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, AUGUST 16, 2011

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.
      ii. Receive legal advice from City Attorney concerning legal issues regarding Exide and lead issues.
      iii. Receive legal advice regarding Frisco's involvement in the Arts of Collin County and other legal issues related thereto.
      iv. Receive legal advice regarding Cause No. 2008-30252-211; Sequoia Stonebriar Leaseco, L.L.C. and Sequoia Stonebriar, L.P., Plaintiffs/Counter-Defendants vs. Broadstone Stonebriar II, L.P.,

Defendant/Counter-Plaintiff and Third-Party Plaintiff vs. Sequoia Stonebriar 1, L.P., et al., Third-Party Defendants/City of Frisco, Intervenor; Pending in the 211th Judicial District Court, Denton County, Texas.

v. Receive legal advice regarding the Sports Facility Lease Agreement dated January 24, 2008, by and between the City of Frisco, Texas (Lessor) and Sports Village Operating I, LLC (Lessee).

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 Preston Rd.

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. Ryley Matos -- Eagle Scout

REPORTS

5. Battle of the Badges Trophy Presentation

6. Police Department's report on crime statistics and response times for the months of June and July 2011.

7. Development Services June and July 2011 Reports on Building Inspection, Code Enforcement, Animal Control, Development, and Training Activities.

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

9. Fire Department Monthly Report on Incident Response and Educational Activities, June 2011 and July 2011.

10. Financial Services Budget Status Report for July 2011

11. July Monthly CVB report on definite business, projected economic impact and in-kind media results.

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.)

12. Consider and act on minutes from the August 1, 2011 regular City Council Meeting. (CSO/JP)

13. Consider and act upon the acceptance of Robin Glackin's resignation from the Convention Visitors Bureau Board -Downtown/Frisco Square position. (CSO/JP)

14. Consider and act upon approval of an Ordinance accepting the negotiated resolution between Atmos Cities Steering Committee and Atmos Energy Corp, Mid-Tex Division, regarding the Atmos Energy Corp., Mid-Tex Division, Fourth Annual Rate Review Mechanism Filing. (CMO/BB)

15. Consider and Act Upon a Professional Contract Between the City of Frisco, Texas and the Frisco Independent School District for Services Related to a School Resource Officer Program and Authorize the City Manager or His Designee to Execute the Contract. (Police/TR)

16. 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 Kimley-Horn and Associates, Inc., for design and preparation of construction documents for Legacy Elevated Water Tank. (Engineering/AH)

17. Consider and act upon approving a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Brockette, Davis, Drake,Inc. (BDD), for a limited structural review at Beaver's Bend Trail Extension for retaining wall repair. (P&R/JED)

18. Consider and act upon a resolution authorizing the City Manager to execute an agreement with PlayWell Group, Inc. for renovations and improvements of site furnishings and playground structures at Oakbrook Neighborhood Park. (P&R/JED)

19. Consider and act upon a resolution authorizing the City Manager to execute an agreement by and between Studio 13 Design Group, LLC for landscape architecture and engineering services for trail improvements in and along Preston Road, between John Wesley Drive south to Wade Boulevard. (P&R/DR)

20. Consider and act upon award of Bid #1107-055, annual contract for automotive

paint and body services to Luckey's Collision Center. (Fleet/TJ)

21. Consider and act upon approval of a purchase order to Professional Turf Products for the purchase of one (1) Toro flex wing mower. (Parks/TJ)

22. Consider and act upon approval of a purchase order to Kubota Tractor Corporation for the purchase of three (3) zero turn riding mowers. (Parks/TJ)

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

24. 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 Subsection 6.19 of the Zoning Ordinance and/or Section 4.02 of the Subdivision 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)

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.)

25. Consider and act upon adoption of an Ordinance to rezone 58.2± acres on the southwest corner of Lebanon Road and Rock Creek Parkway from Commercial-1 and Planned Development-189-Multifamily-15 to Patio Home. Zoned Commercial-1 and Planned Development-189-Multifamily-15. Neighborhood #36. Z11-0011 (Development Services/JE)

REGULAR AGENDA

26. Public Hearing: Z11-0010. A request to rezone 35.6± acres on the northwest and northeast corners of Teel Parkway and Lebanon Road from Retail to Patio Home, and consider and act to direct staff to prepare an ordinance of the same. Zoned Retail. Neighborhood #38 & 39. (Development Services/RC)

27. A request to amend Planned Development-219 to incorporate additional property (currently zoned Commercial-1) and establish development standards to allow a convenience store with fuel pumps and consider and act to direct staff to prepare an Ordinance of the same. The property contains 13.8± acres on the northwest corner of Main Street and Preston Road. Zoned: Planned Development-219-Mixed Use and Commercial-1. Neighborhood #11. (Development Services/MW)

28. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Impact Fee Settlement Agreement by and between the City of

Frisco and multiple developers for the property formally known as the Lone Star Ranch and the subject of the subject Impact Fee Agreement (Lone Star Ranch) dated December 7, 1999 and amended March 1, 2000. (CMO\RP)

29. Consider and Act upon adoption of a Resolution granting authority to the City Manager, of his designee, to release property from agreements with the City of Frisco, Texas; providing repealing, savings and severability clauses; and providing for the effective date hereof. (CMO\RP)

30. Consider and give staff direction on establishing a voluntary pet license/registration program. (Development Services/GC)

31. Consider calling a public hearing on amending the Zoning Ordinance regarding Mobile Vendors. (Development Services/GC)

32. Consider and Act Upon Approval of the Settlement Agreement and Agreed Final Judgment in Cause No. 2008-30252-211 in the case styled *Sequoia Stonebriar Leaseco, LLC and Sequoia Stonebriar, LP, Plaintiffs v. Broadstone Stonebriar II, LP, Defendant and City of Frisco, Texas, Intervenor, et al.* pending in the 431st District Court of Denton County, Texas and to authorize the City Manager to execute all documents necessary to effectuate the settlement. (**Tabled 8/1/2011**)(CMO/RA)

33. Public Hearing: First hearing on the City of Frisco Fiscal Year 2012 Proposed Annual Budget, including the Frisco Economic Development Corporation Fiscal Year 2012 Proposed Annual Budget and the Frisco Community Development Corporation Fiscal Year 2012 Proposed Annual Budget. (CMO/NL)

34. Consider and Act Upon Approval of the Certification of Anticipated Collection Rate and Excess Collections from the Collin County Tax Assessor Collector. (CMO/NL)

35. Consider and Approve the Effective Tax Rate Calculation for the Fiscal Year 2012. (CMO/NL)

36. Consider and Act Upon Proposed Tax Rate and Recording and Taking Individual Vote. (CMO/NL)

37. Consider and Act Upon a Resolution Calling for a Public Hearing on the City of Frisco Proposed Fiscal Year 2012 Tax Rate. (CMO/NL)

38. Consider and act on the appointment of Convention and Visitor's Bureau Board Member. (CSO/JP)

39. Discuss options in regard to Senate Bill 100 (MOVE Act). (CSO/JP)

40. Consider and act on approval of a Resolution repealing Resolutions 11-06-123R, 10-04-118R, 08-08-102R, and 04-04-187R, representing the Boards and

Commissions Policy. (CSO/JP)

41. Consider and act on approval of an ordinance amending Division I (Generally) of Article III (Authorities, Boards and Commission) of Chapter 2 (Adminstration) of the Frisco Code of Ordinances. (CSO/JP)

42. Consider and discuss the dates for the Boards and Commissions Meet and Greet Reception, dates to conduct interviews, and the process of selecting applicants to interview for the various Boards and Commissions positions. (CSO/JP)

43. Discussion Concerning Council Representation on Area Boards. (MM)

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

45. 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, August 12, 2011 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.