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, DECEMBER 15, 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. Receive legal advice from City Attorney 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 from City Attorney concerning legal issues regarding day laborers.
     - iii. Receive legal advice from City Attorney concerning legal issues regarding Exide and lead issues.
     - iv. Receive legal advice from the City Attorney concerning possible changes to the Comprehensive Zoning Ordinance to allow a variance procedure to sell alcohol beverages near schools.

v. Receive legal advice from the City Attorney concerning provisions of guarantee agreement related to the Fieldhouse lease.

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 551.074. Personnel Matters: Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:
   i. Discussion regarding the evaluation of the City Manager including changes to his employment contract.

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

4. Recognition of Deputy Court Clerks participating in the Municipal Clerks Certification Program

REPORTS

5. Financial Services November Budget Status Report

6. Development Services November 2009 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

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 month of November 2009.

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

10. Convention & Visitors Bureau November report on definite bookings, summary of economic impact and media valuations.

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.)

11. Consider and act upon approval of the Minutes from the December 01, 2009 Regular City Council Meeting. (CSO/JP)

12. Consider and act upon a Resolution authorizing the City Manager to execute a Facilities Utilization Agreement between the City of Frisco and the Frisco Community Theatre for the use of the Frisco City Hall Council Chambers on February 13, 2010. (CSO/JP)

13. Consider and act upon:
    A. the approval of an agreement by and between Ray King and the City of Frisco for artists services to create a work of Public Art for the Dr Pepper Arena and adoption of Resolution authorizing the City Manager or his designee to sign the agreement. (CMO/RO)
    B. the approval of an agreement by and between Gail Folwell and the City of Frisco for artists services to create a work of Public Art for the Dr Pepper Ballpark and adoption of a Resolution authorizing the City Manager or his designee to sign the agreement. (CMO/RO)

14. Consider and act upon approval 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. for Professional Design and Engineering Services for the 20”/24” Water Improvements along the proposed TxDOT Right-of-Way for FM 3537, from State Highway 289 (Preston Road) to FM 2478 (Custer Road). (Engineering/DC)

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Engineering Services Agreement by and between the City of Frisco and Cobb, Fendley & Associates, Inc. to perform Utility Coordination services for Main Street (FM 3537) (Preston Road to Custer Road) (Engineering/JM).

16. Consider and act upon approval of a contract by and between the City of Frisco and Texas State Library and Archives Commission for Loan Star Libraries Grant and adoption of a Resolution authorizing the City Manager to execute the contract. (Library)

17. Consider and act upon a resolution adopting the PY2008 Community Development Block Grant Consolidated Annual Performance Evaluation Report (CAPER) and authorize the City Manager to forward to the U.S. Department of Housing and Urban Development for approval. (CMO/SB)

18. Consider and act on a resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding under the American

Recovery and Reinvestment Act of 2009, S.T.O.P. Violence Against Women Grant Program and authorizing the submission of the grant application by the City Manager or his designee. (Police/GW)

19. Consider and act upon a request to call a public hearing to amend Article II, Section 3.04 of the Comprehensive Zoning Ordinance pertaining to alcoholic beverage variances. (Development Services/SI)

20. Consider and Act upon a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Chapel Creek Homeowners Association Inc. for an easement for a Hike and Bike trail within the Chapel Creek Subdivision. (Parks/DR)

21. Consider and act upon a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and the Department of the Army Corp of Engineers for the Lewisville Lake Project, Section 1135. (Parks DR)

22. Consider and act upon Council award of RFP#1010-007, Consolidated Plan Consultant to BBC Research and Consulting, and approval of a resolution authorizing the City Manager to execute an agreement for these services. (CMO/TJ)

23. City Council consideration and approval of a First Amendment to City Manager Employment Agreement.

24. Consider and Act approval of the submission of a Federal Emergency Management Agency Grant, Staffing for Adequate Fire and Emergency Response (SAFER) and authorize the City Manager to execute all related documents. (FIRE/PS)

25. Consider and act upon two resolutions to certify funding and support of two applications for the Statewide Transportation Enhancement Program with the Texas Department of Transportation to receive funding to build the Eldorado Hike and Bike Trail and the Phillips Creek Ranch Hike and Bike Trail. (CMO/SB)

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.)

26. Consider and act upon the adoption of an ordinance amending Chapter 18 (Buildings and Building Regulations) of the Frisco Code of Ordinances. (Development Services/GC)

REGULAR AGENDA

27. Public Hearing: Request to amend Ordinance No. 05-07-53 pertaining to Roadway Impact Fees for Day Care Centers. (Development Services/SI)

28. Consider and act upon adoption of an Ordinance amending Ordinance No. 05-07-53 pertaining to Roadway Impact Fees for Day Care Centers. (Development Services/SI)

29. Public Hearing: Zoning Case Z07-0025, A request to rezone 120.9± acres on the southeast corner of US Hwy. 380 and the Dallas North Tollway from Highway and Industrial to Highway and Mixed-Use and consider and act to direct staff to prepare an Ordinance of the same. Zoned Highway and Industrial. Neighborhood #53. (Development Services/MW)

30. Public Hearing: Specific Use Permit SUP09-0007. A request for a Specific Use Permit for a Church on three lots on 0.5± acre on the southwest corner of Main Street and Seventh Avenue. Zoned Original Town Commercial with a Specific Use Permit for a Private Club (S-13) and a Hotel/Motel (S-29). Neighborhood #20. (Development Services/JE)

31. Consider and act on the Zoning Diagnostic Report by Freese & Nichols and recommendations of the Zoning Advisory Committee and Planning & Zoning Commission on the City's Zoning Ordinance update. (Development Services/MW)

32. 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)

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 Friday, December 11, 2009 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.