# 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, SEPTEMBER 07, 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 housing concerns raised by Inclusive Communities Project.
   - 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.

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

the Closed Session.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

4. U.S. Constitution Week

**REPORTS**

5. Recognition of the City of Frisco Information Technology - Geographic Information System (GIS) Group for receiving the 2010 ESRI President's Award.

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

7. Engineering Services Monthly Report on Roads, Traffic, Water & Sewer Projects

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 June 29, 2010 Arts of Collin County Special Joint Meeting, August 16, 2010 Budget Work Session, and August 17, 2010 Regular City Council Meeting minutes.

10. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Agreement for Furnishing and Installing of Traffic Signal Equipment by a Municipality 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 FM 423 at US 380, Panther Creek Parkway and Eldorado Parkway (Engineering/BM).

11. Consider and act upon a Resolution authorizing the City Manager to execute a Sewer Funding Agreement with PCR Land Company, LLC for the construction of an eight (8) inch sanitary sewer line located in Stonebrook Parkway in conjunction with the construction of Stonebrook Parkway Roadway Improvements (Engineering/TF)

12. Consider and act upon award of bid to Mario Sinacola and Sons Excavating Inc.

and act upon a Resolution authorizing the City Manager to execute a Standard Form of Agreement for construction services for Rolater Road Improvements (Independence Parkway to Custer Road) (Bid No. 1008-058) and authorizing construction phase contingencies (Engineering/TN)

13. Consider and Act upon a Resolution authorizing the Director of Financial Services to sign a Depository Pledge Agreement and other related banking documents to participate in the Wells Fargo Bank, N.A. Texas Managed Fund. (Finance/AC)

14. Consider and act upon approval of a purchase order to Philpott Motors, for the purchase of two-(2) animal containment units. (Planning & Development Services/TJ)

15. Consider and Act on the adoption of a Resolution authorizing the City Manager to submit documents to the Texas Comptroller's Office Trust Fund to request the reimbursement of state tax revenue acquired from three events. (CVB/MR)

16. Consider and act upon approval of an ordinance approving a NEGOTIATED RESOLUTION between the Atmos Cities Steering Committee ("ACSC" or "Steering Committee") and ATMOS ENGERGY CORP. MID-TEX DIVISION ("Atmos MID-TEX" or "company") regarding the company's rate review mechanism filing. (CMO/BB)

17. Consider and act upon approval of the guaranteed maximum price for RFP #1005-042, Construction Manager at Risk Services for City Hall Entrance Renovation, and adoption of a resolution authorizing the City Manager to execute an agreement for these services. (CMO/TJ)

18. Consider and Act Upon Award of RFP# 1007-052, Heritage Center Event Coordinator, to Consulting Transitions Inc., and Approval of Resolution Authorizing the City Manager to Execute the Agreement for these Services. (CMO/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.)

19. Consider and act upon adoption of an Ordinance on the voluntary annexation of 22.4± acres in the B.B.B. & C.R.R. Survey, Abstract No. 171 and the B.B.B. & C.R.R. Survey, Abstract No. 179, Denton County, Texas, generally located 650± feet west of Anthem Drive and 675± feet south of West Stonebrook Parkway. Neighborhood #43. Annexation Case A10-0001. (Development Services/JE)

20. Consider and act upon adoption of an Ordinance rescinding Ordinance No. 05-

09-73 which granted a Specific Use Permit (S-155) for a Beer & Wine Package Sales Establishment and a Private Club on 0.1± acre on the northwest corner of State Highway 121 and Legacy Drive Neighborhood #33. SUP05-0011. (Development Services/MW)

21. Consider and act upon adoption of an Ordinance for a Specific Use Permit to allow a Major Automotive Repair facility on one lot on 0.8± acre on the south side of Lebanon Road, 340± feet west of Ohio Drive. Zoned Commercial-1. Neighborhood #29. SUP10-0002. (Development Services/RC)

22. Consider and Act upon renewal of Article V (Juvenile Curfew) of Chapter 54 of the City of Frisco, Texas Code of Ordinances; a Juvenile Curfew Ordinance in Texas must be re-approved every three (3) years. (Police/JB)

23. Consider and Act on an Ordinance repealing and replacing the prior Ordinances related to the creation of the Convention and Visitor Bureau in order to amend the structure of the Board Rules and to allow a Director to be reappointed after being off the Board for at least one year. (CVB/MR)

**REGULAR AGENDA**

24. Discuss golf cart regulations and give staff direction on the Use of Golf Carts within the City Limits. (Police/TR)

25. Consider and act upon the acceptance of Letter of Resignation from Michael Hitchcock, CVB Board Member (CSO/JP)

26. Consider and act upon the acceptance of Letter of Resignation from Tom Garcia, CVB Board Member (CSO/JP)

27. Public Hearing: Second Public Hearing on the City of Frisco Fiscal Year 2011 Annual Budget, including the Frisco Economic Development Corporation Fiscal Year 2011 Budget and the Frisco Community Development Corporation Fiscal Year 2011 Budget. (CMO/NL)

28. Consider and Approve the Effective Tax Rate Calculation. (CMO/NL)

29. 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)

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

31. 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 Friday, September 3, 2010 at 5:30 PM 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.