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, MAY 04, 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 Cause No. 296-04045-2008 in the case styled RoughRiders Baseball Partners, LP v. HKS, Inc. and David Schwarz Architectural Services, P.C. pending in the 296th Judicial Court of Collin County, Texas.
     - ii. Receive legal advice concerning legal issues with the Fieldhouse 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 551.074. 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 Richard Abernathy (City Attorney)

ii. Deliberation Regarding the Annual Evaluation of Michael Drewry (Municipal 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

4. Keith Koester -- Eagle Scout

5. Donnie Kern -- Eagle Scout

6. Motorcycle Safety and Awareness Month

REPORTS

7. Sister City Program Update and Recognition of FISD Students

8. Texas Recreation and Parks (TRAPS) Gold Medal Award Class II Presentation (P&R/RW)

9. Library report on usage and programming activities

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

11. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

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 approval of the April 20, 2010 City Council meeting

minutes. (CSO/JP)

13. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form of Agreement for construction services by and between the City of Frisco and UtiliTex Construction, LLP for the SH 121 Sanitary Sewer (Custer Rd to Independence Parkway) (CIP #08-0009) (Engineering/AH)

14. Consider and act upon adoption of a Resolution authoring the City Manager to execute Amendment Number 1 to the Professional Services Agreement by and between the City of Frisco and Kimley-Horn Associates, Inc. for Engineering Design, Bid Package Preparation and Construction Administration Services for the Eldorado Parkway Streetscape Improvements (FM 423 to Dallas Parkway). (Engineering\AH)

15. Consider and Act upon accepting a bid and approve a resolution authorizing the City Manager to issue a Purchase Order to North Texas Bomanite Inc. for staining and repair of concrete and stain at Frisco Commons. (Parks/DR)

16. Review and Accept the Quarterly Investment Report (Financial Services/AC)

17. Consider and Act upon approving a resolution authorizing the City Manager to execute Change Order One with Estrada Concrete Construction LLC. for Hike and Bike Trail along Lebanon Road and Warren Parkway. (Parks/DR)

18. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Anchor Fence for services by and between the City of Frisco and Anchor Fence, Inc., for construction services for the security fence around police building radio tower. (Police/TR)

19. Consider and act upon approval of a purchase order to Darr Equipment Company for the purchase of an all terrain forklift. (Public Works/TJ)

20. Consider and act upon approval of purchase orders to Dell Marketing for purchase of office computers and servers, through the State of Texas Department of Information Resources (DIR) contract during the fiscal year 2010. (IT/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.)

21. Consider and act upon adoption of an Ordinance to amend Article IV, Section 4, Subsection 4.07(A) Off-street Parking Requirements and Subsection 4.07(B) Stacking Requirements for Child Day Care Centers. ZA10-0002. (Development Services/RC)

22. Consider and act upon an Ordinance to change the existing posted speed limit on SH 121 Southbound Frontage Road from 60 mph to 55 mph from Hillcrest Road to The Colony/Frisco City Limit contingent upon the acceptance by the Texas Transportation Commission (Engineering/BM).

REGULAR AGENDA

23. Public Hearing: Zoning Case Z10-0001. Consider and Act upon a request to amend Planned Development-33 (Section 2.16 of Ordinance No. 89-09-01) pertaining to the removal of the "Public Service" provision. The property contains 76.1± acres and is generally located south of Lebanon Road, on the east and west side of Legacy Drive. Zoned Planned Development-33-Business Center with a Specific Use Permit (S-65) for a Private Club and a Specific Use Permit (S-150) for a Day Care Center. Neighborhood No. 31, 32 and 33. (Development Services/JE).

24. Consider and act upon adoption of an Ordinance to amend Planned Development-33 (Section 2.16 of Ordinance No. 89-09-01) pertaining to the removal of the "Public Service" provision. The property contains 76.1± acres located south of Lebanon Road, on the east and west side of Legacy Drive. Zoned Planned Development-33-Business Center with a Specific Use Permit (S-65) for a Private Club and a Specific Use Permit (S-150) for a Day Care Center. Neighborhood No. 31, 32, and 33. Z10-0001 (Development Services/JE)

25. Consider and act upon approval the Frisco Economic Development Corporation Comprehensive Economic Development Strategy. (EDC/JG)

26. Discussion and give staff direction regarding possible changes to the City's Water Management Plan.

27. City Council Consideration of Amendments to the City of Frisco Annual 2010 Budget (CMO/NL)
    A. Consider and Act Upon an Amendment to Ordinance No. 09-09-53 Approving the Revised Budget Figures for the City of Frisco, Texas for the Fiscal Year Beginning October 1, 2009.
    B. Consider and Act Upon an Amendment to Ordinance No. 09-09-55 Approving the Revised Budget Figures for the Frisco Economic Development Corporation for the Fiscal Year Beginning October 1, 2009.

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)

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

30. 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 30, 2010 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.