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

5:30 PM

MONDAY, AUGUST 01, 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 regarding housing concerns raised by Inclusive Communities Project.
     - iii. Receive legal advice from City Attorney concerning legal issues regarding Exide and lead issues.
     - iv. Receive legal advice regarding Frisco's involvement in the Arts of Collin County and other legal issues related thereto.
     - v. 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.

vi. 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.

B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

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. Barbara Gallegos -- Retirement from U.S. Postal Service

REPORTS

5. Financial Services Budget Status Report for June 2011

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

7. FEDC report on Q3 FY11 Economic Development Accomplishments, New Jobs, Square Footage and Potential Capital Investment.

8. June Monthly CVB report on definite business, projected economic impact and inkind media results.

9. Library report on usage and programming activities

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

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 minutes from the June 23, 2011 and the July 1, 2011 regular City Council meetings. (CSO/JP)

12. Consider and act upon award of bid # 1105-047 for construction of Hickory Street Trail Extension, to Estrada Concrete Company, LLC and approve a resolution authorizing the City Manager to execute the contract. (Parks/JED)

13. 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 3537 at Preston Road, Hillcrest Road, Coit Road and Independence Parkway (Engineering/BM).

14. 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 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 Amendment Number Four to the Professional Services Agreement and the Novation Agreement by and between the City of Frisco and Jacobs Engineering Group, Inc., for the Engineering and Survey Services for FM 423 Improvements from US Highway 380 to Stewart Creek Road. (Engineering/JB)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Second Amendment to the Interlocal Cooperation Agreement between Denton County, Texas and the City of Frisco, Texas to provide funding for the design of FM 423 from Stewart Creek Road to US 380. (Engineering/JB)

17. Consider and act upon adoption of a Resolution authorizing the City Manager to establish procedures for acquiring by purchase or condemnation certain property for right-of-way and easements for the construction of and/or improvements to Stonebrook Parkway from Dallas North Tollway to Preston Road; appropriating funds; making offers; and providing for an effective date (Engineering/AH)

18. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an agreement by and between the City of Frisco, Texas and Collin County, Texas for animal shelter services. (Development Services)

19. Acceptance of Quarterly Investment Report for the period April 1, 2011 – June 30, 2011 (Financial Services/AC)

20. Consider and act upon award of Bid #1107-052, OEM Scott Air-Pak self contained breathing apparatus and miscellaneous replacement parts, to Hoyt Breathing Air Products. (Fire/TJ)

21. Consider and act upon award of Bid #1105-048, GM OEM Parts and Service to Stonebriar Chevrolet. (Fleet/TJ)

22. Consider and act upon approval of a purchase order to Fitco Fitness Center Outfitters for the purchase of cardio fitness equipment for the Frisco Athletic Center. (Parks/TJ)

23. Consider and act upon approval of a purchase order to Life Fitness for the purchase of fitness equipment for the Frisco Athletic Center. (Parks/TJ)

24. Consider and act upon approval of a purchase order to Tyler Technologies-Munis for software support and updates for the City's Financial and Human Resources software system. (Finance/TJ)

25. Consider and act upon ratification of an emergency purchase order with ITT Water and Wastewater USA for the purchase of one (1) Flygt submersible wastewater lift station pump. (Public Works/TJ)

26. Consider and Act Upon Approval of the Settlement Agreement and Agreed Final Judgement in Cause No. 2008-30252-211 in the case styled *Sequoia Stonebriar Leaseco, LLC and Sequoia Sontebriar, 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. (CMO/RA)

27. 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.)

28. Consider and act upon adoption of an Ordinance amending Planned Development-193 to incorporate additional property and establish development standards to allow an office/retail use with accessory residential. The property contains 90.7± acres on the southeast corner of Lebanon Road and Parkwood Boulevard. Zoned: Planned Development-193-Office-1 and Retail. Neighborhood #30. Z11-0004 (Development Services/MW)

29. Consider and act upon an Amendment to Ordinance 10-10-45 to establish modified Reduced Speed School Zones and times on identified streets within the City of Frisco (Engineering/BM).

30. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Licensed Child-Care Center on two lots on 15.7± acres on the south side Main Street, 1,305± feet east of Teel Parkway. Zoned Information & Technology. Neighborhood #41. SUP11-0003 (Development Services/JE)

REGULAR AGENDA

31. Consider and act upon adoption of an Ordinance approving amendments to Section 3.02.01, Conditional Development Standards of the Zoning Ordinance, regarding Convenience Stores with Gas Pumps within the Tollway Overlay District. ZA10-0001 (Development Services/JW)

32. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Private Street Development containing 1,666 lots on 506± acres on the south side of Rolater Road and north side of CR 68 between Coit and Independence Parkway. Zoned Planned Development-140-Single Family-7/Planned Development-141-Patio Home/Planned Development-142-Single Family-7/Planned Development -143-Patio Home/Planned Development-144-Single Family-8.5/Planned Development-146-Single Family-7. Neighborhood #26. SUP11-0004 (Development Services/JE)

33. Consider and act upon adoption of an ordinance approving amendments to Section 3.02 of the Zoning Ordinance No. 11-04-09 to permit a "Mortuary/Funeral Parlor" in Single Family Districts upon approval of a Specific Use Permit with Conditional Development Standards. ZA11-0001 (Development Services/JW)

34. Public Hearing: Z11-0008. A request to amend Planned Development-207 to incorporate additiona property (currenly zoned Planned Development-25) to allow residential uses and consider and act to direct staff to prepare an Ordinance of the same. The property contains 19.1± acres on the northeast corner of Gaylord Parkway and Parkwood Boulevard. Zoned: Planned Development-25-Business Center and Planned Development-207-Mixed Use. Neighborhood #28. (Development Services/MW)

35. Public Hearing: Z11-0005. 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 Serivces/MW)

36. Public Hearing: Z11-0011. A request 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 and consider and act to direct staff to prepare an Ordinance of the same. Zoned Commercial-1 and Planned Development-189-Multifamily-15. Neighborhood #36.

37. Consider and Act Upon a Resolution calling for a Public Hearing on the City of Frisco Fiscal Year 2012 Budget, the Frisco Economic Development Corporation FY 2012 Budget and the Frisco Community Development Corporation FY 2012 Budget. (CMO/NL)

38. Consider and Act Upon a Resolution Adopting the Fiscal Year 2012 Certified Appraisal Roll and Approve the Certification of Anticipated Collection Rate and Excess Collections. (CMO/NL)

39. Consider and Act on setting a date for a Budget Worksession. (CMO/NL)

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

41. 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, July 29, 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.