# 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 19, 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 noise on Preston Road north of Eldorado Parkway.
     - ii. Legal advice regarding effect of local option election of May 9, 2009.
     - iii. Legal issues regarding drainage on lots in the Plantation Resort Subdivision.
   - 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.

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

**INDIVIDUAL ITEMS**

4. Election Results and Council Transition Items
   - A. Consider and act upon adoption of an Ordinance canvassing the May 9, 2009 Election and declaring the results.
   - B. Present Certificate of Election and receive Statement of Elected Officials.
   - C. Issuance of the Oath of Office to Bob Allen, City Council Place 1, and Pat Fallon, City Council Place 3.
   - D. Consider and act upon recessing for a reception honoring outgoing City Council members Tony Felker and Joy West.
   - E. Consider and act upon nomination and election of Mayor Pro-Tem.
   - F. Consider and act upon nomination and election of Deputy Mayor Pro-Tem.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

5. Motorcycle Safety and Awareness Month

6. Asian American Heritage Week

**REPORTS**

7. Recognition of Mayor's Youth Council

8. Development Services Department April 2009 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

9. Fire Department Monthly Report on Incident Response and Educational Activities (FIRE)

10. Police Department's report on crime statistics and response times for the month of April 2009

11. Public Works Report for Water Usage and Other Monthly Activities

12. Financial Services Budget Report for April 2009

**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.)

13. Consider and act upon approval of the Minutes from the May 05, 2009 Regular City Council Meeting.

14. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Standard Form Agreement for Construction Services by and between the City of Frisco and SJ Louis Construction of Texas, LTD, for the construction of Panther Creek Sewer Interceptor, Phase 1 (Lines A & C) (Engineering/DLC)

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Amendment Number One to the Professional Services Agreement by and between the City of Frisco and The Transtec Group, Inc. for the Development of Pavement Design Catalog, Details, and Specifications. (Engineering/JB)

16. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Standard Form Agreement for Construction Services by and between the City of Frisco and Estrada Concrete Co., LLC, for the construction of Sidewalk Improvements (Engineering/BB).

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and the Texas Department of Transportation for a S.T.E.P "Click it or Ticket" (CIOT) grant.

18. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Tower Site Lease Agreement by and between Clear Wireless LLC and the City of Frisco for the Teel Parkway Water Tower. (CMO/AG)

## 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.)

19. Consider and act upon adoption of an Ordinance to rezone 22.3± acres on the southeast corner of John Hickman Parkway and the Dallas North Tollway from Commercial-1 to Planned Development-Retail/Office-2. Zoned Commercial-1. Neighborhood #30. (Development Services)

## REGULAR AGENDA

20. Consider and act upon the appointment of one (1) individual to fill the vacancy

on the North Texas Municipal Water District (NTMWD) Board with a term expiration date of May 31, 2011. (CMO)

21. Consider and act upon the acceptance of the letter of resignation from Christy Argo, Urban Forestry Board. (CMO)

22. Consider and act upon the appointment of one (1) individual to fill the vacant position on the Urban Forestry Board. (CMO)

23. Consider and act upon approval of a variance of Noise Ordinance #97-04-13 to Datta Yoga Center for Fusion on Saturday, June 6, 2009.

24. 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 Kimley-Horn Associates, Inc., to design drainage improvements and prepare construction documents for Lafayette Drive within the Plantation Resort Subdivision. (Engineering/LC)

25. Consider and act upon cancellation of the July 21st, 2009 Regular City Council Meeting. (CC/MM)

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

27. 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 05-15-09 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.