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

4:30 PM

TUESDAY, JANUARY 17, 2012

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 Exide's Vested Rights Petition Appeal to the City Council, dated January 6, 2012, of the P&Z Commission's denial of said petition at its December 27, 2011 Special Called Meeting.
      ii. Receive legal advice regarding Exide's claim that a final plat application has been deemed approved by the inaction of the P&Z Commission.
      iii. Receive legal advice regarding possible establishment of a compliance date for the nonconforming uses(s) located on Exide's

property.

iv. Receive legal advice regarding litigation threatened by Exide.

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 551.074. 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).

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. Andrew Chen and Coach Cheng Li -- U.S. Table Tennis Championship Special Recognition

REPORTS

5. Fire Department Monthly Report on Incident Response and Educational Activities, November 2011 and December 2011

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

7. Financial Services Budget Status Report - December 2011

8. Police Department's crime statistics and response times for the months of Nov 2011 and Dec 2011.

9. CVB Report on projected economic impact, CVB activities and in kind media for December.

10. Development Services Activities Monthly Update December 2011

11. Council Subcommittee Reports

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 upon approval of the August 13, 2011 Work Session, December 27, 2011 Regular City Council, January 3, 2012 Regular City Council and Supplemental minutes. (CSO/JP)

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Escrow Agreement by and between the City of Frisco and Bronstad Family Investments, LP to provide funding for the construction of a left turn lane in conjunction with the construction of FM 3537 (Main Street) from Preston Road to Custer Road. (Engineering/JB)

14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the Escrow Agreement by and between the City of Frisco and United Frankford Ltd. to provide funding for the construction of left and right turn lanes in conjunction with the construction of FM 3537 (Main Street) 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 Halff Associates, Inc. to perform Design, Bid Package Preparation, and Construction Administration Services for John Hickman Improvements (Preston Road to Ohio Drive). (Engineering/JB)

16. Consider and act upon adoption of a Resolution setting Public Hearings on a proposed voluntary annexation of 97.5± acres in the Collin County School Land Survey, Abstract No. 148, Collin County, Texas, generally located on the southeast corner of County Road 26 and Dallas Parkway. Neighborhood #53. Annexation Case A12-0001. (Development Services/MW)

17. Consider and Act Upon a Resolution Authorizing the City Manager to Execute an Agreement between the City and the Frisco Association for the Arts (Financial Services/AC)

18. Consider and act upon accepting a bid from GCBF, dba Earth Tech, for three

water wells located at Harold Bacchus Park, Warren Sports Complex and Frisco Commons and approve a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and GCBF, dba Earth Tech. (Parks/DR)

19. Consider and act upon a resolution authorizing the City Manager to execute an agreement by and between the City of Frisco and Bass Site Solutions, LLC for renovations and improvements at Oakbrook Neighborhood Park, Phase 2. (Parks/JED)

20. Consider and act upon approval or a purchase order to Physio Control for technical service support of the City's Lifepak heart monitor/defibrillators and approval of a resolution authorizing the City Manager or his designee to execute a technical service support agreement with Physio Control. (Fire/TJ)

21. Consider and act upon approval of purchase order to Flair Data Systems for the purchase of yearly maintenance and upgrades of the City's Cisco networking equipment and phone system, through the State of Texas Department of Information Resources (DIR) contract. (IT/TJ)

22. Consider and Act on a Resolution approving a Memorandum of Understanding with Collin County and a joint grant application to 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 submission of the grant application by the City Manager or his designee. (Police/GW)

23. Consider and Act on a Resolution approving the submission of a grant application to 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 submission of the grant application by the City Manager or his designee. This application is for the 3rd year of funding for a detective. (Police/GW)

24. Consider and Act on a Resolution approving the submission of a grant application to 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 submission of the grant application by the City Manager or his designee. This request is for the 2nd year of funding for a detective. (Police/GW)

25. Consider and Act on a Resolution approving the submission of a grant application to 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 submission of the grant application by the City Manager or his designee. This is the 3rd year of funding for a part-time

Victim Advocate. (Police/GW)

26. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding under the Criminal Justice Grant Program and authorizing the submission of the grant application by the City Manager or his designee. The grant proposal is for three Livescan digital fingerprint scanners. (Police/GW)

27. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding under the Criminal Justice Grant Program and authorizing the submission of the grant application by the City Manager or his designee. The grant proposal is for the purchase of Electronic Ticket Writers. (Police/GW)

28. Consider and act upon a Resolution authroizing the City Manager to execute a Contract of Employment and Authorization of Attorney by and between the City of Frisco and Hayes, Berry, White and Vanzant, L.L.P. (CMO/RP)

29. Consider and act upon a Resolution authroizing the City Manager to execute a Retainer Agreement by and between the City of Frisco and Terry D. Morgan and Associates, P.C. (CMO/RP)

30. Consider and Act Upon a Resolution Calling for a Public Hearing with Regard to Amendments to the Tax Incremental Reinvestment Zone #1 Project and Financing Plans. (CMO/NL)

31. 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.)

REGULAR AGENDA

32. Consider and act upon setting the Public Hearing to Amend the Impact Fee Ordinance. (Engineering/PK)

33. Consider and act upon whether to direct Staff to bring forward a Resolution to order a Special Election to Fill a Vacancy for Place 3. (CSO/JP)

34. Consider and act on an appeal of the Planning & Zoning Commission's action on Exide's Vested Rights Petition and the proposed City "Order of the Frisco Planning & Zoning Commission Regarding Vested Rights Petition Submitted by Exide Technologies, Inc., on November 11, 2011, and the Amended Vested Rights Petition Submitted by Exide Technologies, Inc., on December 2, 2011". (JL/RA)

35. Consider and Act Upon Requesting the Board of Adjustment to consider establishing a compliance date for the nonconforming use(s) located at Exide. (CMO/RA)

36. Consider and Act Upon Approval of a Development Agreement between Stewart Creek Villas, LP and the City of Frisco, Texas and authorize the City Manager to execute the Agreement and to take all steps necessary to effectuate the same. Tabled on 1/3/12 (CMO/DR/RA)

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

38. 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, January 13, 2012 at 8:30 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.