REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034

5:00 PM

TUESDAY, APRIL 19, 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 from City Attorney concerning legal issues regarding Exide and lead issues.
     - ii. 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).
     - iii. Receive legal advice regarding legal issues related to the Town of Little Elm's Zoning Case #10-PD-001 to rezone Tract 3 located on the east side of FM423 near Smotherman Road to multi-family.
     - 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 concerning Highland Homes.

vi. Receive legal advice regarding the Southwest General Services (SGS) contract for ambulance billing practices.

vii. 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 Preston Road.

C. Section 551.074. Personnel Matters: Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:

i. Deliberation regarding the annual evaluation of George Purefoy (City Manager).

ii. Deliberation regarding the annual evaluation of Richard Abernathy (City Attorney).

iii. Deliberation regarding the annual evaluation of Michael Drewry (City Judge).

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

REPORTS

4. Convention & Visitors Bureau March report on definite business, economic impact and in-kind media.

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

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

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

8. Fire Department Monthly Report on Incident Response and Educational Activities, March 2011

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 on approval of minutes from the December 9, 2010 Joint CVB and City Council Meeting, March 23, 2011 Regular City Council Meeting, March 28, 2011 Special City Council Meeting, and the April 5, 2011 Regular City Council Meeting. (CSO/JP)

10. Consider and Act Upon Approval of the First Amendment to the Tower Site Lease Agreement between the City of Frisco and New Cingular Wireless PCS, LLC, at 13770 Teel Parkway, and a resolution authorizing the City Manager to execute this amendment. (CMO/DF)

11. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number One to the Master Agreement by and between the City of Frisco and Kimley-Horn and Associates, Inc. for On Call Professional Traffic Engineering Services, Contract Number 2009-001 (Engineering/BM)

12. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number One to the Master Agreement by and between the City of Frisco and Lee Engineering, LLC for On Call Professional Traffic Engineering Services, Contract Number 2009-002 (Engineering/BM)

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Standard Utility Agreement by and between the City of Frisco and the Texas Department of Transportation (TxDOT) to provide funding for the relocation of City of Frisco utilities on FM 3537 (Main Street) from SH 289 (Preston Road) to FM 2478 (Custer Road) (Engineering DLC).

14. 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 DAL-TECH Engineering, Inc. to perform Right of Way Easement Preparation for Main Street (FM 3537) from Preston Road to Custer Road. (Engineering/JB)

15. 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 United States ROW Co. to perform Right of Way Acquisition services for Main Street (FM 3537) from Preston Road to Custer Road. (Engineering/JB)

16. Consider and act upon a Resolution authorizing the City Manager to execute a Master Agreement with Freese and Nichols, Inc. for On Call Professional Civil Engineering Services, Miscellaneous Drainage Services, Contract Number 2011-001. (Engineering/LC)

17. Consider and Act on the adoption of a Resolution authorizing the City Manager to enter into an agreement on behalf of the Convention & Visitors Bureau with WFAA for advertising and promotional purposes. (CVB/MR)

18. Consider and act upon adoption of a Resolution authorizing the City Manager to submit a Grant Application for the funding of an emergency generator for Frisco Central Fire Station under the Urban Area Security Initiative (USAI) Grant Program, United States Department of Homeland Security (DHS) Grant Program Directorate (FIRE / PS).

19. Consider and act upon adoption of a Resolution authorizing the City Manager to submit a Grant Application for the funding of Citizen Emergency Response Team (CERT) kits under the Citizen Corps Program (CCP) Grant, United States Department of Homeland Security (DHS) Grant Program Directorate (FIRE / PS).

20. Consider and Act upon a Resolution to approve the submission of a grant application to Oncor for funds to implement energy efficient projects.(CMO/SB)

21. Consider and act upon ratification of a change order to Envirotech Partners for the purchase of Meltdown 20, magnesium chloride used during the February ice storms. (Public Works/TJ)

22. Consider and act upon approval of purchase orders to Lion Apparel Corporation for fire bunker gear inspection and repairs. (Fire/TJ)

23. Consider and act upon approval of a purchase order with Book Wholesalers Incorporated, for the purchase of additional Library materials during the fiscal year 2011. (Library/TJ)

24. Consider and act upon approval of a purchase order for annual maintenance and support to SirsiDynix Corporation for the City's integrated library system. (Library/TJ)

25. Consider and act upon approval of purchase order to Flair Data Systems for the purchase of network hardware and implementation services related to the project to segregate Library public access computers and guest wireless onto a dedicated internet connection, through the State of Texas Department of Information Resources (DIR) contract. (IT/TJ)

26. Consider and act upon approval of purchase order to Flair Data Systems for the purchase of yearly maintenance of the City's Cisco networking equipment and

phone system, through the State of Texas Department of Information Resources (DIR) contract. (IT/TJ)

27. Consider and Act Upon Approval by City Council for City Attorney to select additional counsel to assist in addressing potential legal actions. (City Attorney)

28. 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)

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

29. Public Hearing: Zoning Case Z11-0002, A request to rezone 111.4± acres on the west side of Independence Parkway, 1,200± feet south of Eldorado Parkway from Single Family-4, Single Family-5 and Patio Home to Single Family-4 and Single Family-5 and consider and act to direct staff to prepare an Ordinance of the same. Zoned: Single Family-4/Single Family-5/Patio Home. Neighborhood #14. (Development Services/MW)

30. Consider and act on appointment of the North Texas Municipal Water District (NTMWD) Board Member. (CMO/HH)

31. Consider and give direction on Boards and Commissions Policy revisions. (CSO/JP)

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 Friday, April 15, 2011 at 5:00 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.