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, FEBRUARY 16, 2010

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 regarding Day Labor issue.
     - ii. 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.
     - iii. Receive legal advice and update on Cause 296-01766-2008; Black Lab Partnership Fund, Ltd. vs. City of Frisco.
   - 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 and North of 121, 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.
D. CLOSED SESSION

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

4. Eagle Scout Kyle Smith

5. Community Development Corporation 15th Anniversary

6. C. Kenneth Carodin -- Promotion to Rear Admiral in U.S. Navy

7. Severe Weather Awareness Week

REPORTS

8. Convention and Visitors Bureau January report on definite business, projected economic impact and in-kind media values.

9. Development Services January 2010 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

10. Financial Services January 2010 Budget Status and Department Indicators Report

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

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

13. Police Department's report on crime statistics and response times for the month of January 2010.

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.)

14. Consider and act upon approval of the Minutes from the February 02, 2010

15. Consider and act upon approval of May 8, 2010 Joint General Election Resolutions and Agreements. (CSO/JP)
    A. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Letter of Agreement for the use of the Heritage Lakes Home Owners Association for the use of the Heritage Lakes Amenities Center as a Polling Location. (CSO/JP)
    B. Consider and act upon approval of a Resolution authorizing the Mayor to execute a Joint Election Agreement with FISD and CCCD and the Collin County Elections Administrator for the May 8, 2010 Joint General Election. (CSO/JP)

16. 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 Freese and Nichols, Inc., for a detailed Hydraulic Analysis of Stewart Creek. (Engineering/LC)

17. 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 for the funding the purchase of (3) Police Motorcycles and authorizing the submission of the grant application by the City Manager or his designee. (Police/GW)

18. 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 for the funding of a Electronic Ticket Writers and authorizing the submission of the grant applications by the City Manager or his designee. (Police/GW)

19. Consider and Act on a Resolution approving the submission of a grant application to the CoServ Charitable Foundation to fund the purchase of a Solar/Electric Public Safety Vehicle and authorizing the submission of the grant application by the City Manager or his designee/ (Police/GW)

20. Consider and Act on a Resolution authorizing the Frisco Police Department to donate usable goods to Frisco Family Resale, a not for profit organization, that will resell the goods in order to fund numerous community-oriented programs. (Police/TR)

21. Consider and act upon award of bid to J&T Excavating and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for FM 2934 Turn Lanes (Bid No. 1001-024). (Engineering/JB)

22. Consider and act upon approval of purchase orders to OverDrive's Digital Library Reserve, Inc. for the purchase of digital media hosting and download services during the 2010 fiscal year. (Library/TJ)

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.)

REGULAR AGENDA

23. Public Hearing: Specific Use Permit SUP09-0012. A request for a Specific Use Permit for a Child Day Care Center on one lot on 2.8± acres on the south side of Main Street, 250± feet east of Calimar Drive, and consider and act to direct staff to prepare an ordinance of the same. Zoned Commercial-1. Neighborhood #42. (Development Services/SM)

24. Consider and Act upon adoption of an Ordinance amending Sections 54-172 and 54-175 of Article VI (Residency Restrictions for Child Predator Offender(s)) of Chapter 54 of the City of Frisco, Texas Code of Ordinances revising the definition of "Premises where children commonly gather," amends one of the listed affirmative defenses, and adds an exception to the list of affirmative defenses. (Police/JB)

25. Consider and Act upon requests from VDC Frisco Reserves I, L.P. for Residences at Frisco and Stewart Creek Villas, L.P. for North Court Villas for letters of support for their 2010 9% Housing Tax Credit Applications to be submitted to the Texas Department of Housing and Community Affairs. (CMO/SB)

26. Consider and act upon an Ordinance calling a Special Charter Amendment Election and associated documents. (CSO/JP)

27. Appointment of Members to the Citizen Advisory Committee for the Photographic Traffic Signal Enforcement System (Red Light Committee). (CMO/NL)

28. Consider and Act Upon Changing the Date of the Second March City Council meeting. (Mayor Maso)

29. Consider and Act Upon Approval of a Resolution Authorizing the City Manager to Execute an Agreement With Exide Technologies to Conduct a Site Investigation (Soil and Sediment Delineation) at the Former Stewart Creek Wastewater Treatment Plant Site. (CMO/GP)

30. Consider and Act upon approval of a Settlement Agreement and a Relinquishment Agreement by and between the City of The Colony, the City of Frisco and the North Texas Municipal Water District authorizing the Mayor execute both documents. (CMO\RP)

31. 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)

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

33. Discussion on Governance Monitoring of present City Council Meeting.

ADJOURN

CERTIFICATION

Henry J. 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 February 12, 2010 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.