order for annual maintenance fees to Integrated Computer Systems, Inc. (ICS) for hardware and software support related to the Police Records Management System, Public Safety Computer Aided Dispatch System and the Public Safety Mobile Data Computer System. (Police/TJ)

26. Consider and act upon approval of a purchase order with Ingram Library Services Incorporated, for the purchase of Library materials during the fiscal year 2013. (Library/TJ)

27. Consider and act upon approval of a purchase orders to Lion Apparel Corporation for purchase, inspection and repair of fire bunker gear during FY 2013. (Fire/TJ)

28. Consider and act upon approval of a purchase order with Methodist Dallas Medical Center for EMS Biocare Medical Control Program during the 2013 fiscal

year. (Fire/TJ)

29. Consider and act upon approval of a purchase order with Midwest Tape, L.L.C., for the purchase of Library materials during the fiscal year 2013. (Library/TJ)

30. Consider and act upon approval of a purchase order to Motorola for the annual hardware and software support City of Frisco radio communications system. (Police/TJ)

31. Consider and act upon approval of purchase orders with NAPA Auto Parts, for the purchase of miscellaneous vehicle maintenance and repair parts during the fiscal year 2013, (Fleet/Fire/TJ)

32. Consider and act upon approval of purchase orders to O'Reilly Auto Parts for the purchase of miscellaneous vehicle maintenance and repair parts, during the fiscal year 2013. (Fleet/TJ)

33. Consider and act upon approval of purchase orders to OverDrive's Digital Library Reserve, Inc. for the purchase of digital media hosting and downloads services during the fiscal year 2013. (Library/TJ)

34. Consider and act upon approval of a purchase order to Southern Tire Mart for the purchase of tires for the Frisco Fire Department's emergency vehicles during FY 2013. (Fire/TJ)

35. Consider and act upon approval of a purchase order to Southwest International for the purchase of parts and service for the Frisco Fire Department's emergency vehicles during the fiscal year 2013. (Fire/TJ)

36. Consider and act upon approval of a purchase order to Vulcan Signs for the purchase of sign blades and blanks to be used by Traffic Division during the fiscal year 2013. (Public Works/TJ)

37. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number One to the Professional Services Agreement by and between the City of Frisco and Garver, LLC for design and preparation of construction documents for Teel Parkway and Parkwood Boulevard Rehabilitation (Engineering/AH)

38. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Land Lease Agreement with RPM xConstruction, LLC for a site to be used as a concrete recycling facility during the construction of the Stonebrook Parkway and 36-inch Water Line Improvements (Preston to DNT) (Engineering/AH)

39. Consider and act upon award of bid to Massana Construction, Inc. and adoption

of a Resolution authorizing the City Manager to execute a Standard Construction Contract for Construction Services for Stonebrook Parkway Phase II (Fighting Eagles Lane to Longhorn Trail) (Bid No. 1205-051). (Engineering/DC)

40. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement by and between the City of Frisco and Stonebryck Manor, LLC, for Stonebryck Manor. (CMO/BB)

41. Consider and Act Upon a Resolution Approving Netflix, Inc. as the Third Party pursuant to the terms and conditions set forth in the Chapter 380 Economic Development Program Agreement with Sales Center Development Concepts VII, LLC. (CMO/NL)

42. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Subsection 6.19 of the Zoning Ordinance and/or Section 4.02 of the Subdivision Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

43. Consider and act upon adoption of an Ordinance amending Planned Development-151 to allow a church and allow for a maximum height of 60-feet for the church building containing 68.0± acres located on the west side of Independence Parkway, 2,100± feet south of Main Street. Zoned Planned Development-151-Single Family-10. Neighborhood #17. Case No. Z12-0013 (Development Services/JE)

44. Consider and act upon adoption of an Ordinance rezoning 0.4± acres on the west side of Esther Way, 250± feet south of Wade Boulevard from Industrial to Commercial-2. Neighborhoods #23. Zoning Case No. Z12-0011. (Development Services/MW)

45. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Licensed Child Care Center on one lot on 1.3± acres on the west side of Esther Way, 250± feet south of Wade Boulevard. Neighborhood #23. Zoned: Industrial and Commercial-2. Proposed Zoning: Commercial-2. SUP12-0014. (Development Services/MW)

46. Consider and act upon an Amendment to Ordinance 11-09-40 establishing

maximum speed limits on city streets within the City of Frisco. (Engineering/SL).

REGULAR AGENDA

47. Public Hearing: Zoning Case Z12-0016. A request to rezone 17.1± acres from Planned Development-40-Office-2/Commercial-1/Commercial-2/Retail/Industrial to Single Family-7 on the southwest corner of Diamond Point Lane and Legacy Drive and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-40-Office-2/Commercial-1/Commercial-2/Retail/Industrial. Neighborhood # 41. (Development Services/SM)

48. Public Hearing: Zoning Case Z12-0018. A request to rezone 117.2± acres from Planned Development-7-Shopping Center/Single Family-7/Multifamily-19 and amending the zoning boundaries of the Retail District to Retail, Single Family-7, and Multifamily-19 and consider and act to direct staff to prepare an Ordinance of the same. The property is located on the northeast and northwest corners of Main Street and Coit Road. Zoned Planned Development-7-Shopping Center/Single Family-7/Multifamily-19. Requested Zoning: Retail, Single Family-7, and Multifamily-19. Neighborhoods #13 and 14. (Development Services/MW)

49. Consider and act upon adoption of a Resolution determining a public necessity to acquire certain property for public use by eminent domain for right of way (in fee simple) and for the construction and access, for Stonebrook Phase II (Fighting Eagles Lane to Longhorn Trail); giving notice of an official determination to acquire property for said right of way (in fee simple); authorizing the City Manager to establish procedures for acquiring the right of way (in fee simple) on said property, offering to acquire the right of way (in fee simple) voluntarily from the landowners through the making of bona fide offers; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date. (Engineering/KS)

50. Mayor's appointment of two (2) members to the Housing Authority Board- Place 2, and Place 4, (Tenant Position) for a term of two years beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

51. Consider and act upon the appointment of two (2) Alternate members Place 7-Alternate # 1 and Place 8-Alternate #3, to the Board of Adjustment/Construction Board of Appeals for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

52. Consider and act upon the appointment of one member to the Urban Forestry Board- Place 7 for a term of one year to fill the unexpired term of Dave Preston beginning on October 2, 2012 and ending on September 30, 2013. (CSO/JP)

53. City Council discussion with City Staff concerning any actions required by City

Staff as a result of any item on tonight's agenda.

54. Discussion on Governance Monitoring of present City Council Meeting.

ADJOURN

CERTIFICATION

Henry Hill, Deputy City Manager, certifies that this Notice of Meeting was posted on the outside bulletin board, at the City Hall of the City of Frisco, 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:

By September 28, 2012 at 6:30 PM and remained so posted at least 72 hours before meeting was convened.

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with the attorney for the City.
§ 551.072 – Discussing purchase, exchange, lease or value of real property.
§ 551.074 – Discussing personnel or to hear complaints against personnel.

NOTICE

Pursuant to City of Frisco Ordinance Number 01-04-29 all speakers other than City of Frisco Staff are limited to five (5) minutes per item except by prior consent of the City Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

The Frisco City Hall is wheelchair accessible. Access to the building and special parking are available at the primary north entrance facing Frisco Square Blvd. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (972) 292-5025 or by FAX (972) 292-5028. BRAILLE IS NOT AVAILABLE.