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, OCTOBER 06, 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 possible settlement of Cause No. 20090-50183-367 in the case styled Wynnwood Peninsula Partners, L.P. v. City of Frisco, Texas, pending in the 367th Judicial District Court.
     - ii. 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.
     - iii. Receive legal advice regarding and possible settlement of City of Frisco protest of APAC permit renewal; and
     - iv. Receive legal advice regarding the Open Meetings Act.

B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
   i. 2601 Avenue of the Stars (Dr Pepper Arena)
   ii. 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. Evaluation of City Secretary.

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. National Night Out Proclamation (October 13, 2009)

5. Disability Employment Awareness Month

6. Frisco Public Library Month

7. Recognize staff associated with assisting at Frisco Junction, Heritage Center, and conversion of old City Hall. (CMO)

REPORTS

8. August 2009 Financial Budget Status Report

9. Library Report on usage and programming activities

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

11. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects

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

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submit written comments as part of the official record.)

12. Consider and act upon approval of the Minutes from the September 15, 2009 Regular City Council Meeting and the September 17, 2009 Special City Council Meeting. (CSO/JP)

13. Adoption of a Resolution nominating Ron Carlisle for Election to the Central Appraisal District of Collin County. (CSO/JP)

14. Consider and Approve Two Resolutions in support of North Central Texas Council of Governments Grant Applications (Environmental Services/PC)

15. Consider and act upon adoption of a resolution of the City Council of the City of Frisco approving the terms and conditions of a grant application to the Department of Transportation/Motor Carrier Safety Assistance Program (MCSAP) for the funding of equipment for the Stop Trucking Offender Program (STOP) used in conducting commercial motor vehicle safety inspections; authorizing the submission of the grant application by the City Manager and providing an effective date. (Police/DS)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to file a Resolution whereby the City refuses to recognize or give effect to a Certificate of Correction. (Development Services/SI)

17. Consider and act upon adoption of a Resolution approving the acceptance of a grant award from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Paul Coverdell Forensic Science Improvement Grants Program. (Police/GW)

18. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement by and between the City of Frisco, Texas and Collin County, Texas for animal shelter services. (Development Services/GC)

19. Consider and act upon award of bid to Mario Sinacola & Sons Excavating, Inc. and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for Teel Parkway (Eldorado Parkway to Panther Creek Parkway) (Bid No. 0908-068). (Engineering/JB)

20. Consider and act upon approval of a purchase order to 3M Company for the purchase of sign sheeting to be used by Traffic Division during the fiscal year 2010. (Engineering/TJ)

21. Consider and act upon approval of purchase orders to American Tire for the purchase of tires for Fleet Services and the Fire Department during the fiscal year 2010. (Fleet/Fire/TJ)

22. Consider and act upon approval of purchase orders to Dell Marketing for purchase of office computers and servers, through the State of Texas

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Department of Information Resources (DIR) contract during fiscal year 2010. (IT/TJ)

23. Consider and act upon approval of a purchase order to Goodyear Tire for the purchase of Police Tahoe replacement tires during the fiscal year 2010. (Fleet/TJ)

24. Consider and act upon approval of a purchase order to Hall-Mark Fire Apparatus, Inc. for the purchase of parts and service for the Frisco Fire Department's E-One fire trucks during the fiscal year 2010. (Fire/YJ)

25. Consider and act upon approval of a purchase order to HD Supply for the purchase of water meters and water meter parts during the fiscal year 2010. (Public Works/TJ)

26. Consider and act upon approval of a purchase order for annual maintenance fees to Integrated Computer Systems, Inc. (ICS) for hardware and software related to the Police Records Management System, Public Safety Computer Aided Dispatch System and the Public Safety Mobile Data Computer System. (Police/TJ)

27. Consider and act upon approval of purchase orders with Napa Auto Parts, for the purchase of miscellaneous vehicle maintenance and repair parts during the fiscal year 2010. (Fleet/Fire/TJ)

28. 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 2010. (Public Works/TJ)

29. Consider and act upon approval of a purchase order to Smiths Detection, Inc. for the purchase of Hazardous Materials (HAZMAT) detection and identification devices. (Fire/TJ)

30. Consider and act upon approval of a purchase order to Southwest International for the purchase of parts and service for the Frisco Fire Department's fire trucks during the fiscal year 2010. (Fire/TJ)

31. Consider and act upon award of bid #0908-062, annual contract for irrigation supplies, to Longhorn, Inc. and Horizon Distributors. (Parks/TJ)

32. 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 Hills of Kingwood, L.P., and the Hills of Kingwood Homeowner's Association, Inc., for property located at the intersection of Lebanon Road and Rock Creek Parkway. Neighborhood #36. (Development Services)

33. Consider and act upon a resolution authorizing the City Manager to execute the Sanitary Sewer Overflow (SSO) Initiative as recommended for the City of Frisco

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by the Texas Commission on Environmental Quality. (Public Works)

34. Consider and Act Upon a Resolution Authorizing the City Manager or His Designee to Execute an Agreement with Illumimax, LLC for the Design and Operation of the Computer Animated Holiday Lighting Show (CMO/NL)

35. Consider and Act Upon a Resolution to Authorize the City Manager to Execute an Agreement between the City and the Frisco Association for the Arts (Financial Services/AC)

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.)

36. Consider and act upon adoption of an Ordinance to amend Planned Development-165 regarding development standards and maximum height. The property contains 59.3± acres located on the southeast corner of All Stars Avenue and Frisco Street. Zoned Planned Development-165-Commercial-1. Neighborhood #46. Zoning Case No. Z09-0004. (Development Services/MW)

37. Consider and act upon adoption of an Ordinance for a Specific Use Permit to allow an Alcoholic Beverage Establishment on one lot on 0.5± acre on the northeast corner of Frisco Square Boulevard and Coleman Boulevard. Zoned Planned Development-153-Mixed Use. Neighborhood #21. Specific Use Permit Case No. SUP09-0006. (Development Services/MW)

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

REGULAR AGENDA

39. Public Hearing: Specific Use Permit SUP09-0008. A request for a Specific Use Permit for a Child Day Care on one lot on 1.5± acres within a 7,153 square foot building on the east side of Pasadena Drive, 400± feet south of Preston Trace Boulevard and consider and act to direct staff to prepare an Ordinance of the same. Zoned Commercial-1. Neighborhood #11. (Development Services/RC)

40. Consider Adoption of a Resolution Directing Publication of Notice of Intention to Issue Certificates of Obligation; and Resolving Other Matters Relating to the Subject. (CMO/NL)

41. Consider and act upon the Settlement Agreement and Release in Cause No. 2009-50183-367 in the case styled Wynnwood Peninsula Partners, L.P. v. City of Frisco, Texas, pending in the 367th Judicial District Court and to authorize City Manager to execute all documents necessary to effectuate the agreement

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and settlement. (CMO/RA)

42. Consider and act upon authorization for the City Manager to execute a Fourth Amendment to the Stars Center Lease Agreement between the City of Frisco (as Lessor), Dallas Stars, L.P. (as Lessee) and Hicks Sports Group, L.L.C. (as Guarantor) to provide for the payment by the Dallas Stars, L.P. of additional rent in exchange for improvements to be made to the Dr. Pepper Arena by the City. (CMO/RP)

43. Consider and act upon authorization for the City Manager to execute Change Order Number 005 to the Standard Form of Agreement between the City of Frisco and Balfour Beatty Construction for the construction of additional improvements to the Dr. Pepper Arena. (CMO/RP)

44. Consider and act upon approval of a Change Order Number Two to contract with Alliance Testing for inspection and testing at Dr Pepper Arena. (CMO/RP)

45. Consider and act upon the appointment of one (1) Board Member to fill the vacancy on the Convention & Visitors Bureau (CVB) for "Chamber Representative" (CSO/ JP)

46. Consider and act upon the appointment of one (1) Board Member to the Housing Trust Fund Board (CSO/JP)

47. Consider and act upon the appointment of four (4) Board Members to the Downtown Advisory Board representing the following sectors: two (2) Merchant/Property Owners and two(2) "At Large" Representatives. (CSO/JP) Tabled 09-17-09

48. Consider and act upon the Mayor's appointment of two (2) Board members to the Housing Authority Board representing the following sector: three (3) Board Members "At Large". (CSO/JP)

49. Consider and Act Upon Submitting a Nominee to the Denton Central Appraisal District Board. (CMO/NL)

50. Discuss and provide direction on drafting the Good Landlord Program. (Development Services/GC)

51. 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)

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

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53. 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, October 2, 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.

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