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, MAY 05, 2009

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 advice and issues regarding converting public streets to private streets.
     - ii. Legal advice and issues regarding noise on Preston Road north of Eldorado Parkway.
     - iii. Legal advice regarding Civil Action #4:09-CV-49 pending in the United States District Court for the Eastern District of Texas in the case styled Francis Key v. Babe's – Frisco, LLC, Paul Vinyard, and City of Frisco, Texas.
   - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
     - i. South of US 380, North of The Colony city limits, 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.

D. Section 551.074. Deliberation regarding the annual evaluation of Richard Abernathy (City Attorney).

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

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

4. Travel and Tourism Week

REPORTS

5. Library Report on usage and programming activities

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

7. Engineering Services Monthly Report on Roads, Water, Sewer, Traffic Updates.

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 April 21, 2009 Regular City Council Meeting.

9. Consider and act upon a Resolution authorizing the City Manager to execute a Release of Water Easement granted by Frisco Independent School District. (Engineering/JM)

10. Consider and act upon a Resolution authorizing the City Manager to execute Special Warranty Deeds, conveying right of way and easements for FM 2478 to the Texas Department of Transportation. (Engineering/JM)

11. Consider and act upon approval of First Southwest Asset Management, Inc. for Investment Advisory Services and adopt a resolution authorizing the City Manager to renew the agreement

12. Consider and act upon a Resolution Authorizing the City Manager to execute an Agreement for Arbitrage Rebate Compliance Services with First Southwest Asset Mangement, Inc.

13. Consider and Act Upon a Resolution to Renew the Current Bank Depository Contract with JP Morgan Chase Bank

14. Consider and Act upon a Resolution to Renew the Credit Card Merchant Bank Depository Services

15. Review and Accept the Quarterly Investment Report

16. Consider and act upon authorization for the City Manager to execute Change Order Number 5 to the Standard Form Agreement for Construction Services by and between the City of Frisco and S. J. Louis Construction of Texas, Ltd. for additional services related to the construction of the Rolater Road 42-inch Water Transmission Main (Preston Road to Coit Road) (Engineering/AH)

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Impact Fee and Development Agreement by and between the City of Frisco and the Roman Catholic Diocese of Dallas, Texas relating to the St. Francis of Assisi Parish Property (Engineering / JE)

18. Consider and act upon approval of a purchase order to Motorola for the purchase of Motorola radio communication equipment for the Frisco command truck. (Fire Dept./TJ)

19. Consider and act upon approval of a purchase order to Portable Computer Systems, Inc. for the purchase of twelve-(12) Panasonic Toughbook computers with accessories, through the State of Texas Department of Information Resources (DIR) contract. (Fire Dept./TJ)

20. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for Landscape Architectural and Engineering Design Services by and between the City of Frisco and Jacobs Engineering Group, Inc. for renovations and improvements of Youth Center Park. (PR/JD)

21. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Change Order Number 4 to the Construction Manager at Risk Agreement by and between the City of Frisco and Balfour-Beatty Construction, LLC for the Frisco Stars Center Arena expansion and construction of an additional parking garage facility (Engineering Services / JE)

22. 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 Alliance Geotechnical Group for Construction Materials Testing and Engineering Inspections Services for the

Frisco Stars Center Arena Expansion and construction of an additional parking garage facility (Engineering Services / JE)

23. Consider and act upon award of RFP#0901-016, RFP for an Electronic Ticketing System, to Brazos Technology Corp., and approval of a resolution authorizing the City Manager to execute an agreement for these services. (Municipal Court/TJ)

24. Consider and act upon approval 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 Wier and Associates, Inc. to perform additional services for the design of Eldorado Parkway Paving, Drainage and Bridge Improvements, Phase 1 and Phase 2 (Dallas North Tollway to Preston Road). (Engineering/JB)

25. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form Agreement for Construction Services by and between the City of Frisco and North Texas Contracting, Inc., for the construction of World Cup Way (Main Street to Frisco Square Blvd) (Engineering/JB).

26. Consider and act upon award of bid to Roadway Solutions, Inc., and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for Traffic Signals at Legacy Drive and Allen Elementary School driveway (Bid No. 0903-029) (Engineering/BM)

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.)

27. Consider and act upon an Ordinance repealing Ordinance 96-01-04 and amending Chapter 42 (Flood Prevention), Article II (Flood Damage Prevention) of the Frisco Code of Ordinances regarding Flood Damage Prevention (Engineering/AS).

REGULAR AGENDA

28. Public Hearing: Zoning Case Z09-0001, A request to amend Planned Development-79 development standards regarding secondary access requirements for Tract 2 (Chapel Creek) and consider and act to direct staff to prepare an Ordinance of the same. The property contains 22.4± acres and is located on the north side of (proposed) Brookhollow Boulevard, 800± feet west of Preston Road. Zoned Planned Development-79-Single Family-5. Neighborhood #23. (Planning & Development Services) Tabled 03/17/09, 4/7/09.

29. Discussion and give Staff direction on a potential amendment to Section 54-24 of the Code of Ordinances to provide an exemption to the prohibition of smoking to allow for a cigar bar. (Planning & Development Services)

30. Consider and Act upon approval of settlement agreement in Civil Action #4:09-CV-49 pending in the United States District Court for the Eastern District of Texas in the case styled Francis Key v. Babe's – Frisco, LLC, Paul Vinyard, and City of Frisco, Texas.and to authorize the City Manager to execute all documents necessary.

31. Agreements with the Museum of the American Railroad. (CMO/HH)
    A. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement for the Museum of the American Railroad.
    B. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Lease Agreement with the Museum of the American Railroad.

32. Consider and act upon formation of a Charter Review Committee. (CC/MM)

33. Consider and act upon approval of amendments to the solid waste and recycling service contracts with Community Waste Disposal, LP, IESI TX Corporation and Champion Waste Services, LTD. (Environmental Service/HH/TJ)

34. 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. (Planning and Development Services)

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

36. 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 05-01-09 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.