# 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, AUGUST 18, 2009

## AGENDA

FINAL

**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 and possible settlement of Case No. 09-0069; City of The Colony, Texas vs. North Texas Municipal Water District and City of Frisco, Texas; In the Texas Supreme Court.
     - ii. Receive legal advice regarding and possible settlement of Cause No. 2009-50183-367; Wynnwood Peninsula Partners, L.P. vs. The City of Frisco, Texas vs. The Colony, Texas; In the 367th Judicial District Court, Denton County, Texas.
     - iii. Receive legal advice regarding on going litigation with Hunt Sports Group and Lee Lewis Construction concerning the Pizza Hut Park
   - B. Section 551.072. To deliberate the purchase, exchange, lease or value of

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.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

4. Special Recognition for Andrew Chen 2009 US Open Table Tennis and Special Recognition for Peng Li, Coach of Andrew Chen

5. Certified Tourism Ambassadors Recognition

**REPORTS**

6. Financial Services Budget Status Report for July 2009

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

8. Police Department's report on crime statistics and response times for the months of June and July 2009.

9. Development Services June 2009 and July 2009 Reports on Building Inspections, Code Enforcement, Animal Control, development and training activities

10. Public Works Report on Water Usage and Other Monthly Activities.

11. Convention & Visitors Bureau July report on activities, bookings and economic impact.

**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.)

12. Consider and act upon approval of the Minutes from the August 04, 2009

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Regular City Council Meeting.

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Development Agreement by and between the City of Frisco and the Wilpat Real Estate Partners, Dolores Marie Meehan Veninga, Ann Marie Veninga Kramer, Karen Veninga Driscoll, Louise Ann Veninga Zaricor Children's Trust, Frederick William Veninga, Jr. for 292.7± acres located on the south side of U.S. 380, 3,000± feet west of the Dallas North Tollway. Neighborhood #53. (Dev Services/SI)

14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Development Agreement by and between the City of Frisco and Dolores Marie Meehan Veninga, Ann Marie Veninga Kramer, Karen Veninga Driscoll, Louise Ann Veninga Zaricor Children's Trust, Frederick William Veninga, Jr., and the Veninga Children's Trust for 40.5± acres located on the south side of U.S. 380, 4,000± feet west of the Dallas North Tollway. Neighborhood #53. (Dev Services/SI)

15. Consider and act upon a Resolution authorizing the City Manager to execute Amendment Number One to the Professional Services Agreement by and between the City of Frisco and Camp Dresser & McKee, Inc., for engineering design of the 20" & 30" Dallas Parkway Water Lines and Appurtenances (Stonebrook Parkway - Main Street) (Engineering/DLC)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Change Order Number 5 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 (Eng/JE)

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Contract Services relating to a School Resource Officer Program between the City of Frisco and the Frisco Independent School District. (Police/TR)

18. 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 Utility Construction Services of Texas, Inc., for the construction of State Highway 289 Utility Relocations (Main Street to US 380) (Engineering/JB).

19. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number 1 to the Professional Services Agreement by and between the City of Frisco and Dannenbaum Engineering Corporation, for Construction Phase Services relating to FM 2934 (Eldorado Parkway) Improvements from FM 423 to Dallas North Tollway (Engineering/JB).

20. Consider and act upon approval of a purchase order to Integrated Computer

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Systems, Inc. for the purchase of two-(2) computer aided dispatch (CAD) software licenses and one-(1) mobile data computer software license. (Fire Dept./TJ)

21. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Development Agreement by and between the City of Frisco and Bert Fields, Jr. for 2,256.8± acres located south of U.S. 380, west of the Dallas North Tollway, and east of F.M. 423. Neighborhoods #48, 51, 52, and 53. (Development Services/SI)

22. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Development Agreement by and between the City of Frisco and Eland Energy for 463.4± acres located on the south side of U.S. 380, 2,200± feet east of F.M. 423. Neighborhoods #51 and 52.

## 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.)

23. Consider and act upon adoption of an Ordinance on the involuntary annexation of 12.4± acres in the Thomas Bristow Survey, Abstract No. 35 and the M.E.P. & P.R.R. Survey, Abstract 1476, generally located on the west side of F.M. 423, 1,800± feet south of U.S. 380. Neighborhood #50. Annexation Case A09-0001. (Dev Services/SI)

24. Consider and act upon adoption of an Ordinance on the involuntary annexation of 5.0± acres in the M.E.P. & P.R.R. No. 5 Survey, Abstract 941, generally located north of Panther Creek Parkway and east of Teel Parkway. Neighborhood #52. Annexation Case A09-0001. (Dev Services/SI)

25. Consider and act upon adoption of an Ordinance on the involuntary annexation of 4.6± acres in the M.E.P. & P.R.R. Survey, Abstract 917, generally located on the south side of Panther Creek Road, 1,000± feet east of F.M. 423. Neighborhood #51. Annexation Case A09-0001. (Dev Services/SI)

26. Consider and act upon adoption of an Ordinance on the involuntary annexation of 106.5± acres in the M.E.P. & P.R.R. Survey, Abstract 917, generally located on the southeast corner of F.M. 423 and Panther Creek Road. Neighborhood #51. Annexation Case A09-0001. (Dev Services/SI)

27. Consider and act upon an Ordinance establishing towing regulations for non-consent tows authorized by the Police Department. (Police/JB)

28. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Big Box on one lot on 22.5± acres on the west side of Preston Road 600± feet north of Hickory Street. Specific Use Permit SUP09-0002. (Dev

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Services/SI)

**REGULAR AGENDA**

29. Discuss and seek direction from Council regarding the proposed funding and development of a temporary dog park at BF Phillips Community Park. (Parks and Rec/DR)

30. Public Hearing: Zoning Ordinance Amendment ZA09-0004, A request to amend the Comprehensive Zoning Ordinance pertaining to regulations for alcohol sales. (Development Services/MW)

31. Consider and act upon adoption of an Ordinance amending the Comprehensive Zoning Ordinance pertaining to regulations for alcohol sales. ZA09-0004. (Development Services/MW)

32. Public Hearing: Specific Use Permit Case SUP09-0005, A request for a Specific Use Permit for a parking garage (in excess of 48-feet in height) on one lot on 5.5± acre on the northeast corner of Page Street and Church Streets. Zoned Planned Development-153-Mixed Use. Neighborhood #21. (Development Services/MW)

33. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a parking garage (in excess of 48-feet in height) on one lot on 5.5± acres on the northeast corner of Page Street and Church Streets. Zoned Planned Development-153-Mixed Use. SUP09-0005. Neighborhood #21. (Development Services/MW)

34. Consider and act upon approval of Staff request to bid the Municipal Center Parking Garage (Engineering/BB)

35. 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 Alliance Geotechnical Group to perform construction materials testing and engineering inspections services for the Municipal Center Parking Garage. (Engineering/BB)

36. Public Hearing: First Hearing on the City of Frisco Fiscal Year 2010 Annual Budget, including the Frisco Economic Development Corporation Fiscal Year 2010 Budget and the Frisco Community Development Corporation Fiscal Year 2010 Budget. (CMO/NL)

37. 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 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 Development Services. (Development Services)

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

39. 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 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.

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