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, JULY 07, 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. Update on Cause 2004-40164-362; *City of The Colony vs. North Texas Municipal Water District and the City of Frisco.*
     - ii. Discussion of legal issues regarding annexation of land in Frisco's extraterritorial jurisdiction.
     - iii. Receive legal advice regarding Cause No. 2008-30252-211 pending in the 211th District Court in Denton County, Texas in the case styled Sequoia Stonebriar Leaseco, L.L.C. and Sequoia Stonebriar L.P. v. Broadstone Stonebriar II, L.P. et al.
     - iv. Receive legal advice from City Attorney regarding drainage issues.
     - v. Receive legal advice from City Attorney regarding recent Precinct

2 election authorizing the sale of liquor.

vi. Discussion regarding contract with City of McKinney for provision of fire services.

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

REPORTS

4. 2009 City Livability Award "Recycling Start Up Program" Honorable Mention Large City

5. Financial Services May 2009 status report

6. Library Report on usage and programming activities

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

8. Monthly Engineering Services Report on Roads, Traffic, Water, & 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 submit written comments as part of the official record.)

9. Consider and act upon approval of the minutes from the June 4, 2009 City Council Special Called Meeting, Tour and Reception of the Dr. Pepper Arena, June 16, 2009 Regular City Council Meeting, and the June 18, 19, and 20, 2009 City Council Workshop. (CSO/JP)

10. Consider and act upon authorization for the City Manager and Chief of Police to

execute a Memorandum of Understanding and Interlocal Agreement between Collin County Sheriff's Office, City of Plano, City of McKinney, and City of Frisco regarding the Bureau of Justice Assistance FY 2009 Recovery Act-Byrne Justice Assistance Grant (JAG) program and formula award. (PD/GW)

11. Consider and act upon Adoption of a Resolution approving an Interlocal Cooperative Agreement by and between the City of Frisco and the North Central Texas Council of Governments for the Local Air Quality (LAQP) Traffic Signal Project (Engineering/BM).

12. Consider and act upon award of bid to Durable Specialties, Inc., and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services in the amount of $70,571.40 for Traffic Signals at Legacy Drive and Town & Country Boulevard (ReBid No. 0905-042) (Engineering/BM).

13. 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 Schrickel, Rollins and Associates, Inc. for the design and bid package preparation of the Stewart Creek Wastewater Treatment Plant Relief Force Main (Engineering/AH)

14. Consider and Act on a Resolution approving the terms and conditions of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division to purchase a Surveillance Vehicle, Radio Frequency Identification System (RFID) for the Property Room, and Critical Incident Stress Management Training and authorizing the submission of the grant application by the City Manager or his designee. (PD/GW)

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Second Amendment to the Development Agreement by and between the City of Frisco, Texas and Eldorado Crossing, LLC, LCG Investment Co., LP, and Kroger Texas, LP for development on 27.9± acres on the northwest corner of Custer Road and Eldorado Parkway. Neighborhood #6. (Development Services)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Surface Transportation System Project Agreement by and between the City of Frisco and the Texas Department of Transportation to reimburse the City of Frisco for the cost of equipment provided for the traffic signals on SH 289 at Meadow Hill Drive, Eldorado Parkway, Panther Creek Parkway, and Rockhill Road (Engineering/BM).

17. Consider and act upon authorization for the City Manager to execute Change Order Number Four to the Standard Form of Agreement for Construction Services by and between the City of Frisco and Oscar Renda Contracting, Inc., for the construction of the West Frisco Wastewater Improvements. (Engineering/AH)

18. Consider and act upon authorization for the City Manager to execute Change Order Number 3 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Mario Sinacola and Sons Excavating Inc., for the construction of All Stars Avenue/CR 712 (Frisco Street to North County Road) (Engineering/LC).

19. 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 Huitt Zollars, Inc. to perform Design, Bid Package Preparation, and Construction Administration Services for Stonebrook Parkway (FM 423 to 4th Army Memorial Drive) (Engineering/JB)

20. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement by and between the City of Frisco and Denton County to provide funding for the design and construction of Stonebrook Parkway (FM 423 to 4th Army Memorial Drive) (Engineering/JB).

21. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Three to the Professional Services Agreement by and between the City of Frisco and Carter & Burgess, Inc., for the Engineering and Survey Services for FM 423 Improvements from US Highway 380 to Stewarts Creek Road (Engineering/JB)

22. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Standard Form of Agreement by and between the City of Frisco and JRJ Paving, L.P. for Construction Services for Eldorado Parkway Improvements (Fragrant Drive to West of Castleman Creek Drive) (Engineering/DLC)

23. Consider and act upon approval of a purchase order to Wunderlich-Malec for the purchase of twelve-(12) Axis video servers and thirteen-(13) pan-tilt-zoom (PTZ) cameras. (Engineering/TJ)

24. Consider and act upon award of bid #0905-039, Can Crusher, to Clayton Equipment Co. (Enviromental Services/TJ)

25. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Contract Agreement for Construction Services by and between the City of Frisco and Gracon Construction Inc. of Mesquite, Texas for the Remediation of Existing Eldorado/BNSF Pump Station Deficiencies (Engineering/EDM)

26. Consider and act upon a Resolution authorizing the City Manager to execute an Underground Electric Line Easement by and between the City of Frisco, Texas and Denton County Electric Cooperative, Inc., d/b/a CoServ Electric for an Underground Electric Line Easement located at Frisco Fire Station # 4 (Engineering/JM)

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 adoption of an Ordinance to rename 8th Street to John W. Elliott Drive and correct the spelling and suffixes of John W. Elliott Drive from Burnham Street to Research Road. STRE09-0010 (Development Services)

28. Consider and act upon adoption of an Ordinance renaming Riney Lane to Nottingham Lane in Villages of Stonelake Estates, Phase 1B. STRE09-0009

29. Consider and act upon an Amendment to Ordinance 08-10-94 to establish Reduced Speed School Zones on identified streets within the City of Frisco (Engineering/JF).

30. Consider and act upon an Amendment to Ordinance 08-11-98 establishing maximum speed limits on city streets within the City of Frisco (Engineering/BM).

31. Consider and act upon adoption of an Ordinance to rezone 122.7± acres on the southwest corner of Main Street and the Dallas North Tollway from Planned Development-173-Retail/Office-2/Townhome/Multifamily-1 and Industrial to Planned Development-Mixed-Use. Neighborhood #40. Z09-0003 (Development Services)

32. Consider and act upon adoption of an Ordinance repealing Ordinance No. 94-08-19 and repealing all amending Ordinances as follows: 98-05-09, 98-06-07, 99-04-04, 99-06-11, 99-09-25, 99-11-19, 00-04-02, 00-09-22, 00-09-37, 00-12-09, 01-03-20, 01-07-51, 01-09-59, 02-05-56, 02-09-100, 02-11-127, 02-12-144, 03-01-02, 03-03-14, 03-03-15, 03-08-67, 03-11-93, 03-11-94, 03-11-95, 04-03-25, 04-04-28, 06-07-62, 06-10-105, 07-04-13, amending Ordinance No. 00-06-18, and adopting a new Subdivision Ordinance. (Development Services/SM)

REGULAR AGENDA

33. Public Hearing: Zoning Case ZA09-0001, An amendment to Article IV, Section 1.07 (B) of the Comprehensive Zoning Ordinance regarding the requirements for Preliminary Site Plans and consider and act to direct staff to prepare an Ordinance of the same.

34. Public Hearing: The proposed involuntary annexation of Hawkins Survey, Abstract No. 582, Tract 1, 42.91± acres; Robertson Survey, Abstract No. 1487, Tract 1, 32.15± acres; Robertson Survey, Abstract No. 1487, Tract 2, 56.16± acres; Bates Survey, Abstract No. 73, Tract 1, 25.28± acres; Bates Survey, Abstract No. 73, Tract 3, 10.1± acres; Hawkins Survey, Abstract No. 582, Tract 1A, 118.9± acres; Bates Survey, Abstract No. 73, Tracts 1A, 2, & 4, 127.31±

acres; Bates Survey, Abstract No. 1620, Tract 10, 19.12± acres; Salings Survey, Abstract No. 1675, Tract 3, 20.98± acres; Bates Survey, Abstract No. 1620, Tracts 12, 13, & 14, 1.66± acres; Whittenburg Survey, Abstract No. 1510, Tract 1, 6.49± acres; MEP & PRR Survey, Abstract No. 921, Tract 1, 58.28± acres; Bates Survey, Abstract No. 68, Tract 1, 161.46± acres; Hogue Survey, Abstract No. 1714, Tract 2, 49.5± acres; Bates Survey, Abstract No. 83, Tract 1, 112.9± acres; Bates Survey, Abstract No. 90, Tracts 1 & 2, 177.18± acres; Whittenburg Survey, Abstract No. 1510, Tract 2, 156.01± acres; MEP & PRR Survey, Abstract No. 941, Tract 3, 21.74± acres; Landrum Survey, Abstract No. 764, Tracts 1 & 2, 166.0± acres; Smith Survey, Abstract No. 1185, Tract 1, 128.0± acres; Bates Survey, Abstract No. 90, Tract 3, 136.86± acres; C. Rogers Survey, Abstract No. 1133, Tract 1, 35.77± acres; MEP & PRR Survey, Abstract No. 941, Tract 7, 33.0± acres; Neatherly Survey, Abstract No. 962, Tract 20, 108.03± acres; Jackson Survey, Abstract No. 665, Tract 2, 121.39± acres; MEP & PRR Survey, Abstract No. 941, Tracts 1 & 2, 287.73± acres; Hawkins Survey, Abstract No. 581, Tract 7, 60.0± acres; Hogue Survey, Abstract No. 1714, Tract 1, 41.0± acres; MEP & PRR Survey, Abstract No. 941, Tract 4, 5.0± acres; Hawkins Survey, Abstract No. 581, Tract 3, 40.14± acres; Hawkins Survey, Abstract No. 580, Tract 4, 9.06± acres; Hawkins Survey, Abstract No. 580, Tract 4A, 2.45± acres; Bristow Survey, Abstract No. 35, Tract 1, 12.33± acres; Smith Survey, Abstract No. 1681, Tract 4, 9.89± acres; MEP & PRR Survey, Abstract No. 941, Tract 5, 5.0± acres; Bates Survey, Abstract No. 90, Tract 4, 6.50± acres; Smith Survey, Abstract No. 1681, Tract 6, 9.91± acres; MEP & PRR Survey, Abstract No. 917, Tract 1, 101.85± acres; Taylor Survey, Abstract No. 1671, Tract 2, 0.29± acre; Lake Trail Mobile Home Estates, Lot 1, 0.22± acre; Lake Trail Mobile Home Estates, Lot 3, 0.60± acre; Lake Trail Mobile Home Estates, Lot 7, 0.27± acre; Lake Trail Mobile Home Estates, Lot 5, 0.60± acre; Lake Trail Mobile Home Estates, Lot 2, 0.22± acre; Lake Trail Mobile Home Estates, Lot 4, 0.60± acre; Lake Trail Mobile Home Estates, Lot 6, 0.80± acre; Lake Trail Mobile Home Estates, Lot 8, 1.29± acres; MEP & PRR Survey, Abstract No. 919, Tracts 10, 12, 13, 14, & 15, 2.30± acres; MEP & PRR Survey, Abstract No. 919, Tracts 16, 17, 18, & 19, 2.00± acres; MEP & PRR Survey, Abstract No. 919, Tract 9, 0.60± acre; BBB & CRR Survey, Abstract No. 179, Tract 6, 39.93± acres; and MEP & PRR Survey, Abstract No. 919, Tract 21, 5.69± acres, Denton County, Texas. Neighborhoods #43, 47, 48, 49, 50, 51, 52, and 53. A09-0001. (Development Services)

35. Appeal: Site Plan and Final Plat SPFP09-0007, Consider and act upon an appeal of the Planning & Zoning Commission's decision to approve a site plan and final plat for a church on one lot on 5.8± acres, located on the northeast corner of Eldorado Parkway and Hillcrest Road. Zoned Planned Development-2-Neighborhood Commercial. Neighborhood #8 (Development Services)

36. Consider and act upon the appointment of individuals to fill the vacancies on the Planning & Zoning Commission Board with a term expiration date of June 2011.

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)

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 Thursday, July 2nd, 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.