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, AUGUST 21, 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 Frisco's involvement in the Arts Center of North Texas and other legal issues related thereto.
      ii. Receive legal advice regarding household care facilities, group/community homes and related facilities.
      iii. Receive legal advice regarding hiring additional counsel for potential litigation.

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

i. Bordered by Eldorado Parkway on the north, Teel Parkway on the west, Preston Road on the east and Gaylord Parkway on the south.

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.

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. Frisco Celtics -- 15U AAU Div. II 2012 Basketball National Champions

REPORTS

5. Frisco EDC World Premier Video – Inc 500 | 5000 Presenting Sponsor

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

7. Development Services Activities Monthly Update July 2012

8. Financial Services Monthly Budget Status Report for July 2012

9. Police Department's crime statistics and response times for the months of June and July 2012. (GW/Police)

10. Fire Department Monthly Report on Incident Response and Educational Activities, July 2012.

11. Frisco CVB July report on economic impact, CVB activities and in-kind media results.

12. Council Subcommittee reports for current activities of the Legislative, Governance, Frisco Square Management District and the Budget and Audit Committee.

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.)

13. Consider and act upon approval of the minutes from the August 6, 2012 Regular City Council meeting. (CSO/JP)

14. Consider and act upon award of bid to Fuquay, Inc. and adoption of a Resolution authorizing the City Manager to execute a Standard Form of Agreement for Construction Services for the Sanitary Sewer Rehabilitation Project (west of Hillcrest Road and north of Canoe Road) and authorizing construction phase contingencies (Engineering/AH)

15. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Underpass Agreement and Pipeline Licenses by and between the City of Frisco and the BNSF Railway Company (BNSF) for the construction of the Stonebrook Parkway Underpass U.S. D.O.T. No. 675214G (Engineering/DLC)

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Pass-Through Agreement by and between the City of Frisco and the Texas Department of Transportation to provide funding for the construction of Custer Road (FM 2478) from SH 121 to Stonebridge Drive. (Engineering/JB)

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Advance Funding Agreement for funds from the SH 121 Subaccount and an Advance Funding Agreement for funds from Category STP-MM by and between the City of Frisco and the Texas Department of Transportation to provide funding for right of way acquisition and construction of the SH 289 (Preston Road) Intersection Improvements and SH 121 Turn Lane at Ohio Drive projects. (Engineering/JB)

18. 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 Engineering Design Services for the SH 289 (Preston Road) Intersection Improvements and SH 121 Turn Lane at Ohio Drive projects. (Engineering/JB)

19. Consider and act upon adoption of a Resolution repealing Resolution No. 11-01-07R and authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Kennedy Consulting, Ltd. to perform Environmental Analysis, Schematic Design, and Final Plans, Specifications, and Estimates for Custer Road (FM 2478) from SH 121 to Stonebridge Drive. (Engineering/JB)

20. Consider and act upon approval of a purchase order to Loftin Equipment Company for the purchase of two (2) diesel powered emergency generators. (Fire/TJ)

21. Consider and act upon approval of a professional service agreement with Burgess and Niple, and authorization for the City Manager to execute this agreement to perform sanitary sewer system evaluation. (PW/TJ)

22. Consider and act upon a professional services agreement with Franklin Legal Publishing for codification services for the City of Frisco Code of Ordinances. (CSO/JP)

23. Consider and act upon authorization for the City Manager to execute a Release of Letter Agreement for Independence Partners, Ltd. (Engineering Services/KS)

24. Consider and act upon an Amendment to the Development Agreement for the Museum of the American Railorad. (CMO)

25. Consider and act upon accepting Laverne Forwark's resignation from the Public Art Board. (CSO/WW)

26. 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 & 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.)

27. Consider and act upon adoption of an Ordinance on the voluntary annexation of 463.4± acres in the Samuel Whittenberg Survey, Abstract No. 1510; the J.L. Saling Survey, Abstract No. 1675; the J. Bates Survey, Abstract No. 1620; the A.W. Robertson Survey, Abstract No. 1487; the F. Hawkins Survey, Abstract No. 582; and the W.P. Bates Survey, Abstract No. 73, Denton County, Texas,

generally located on the south side of US Highway 380, 1,150± east of FM 423. Neighborhood #51. Annexation Case A12-0004. (Development Services/MW)

28. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Utility Distribution Facility on one lot on 4.3± acres on the south side of Panther Creek Road, 850± feet east of FM 423. Zoned Agricultural. Neighborhood #51. Case No. SUP12-0011. (Development Services/SM)

29. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Utility Distribution Facility on one lot on 4.7± acres on the west side of Independence Parkway, 500± feet south of Casarosa Drive. Zoned Agricultural. Neighborhood #14. Case No. SUP12-0012. (Development Services/SM)

30. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Major Automobile Repair facility and an Accessory Leasing facility on one lot on 4.5± acres on the northeast corner of Preston Road and Centenary Way. Zoned Commercial-1 with a Specific Use Permit (S-139) for a Private Club. Neighborhood #24. Case No. SUP12-0007 (Development Services/RC)

REGULAR AGENDA

31. Public Hearing: SUP12-0015. A request for a Specific Use Permit for a Licensed Child Care Center on one lot on 3.6± acres on the east side of Parkwood Boulevard, 720± feet north of Stonebrook Parkway and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-108-Office-1. Neighborhood #23. (Development Services/JE)

32. Public Hearing: Zoning Case Z12-0001. A request to amend Planned Development-52, rezoning a 50.0± acre tract on the north side of Rockhill Road, 2,200± feet west of FM 423 from Planned Development-52-Industrial to Planned Development-Patio Home, and rezoning the remaining tracts in PD-52 to straight zoning of Townhome, Retail, and Industrial and consider and act to direct staff to prepare an Ordinance of the same. The property contains 225.8± acres and is located on the west side of FM 423 north of Panther Creek Road. Zoned Planned Development-52-Townhome/Retail/Industrial. Neighborhood #50. (Development Services/MW)

33. Public Hearing: Zoning Case Z12-0008. A request to rezone 29.1± acres on the southeast corner of Stonebrook Parkway and Teel Parkway from Planned Development-183-Retail/Office-1 to Single Family-7 (21.3± acres) and Planned Development-183-Office-1 (7.8± acres) and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-183-Retail/Office-1. Neighborhood #39. (Development Services/MW)

34. Public Hearing: Specific Use Permit SUP12-0006. Consider and act on a

request for a Specific Use Permit for a Nursing/Convalescent Home and an Assisted Living Facility on two lots on 4.9± acres on the south side of Lebanon Road, 1,700± feet west of Coit Road and consider and act to direct staff to prepare an Ordinance of the same. Zoned: Highway with a Specific Use Permit for a Nursing/Convalescent Home (SUP-198). Neighborhood #28. (Development Services/MW)

35. Public Hearing: Zoning Case Z12-0013. A request to amend Planned Development-151-Single Family-10 to allow a church and allow for a maximum height of 60-feet for the church building and consider and act to direct staff to prepare an Ordinance of the same. The Property contains 68.0± acres on the west side of Independence Parkway, 2,100± feet south of Main Street. Zoned Planned Development-151-Single Family-10. Neighborhoods #17. (Development Services/JE)

36. Consider and act upon approval of an amendment to Resolution 12-08-142R calling the November 6, 2012 Special Local Option election for the Legal Sale of Beer and Wine for Off-Premise Consumption Only, and The Legal Sale of Mixed Beverages in Restaurants By Food and Beverage Certificate Holders Only in the City of Frisco, Texas. (CSO/JP)

37. Consider and Act Upon Resolutions of the Frisco Community Development Corporation and the Frisco Economic Development Corporation approved the sale of revenue bonds for the purchase of land. (CMO/NL)

    A. Consider adoption of a resolution approving a resolution of the Frisco Community Development Corporation authorizing the issuance and sale of bonds by the Corporation; and enacting other provisions relating to the subject. (CMO/NL)

    B. Consider adoption of a resolution approving a resolution of the Frisco Economic Development Corporation authorizing the issuance and sale of bonds by the Corporation; and enacting other provisions relating to the subject. (CMO/NL)

38. Public Hearing: First Hearing on the City of Frisco Fiscal Year 2013 Annual Budget, including Frisco Economic Development Corporation Fiscal Year 2013 Budget and the Frisco Community Development Corporation Fiscal Year 2013 Budget

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

40. 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, August 23, 2012 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.