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

5:30 PM

TUESDAY, NOVEMBER 04, 2008

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. Legal issues regarding Ordinance No. 06-10-106, the Underground Utility Fee Ordinance.
     - ii. Update on Cause 296-01766-2008; Black Lab Partnership Fund, Ltd. vs. City of Frisco.
     - iii. Legal issues regarding the application of Exide Technologies to the Texas Commission on Environmental Quality (TCEQ) for amendment to State Air Quality Permit Number 1147A and issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1168, which would authorize an increase in the production limits at the Battery Recycling Facility located at 7471 South 5th Street, Frisco, Collin County, Texas.
   - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
     - i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
   - C. 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

4. Eagle Scout Evan Sousa

REPORTS

5. Parks & Recreation Monthly Report

6. Library Monthly Report

7. Engineering Monthly Report

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.)

8. Consider and act upon approval of the Minutes from the October 15, 2008 Special Called Joint Frisco City Council and Frisco Independent School District Meeting and the October 21, 2008 Regular City Council Meeting. (CSO/RP)

9. Consider and act upon Authorization for the City Manager to execute Change Order Number Three to the Standard Form Agreement for Construction Services by and between the City of Frisco and Fox Contractors, Inc. for the construction of Dallas Parkway 24" Water Line (Warren Parkway to Lebanon Road). (ENG/DC)

10. Consider and act upon award of RFP #0808-071, Heritage Center Event Coordinator, to Theresa Jo Reveal Shipman, and approval of resolution authorizing the City Manager to execute a personal services agreement for these services. (CMO/HH)

11. Consider and act upon award of Bid #0910-080, Annual Contract for Holiday Light Mounting at the George A. Purefoy Municipal Center, to Dee Brown, Inc. (CMO/NL)

12. Consider and act upon the approval of a Resolution authorizing the City

Manager to execute an Agreement by and between the City of Frisco and Jacobs Engineering Group, Inc. for professional services for Phase Two of B.F. Phillips Community Park. (P&R/DR)

13. Consider an act upon a Resolution authorizing the City Manager to execute an Encroachment on Easement Agreement by and between the City of Frisco and Oncor Electric Delivery, for construction of College Parkway Hike & Bike Trail. (P&R/JD)

14. Consider and act upon the approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Shaddock Developers L.T.D. for the purchase of a linear park in the Villages of Stonelake Estates Subdivision. (P&R/DR)

15. Consider and act upon award of Bid # 0910-081, Annual Contract for Type C and Type D Hot Mix Asphalt, to Austin Asphalt, LP. (PW)

16. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements. (ENG/JF)

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. to perform Construction Contract Administration Services for the Remediation of Existing Eldorado/BNSF Pump Station Deficiencies. (ENG/EM)

18. 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 JRJ Paving, LP. for the construction of Intersection Improvements - Main & Teel, Gaylord & Mall Road F, and Parkwood & John Q. Hammons (CIP 05-0027) . (ENG/MB)

19. 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 Texas Univest – Frisco, Ltd. for predevelopment grading of the property located at the northwest corner of Stonebrook Parkway and Dallas North Tollway. (CMO/RP)

20. Consider and act upon approval of an Interlocal purchasing agreement by and between the City of Frisco and the City of Grand Prairie and adoption of a resolution authorizing the City Manager to sign the agreement. (FIN)

21. Consider and act upon approval of a purchase order to Nortex Concrete Lift and Stabilization for pavement under-sealing and raising services during the fiscal year 2009. (PW)

22. Consider and act upon approval of an Interlocal purchasing agreement by and between the City of Frisco and the City of Dallas and adoption of a resolution authorizing the City Manager to sign this agreement. (FIN)

23. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement with Frisco Independent School District for the construction of an eastbound left turn bay and a westbound right-turn deceleration lane at the median opening for Briar Ridge Road on FM 2934/Eldorado Parkway in conjunction with the Texas Department of Transportation's (TxDOT's) construction of FM 2934/Eldorado Parkway (FM 423 to Dallas North Tollway) Improvements. (ENG/JF)

24. Consider and act upon authorization for the City Manager to execute Change Order Number 4 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Mario Sinacola and Sons, Excavating, Inc. for the construction of Independence Parkway Improvements. (ENG/MB)

25. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas, authorizing the City Manager of the City of Frisco, Texas to execute an Encroachment on Easement by and between the City of Frisco, Texas and North Texas Municipal Water District for an encroachment on easement located at the northwest corner of FM 2934 and Teel Parkway. (ENG/JM)

26. Consider and act upon authorization for the City Manager to execute Change Order No. 3 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Rebcon, Inc. for the construction of Wade Plaza Regional Detention Pond. (ENG/AS)

27. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for the Construction Services by and between the City of Frisco and JRJ Paving, LP. for the construction of Frisco Street (Main Street to Frisco Square Blvd)(CE08-0003). (ENG/MB)

28. Consider and act upon approval of an Agreement by and between the City of Frisco and Donna Dobberfuhl for artist's services for Phase II of Preston Road Overlay Artwork. (CMO/RO)

29. Consider and Act Upon Approval of a Resolution Adopting the 2008 Official Tax Roll as Certified by the Tax Assessor Collector of Collin County with the Amount of Tax Affixed to Each Account . (CMO/NL)

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.)

REGULAR AGENDA

30. Consider and act upon approval of a resolution authorizing the City Manager to execute any and all documents related to the purchase of Nevil property located at Preston and Main.

31. Consider and act upon approval of a First Amendment to Repurchase Agreement by and between Zarky Development, LLC and the City of Frisco for the purchase and sale of a fifteen (15) acre parcel owned by the City, such property being located west of the North Dallas Tollway, south of Main Street and north of Cotton Gin Road and adoption of a Resolution authorizing the City Manager to execute the Agreement.

32. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (P&D)

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

34. 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 October 31, 2008 at 5:30 p.m. 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.