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, APRIL 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. Legal advice and issues regarding converting public streets to private streets.
   - 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.
     - ii. Possible lease of downtown building.
   - C. Section 551.074. Deliberation regarding the annual evaluation of George Purefoy (City Manager)
   - 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. Relay for Life

REPORTS

5. Presentation of check from Collin County by Commissioners Joe Jaynes and Matt Shaheen for improvements to Independence Parkway.

6. Engineering Services Monthly Report on Roads, Sewer, Water & Traffic Updates

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

8. Library Report on usage and programming activities.

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 March 17, 2009 Regular City Council Meeting; March 24, 2009 Special Called Joint Work Session City Council and Ad-hoc Committee on Ethics; and March 24, 2009 Special Called Council Work Session. (CSO)

10. Consider and act upon approval of a Resolution authorizing the City Manager to execute an Amendment to an Agreement by and between the City of Frisco and JBI Partners Inc. (Jones and Boyd Inc.) for professional services for Stephens Green Neighborhood Park. (Parks & Recreation)

11. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with Cypress Creek Children's Montessori School LLC and United Frankford LTD for the construction of a westbound left turn bay, an eastbound right-turn deceleration lane and a median opening adjacent to the properties on FM 3537/Main Street in conjunction with TxDOT's construction of

FM 3537 Improvements. (Engineering/JF)

12. 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 I-20/S. Collins, Ltd. and Cliff Henderson for development on 29.9± acres on the northwest corner of Custer Road and Eldorado Parkway. Neighborhood #6. (Planning & Development Services)

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Two to the Professional Services Agreement by and between the City of Frisco and Carl Walker, Inc., for design and construction document preparation for the Municipal Center Parking Facility (Engineering Services/BB)

14. Consider and act upon award of bid # 0902-019 for construction of College Parkway Trail, to JDC Construction and approval of a resolution authorizing the City Manager to execute the contract. (Parks & Rec/JD)

15. 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 Terra-Solve, Inc., for the Environmental Assessment and Remediation Services for three sites on Main Street (John Elliott to Fourth Street) (Engineering/AS).

16. Consider and act upon authorization for the City Manager to execute Change Order No. 3 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Rodman Holding Company, LLC, for additional services relating to the construction of Lebanon Road (Eastbound Lanes from F.M. 423 to Presidents Drive). (Engineering/TF).

17. Consider and act upon award of bid to Tiseo Paving Co. and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for Eldorado Parkway (Dallas North Tollway to Preston Road) and Frisco Street (Eldorado Parkway to Newton Drive) (Bid No. 0902-027). (Engineering/JB)

18. Consider and act upon a Resolution authorizing the City Manager to execute Amendment Number Two and Change Order Number One to the Standard Form Agreement for Construction Services (dated January 4, 2008) by and between the City of Frisco and Mario Sinacola and Sons Excavating, Inc. relating to the construction of Panther Creek Parkway and Legacy Drive Improvements (Bid No. 0811-004) (Engineering/JB)

19. Consider and act upon a resolution authorizing the City Manager to execute an Amendment to an Agreement with HNTB Corporation for Shawnee Sports Complex Renovation. (Parks)

20. Consider and act upon a resolution authorizing the City Manager to execute an

agreement with The Playwell Group for a playground at Shawnee Sports Complex. (Parks)

21. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement for transportation engineering services with DeShazo, Tang and Associates, Inc. for the design and bid package preparation for a temporary traffic signal installation at the intersection of FM 423 and Stonebrook Parkway. (Engineering/BM)

22. Consider and act upon award of bid # 0902-020 for construction of Hickory Street Trail Extension, to Advanced Paving Company and approval of a resolution authorizing the City Manager to execute the contract. (Parks & Rec/JD)

23. Consider and act upon approval of the sale of one-(1) 1986/87 E-One Hurricane Pumper (Fire Engine) to Lamar Point Volunteer Fire Department. (Fire Dept.)

24. Consider and act upon approval of a purchase order to Collin County for improvements to Coit Road from US 380 to Rockhill Road. (Engineering/TJ)

25. Consider and act upon approval of a purchase order to Rush Equipment Center, Inc. for the purchase of two-(2) heavy equipment trailers. (Public Works/TJ)

26. Consider and act upon approval of a Resolution authorizing the City Manager of the City of Frisco, Texas to execute an interlocal cooperation agreement by and between the City of Frisco and the County of Denton for Fire and Ambulance services. (Fire)

27. Consider and Act Upon a Resolution Approving the Dedication of Easements by the Arts of Collin County Commission, Inc. to North Texas Municipal Water District. (HH)

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.)

28. Consider and act upon adoption of an Ordinance renaming 5th Street, south of Hickory Street and to provide a consistent suffix for Parkwood from Hickory Street to State Highway 121. STRE09-0006 (Planning & Development Services)

29. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Children's Day School on one lot on 1.7± acres on the north side of Eldorado, 115+ feet west of Coit Road. Zoned Planned Development-88-Office-1, SUP08-0011. Neighborhood #8. (Planning & Development Services)

30. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Church (Mosque) on one lot on 0.3± acre located on the northwest corner of Main Street and Fourth Street. Zoned Original Town Commercial with a Temporary Specific Use Permit (S-168) for a Church. SUP09-0001 Neighborhood #11. (Planning & Development Services)

31. Consider and act upon adoption of an Ordinance to amend Planned Development-196 regarding permitted uses and development standards for Tract 4. The property contains 36.2± acres on the southwest corner of Warren Parkway and Parkwood Boulevard. Zoned Planned Development-196-Mixed Use (PD-196-MXD). Neighborhood #35. Zoning Case Z08-0018. (Planning & Development Services)

32. Consider and act upon adoption of an Ordinance on the involuntary annexation of 1.5± acres in the John W. Cox Survey, Abstract 159, generally located on the north side of CR 23, 250± feet north of Panther Creek Parkway. Neighborhood #4. Annexation Case A08-0004. (Planning & Development Services)

33. Consider and act upon adoption of an Ordinance on the involuntary annexation of 1.5± acres in the John W. Cox Survey, Abstract 159, generally located on the north side of CR 23, 200± feet north of Panther Creek Parkway. Neighborhood #4. Annexation Case A08-0005. (Planning & Development Services)

34. Consider and act upon adoption of an Ordinance on the involuntary annexation of 2.7± acres in the John W. Cox Survey, Abstract 159, generally located on the southwest corner side of CR 23 and Panther Creek Parkway. Neighborhood #9. Annexation Case A08-0006. (Planning & Development Services)

REGULAR AGENDA

35. Public Hearing: Zoning Case Z08-0016, A request 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 and consider and act to direct staff to prepare an Ordinance of the same. Zoned Commercial-1. Neighborhood #30. (Planning & Development Services)

36. Public Hearing: Zoning Case Z09-0002, A request to amend Planned Development-112 regarding permitted uses on a 9.9± acre tract of land out of a total of 40.1± acres located on the northwest corner of Stonebrook Parkway and Dallas Parkway and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-112-Commercial-1. Neighborhood #22. (Planning & Development Services)

37. Public Hearing: Zoning Case Z09-0001, A request to amend Planned Development-79 development standards regarding secondary access requirements for Tract 2 (Chapel Creek) and consider and act to direct staff to prepare an Ordinance of the same. The property contains 22.4± acres and is located on the north side of (proposed) Brookhollow Boulevard, 800± feet west

of Preston Road. Zoned Planned Development-79-Single Family-5. Neighborhood #23. (Planning & Development Services) Tabled 03/17/09.

38. Presentation of Report and Recommendations from the Ad-Hoc Committee on Ethics.

39. Consider and act upon adoption of an ordinance approving the revisions to the currently adopted Water Conservation Plan and the Drought Contingency Plan into one Water Management Plan. (Public Works) Tabled 3-3-09

40. Discuss renaming of Frisco Street (Coleman Boulevard) and direct staff to prepare an ordinance regarding the change. STRE08-0019 (Planning & Development Services)

41. Consider and Act upon a resolution authorizing the City Manager to execute a lease agreement between the City of Frisco and Music Maker Enterprises, LP for a commercial lease at 6891 Main Street and to provide supplemental funding for the build out construction.

42. Consider and Act Upon the appointment of Mr. James Minyard to the vacant "Second" Frisco seat on the Arts of Collin County Commission, Inc. (Council/MM)

43. Consider and act upon approval of variance of (Noise) Ordinance 97-04-13 to Frisco Square Development for Fair in the Square and Movies in the Square events on various dates in April, June, and July 2009. (Communications)

44. Consider and Act Upon Approval of Amendment to the Ordinance Adopting the City of Frisco Fiscal Year 2009 Budget. (CMO/NL)

45. Consider and Act Upon Approval of Amendment to the Ordinance Adopting the Frisco Economic Development Corporation Fiscal Year 2009 Budget (CMO/NL)

46. Direct and give staff direction on the establishment of an Advisory Committee for Grand Park. (Parks DR) (Tabled 3-3-09)

47. Consider and act upon approval of a resolution supporting legislation relating to local options regarding mobility improvement projects. (Council/MM)

48. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and 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 Planning and Development Services. (Planning and Development Services)

49. City Council discussion with City Staff concerning any actions required by City

Staff as a result of any item on tonight's agenda.

50. 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 04-03-09 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.