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 20, 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 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).
      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 the case styled Brian Lynn v. City

of Frisco, Cause No. 4:11-cv-00222, pending the United States District Court, Eastern District of Texas, Sherman Division.

v. Receive legal advice regarding the Cause No. 02-10-300CV in the case styled Mary Horn, Hugh Coleman, Ron Marchant, Bobbie J. Mitchell, and Andy Eads, in the Capacities as Denton County Judge and Commissioners of Denton County Texas v. Al Gibson, pending the 2nd District Court of Appeals at Ft. Worth, Texas.

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 551.076. Deliberation regarding the possible implementation of security personnel or devices.

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. National Recovery Month

REPORTS

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

6. Development Services August 2011 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

7. Fire Department Monthly Report on Incident Response and Educational Activities, August 2011.

8. Financial Services Budget Status Report for August 2011

9. Police Department's report on crime statistics and response times for the month of August 2011.

10. Frisco CVB August report on economic impact, media values and sales 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.)

11. Consider and act on approval of minutes from the September 06, 2011 Regular Council meeting. (CSO/JP)

12. Consider and act upon adoption of a resolution authorizing the City Manager to execute a renewal Interlocal Agreement between the North Central Texas Council of Governments (NCTCOG) and City of Frisco for E9-1-1 service and equipment. (Police/TR)

13. Consider and Act on a Resolution accepting a grant award from the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding under the Victims of Crime Act Grant Program and authorizing the City Manager or his designee to execute the documents. (Police/GW)

14. Consider and Act on a Resolution accepting a grant from the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding under the Violence Against Women Act Grant Program and authorizing the acceptance of the grant by the City Manager or his designee. (Police/GW)

15. Consider and Act on a Resolution accepting a grant from the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding under the Violence Against Women Act Grant Program and authorizing the acceptance of the grant by the City Manager or his designee. (Police/GW)

16. Consider and Act on a Resolution approving the acceptance of a grant between the State of Texas, acting by and through the Texas Department of Transportation and the City of Frisco for the 2012 Special Traffic Enforcement Program (STEP) and authorizing the acceptance of the grant by the City Manager or his designee. (Police/GW)

17. Consider and act upon a Resolution committing certain fund balances that cannot be used for other purposes. (Financial Services/AC)

18. Consider and act upon approval of a purchase order to Structural & Steel Products, Inc. for the purchase of thirteen (13) traffic signal poles and mast arms. (Engineering/TJ)

19. Consider and act upon approval of purchase orders to DCC, Inc. for the purchase of pool chemicals used at the Frisco Athletic Center. (Parks/TJ)

20. Consider and act upon ratification of the Interlocal Cooperation Contract between the City of Frisco and the North Central Texas Trauma Regional Advisory Council that was approved at the September 6, 2011 City Council Meeting subject to final City Attorney approval, and such City Attorney approval has been received. (FIRE/MB)

21. Consider and act upon approving a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Studio 13 Design Group, PLLC for preparation of construction documents for a parking lot facility at Warren Sports Complex. (Parks / JED)

22. Consider and act upon a Resolution authorizing the City Manager to execute the First Amendment to Sports Facility Lease Agreement and the Amended and Restated Guarantee Agreement by and between the City of Frisco and Sports Village Operating I, LLC and the Guarantors. (CMO\RP)

23. Consider and Act Upon the Purchase of Condo No. 1 of the Frisco Discovery Center Condominiums from the Frisco Community Development Corporation pursuant to the terms and conditions of a Real Estate Sales Contract to be negotiated and executed by and between the Frisco Community Development Corporation and the City of Frisco and authorize the City Manager to execute all documents necessary to complete the sale. (CMO/NL)

24. Consider and Act Upon Settlement Agreement with Brian Lynn. (CMO)

25. 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.)

26. Consider and act upon an Amendment to Ordinance 10-11-53 establishing maximum speed limits on city streets within the City of Frisco (Engineering/BM).

REGULAR AGENDA

27. Consider and Act Upon Adoption of an Ordinance Approving Revised Budget Figures for Fiscal Year 2010-2011 and Adopting a Budget and Appropriating Resources for the City of Frisco Budget Year Beginning October 1, 2011. (CMO/NL)

28. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2010-2011 and Adopting a Budget and Appropriating Resources for the Frisco Economic Development Corporation Budget Year Beginning October 1, 2011. (CMO/NL)

29. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2010-2011 and Adopting a Budget and Appropriating Resources for the Frisco Community Development Corporation Budget Year Beginning October 1, 2011. (CMO/NL)

30. Consider and Act Upon Adoption of an Ordinance Levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2011. (CMO/NL)

31. Consider and Act Upon an Ordinance of the City of Frisco, Texas Amending Ordinance Nos. 06-11-119 (Master Fees Ordinance); 10-10-50, Section 3 (Water Service Charges) and Section 4 (Sanitary Sewer Charges); 10-01-03, Section 5 (Solid Waste Collection Fees); 09-01-04, Section 2 (Municipal Storm Water Utility System Fee Schedule); and 99-09-19, Section 3 (Development Service Fees); Providing for a Penalty for the Violation of this Ordinance; Providing for Repealing, Savings and Severability Clauses; Providing for an Effective Date of this Ordinance; and Providing for the Publication of the Caption Hereof. (CMO/NL)

32. Consider and act on an ordinance repealing Section 58-125 (ESTABLISHED) of Article V (PARKS AND RECREATION ADVISORY BOARD) of Chapter 58 (PARKS AND RECREATION) of the Frisco Code of Ordinances; repealing Section 34-165 (ESTABLISHMENT OF THE URBAN FORESTRY BOARD), Section 34-166 (POWERS AND DUTIES) and Section 34-167 (PROCEDURE) of Division 2 (URBAN FORESTRY) of Article VI (TREES) of Chapter 34 (ENVIRONMENT) of the Frisco Code of Ordinances; Repealing Ordinance No. 05-10-90; Amending Division 1 (ADMINISTRATIVE POLICES AND PROCEDURES), Division 2 (HOUSING AUTHORITY), Division 3 (HOUSING TRUST FUND BOARD AND PROGRAM), Division 4 (CONVENTION AND VISITORS BUREAU BOARD), Division 5 (ECONOMIC DEVELOPMENT CORPORATION) AND Division 6 (FRISCO ARTS BOARD AND PUBLIC ARTS PROGRAM) of Article III (AUTHORITIES, BOARDS AND COMMISSIONS) of

Chapter 2 (ADMINISTRATION) of the Frisco Code of Ordinances; Adopting a Division 7 (COMMUNITY DEVELOPMENT CORPORATION), Division 8 (PARKS AND RECREATION BOARD), Division 9 (URBAN FORESTRY BOARD) and Division 10 (DOWNTOWN ADVISORY BOARD) of Article III (AUTHORITIES, BOARDS AND COMMISSIONS) of Chapter 2 (ADMINISTRATION) of the Frisco Code of Ordinances. (CSO/JP)

33. Consider and act upon the appointment of one (1) member, (Frisco Representative), to represent the Member Cities, to the Board of Directors of the Arts of Collin County Commission for a term of two years beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

34. Consider and act upon the appointment of two (2) regular members and one (1) alternate member to the Board of Adjustment/Construction Board of Appeals for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

35. Consider and act upon the appointment of four (4) members to the Frisco Community Development Corporation Board of Directors for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

36. Consider and act upon the appointment of five (5) members to the Convention & Visitors Bureau, representing the following sectors: Place 1 – Lodging Sector Representative; Place 5 - General Retail Sector Representative; Place 7 – Downtown/Frisco Square Retail Representative; Place 9 – Chamber of Commerce Representative; and Place 11 – Ex-Officio At-Large representative for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

37. Consider and act upon the appointment of four (4) members to the Downtown Advisory Board representing Place 1-Business/Property Owner; Place 3-Business/Property Owner; Place 5-At-Large; and Place 7-At-Large for a term of two years each beginning on October 1, 2011 ending on September 30, 2013. (CSO/JP)

38. Consider and act upon the appointment of three (3) members to the Frisco Economic Development Corporation Board of Directors for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

39. Consider and act upon the appointment of four (4) members - Places 1, 3, 5 and 7 to the Housing Trust Fund Board for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

40. Consider and act upon the appointment of four (4) members to the Parks and

Recreation Board - Places 1, 3, 5, and 7 for a term of two years each beginning October 1, 2011 and ending on September 30, 2013. (CSO/JP)

41. Consider and act upon the appointment of two (2) members to the Planning and Zoning Commission for a term of three years each beginning on October 1, 2011 and ending on September 30, 2014. (CSO/JP)

42. Consider and act upon the appointment of four (4) members to Frisco Public Arts Board - Places 1, 3, 5, and 7 for a term of two years each beginning on October 1, 2011 and ending on September 30, 2013. (CSO/JP)

43. Consider and act upon the appointment of five (5) members to the Urban Forestry Board – Places 1, 3, 5, 7 for a term of two years each ending on September 30, 2013 and Place 6 for a term of one year ending on September 30, 2012. (CSO/JP)

44. Mayor's appointment of four (4) members to the Housing Authority Board - Places 1, 3, and 5 for a term of two years beginning on October 1, 2011 and ending on September 30, 2013 and Place 4 (tenant position) to the unexpired term ending on September 30, 2012.

45. Consider and act upon the proposed Fiscal Year 2011-2012 Budget for the Arts of Collin County, Inc (CMO)

46. Consider and act upon a Resolution Approving a proposed name change for the Arts of Collin County Commission, Inc. to the" Arts Center of North Texas". (CMO)

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

48. 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 Friday, September 16, 2011 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.