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, SEPTEMBER 18, 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. 551.071 Receive legal advice regarding legal issues concerning the development of land and the implementation of economic development.

   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 SH121 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.
ii. Deliberation regarding the annual evaluation of Michael Drewry (Municipal Judge).
iii. Deliberation regarding the annual evaluation of City Manager, George Purefoy.

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.

E. Section 551.087. Discuss and deliberate commercial or financial information that the City has received from a business prospect that seeks to locate in the City and with which the City is conducting economic development negotiations.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

4. Constitution Week 2012

REPORTS

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

6. Development Services Activities Monthly Update August 2012

7. Fire Department Monthly Report on Incident Response and Educational Activities, August 2012.

8. Police Department's crime statistics and response times for the month of August 2012. (Police/GW)

9. Frisco CVB August report on definite bookings, projected economic impact and in-kind media.

10. 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.)

11. Consider and act on approval of the September 4, 2012 Regular City Council meeting, the September 4, 2012 Special Called City Council meeting, the September 11, 2012 Special Called City Council meeting, and the May 1, 2012 Regular City Council meeting minutes . (CSO/JP)

12. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. for the Gaylord/DNT Wastewater Improvements (Engineering/DLC).

13. Consider and act upon authorization for the City Manager to execute Change Order Number 4 to the Standard Construction Contract by and between the City of Frisco and Tiseo Paving Co., to construct the Lebanon at Starwood Intersection Improvements (Bid #1105-045) (Engineering/SL).

14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Two to the Professional Services Agreement by and between the City of Frisco and Kennedy Consulting, Ltd. to perform Design, Bid Package Preparation, and Construction Administration Services for Eldorado Parkway (Preston Road to Custer Road) (Engineering/TF).

15. Consider and Act on a Resolution approving the acceptance of a grant award from Office of the Governor, Criminal Justice Division for funding under the Violence Against Women Act Grant Program and authorizing the City Manager or his designee to execute any and all necessary documents. The grant award is a continuation (third year) for a dedicated detective to investigate domestic violence and sexual assault cases. (Police/GW)

16. Consider and Act on a Resolution authorizing the acceptance of the grant between the State of Texas, acting by and through the Texas Department of Transportation and the City of Frisco for the 2013 Special Traffic Enforcement

Program (STEP) and authorizing the City Manager or his designee to execute all necessary documents. (Police/DS)

17. Consider and Act on a Resolution approving the acceptance of a grant award from 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 City Manager or his designee to execute any and all documents. The Grant is a partnership with the Collin County Sheriff's Office to share a full-time Victim Advocate dedicated to working with victims of violent crimes. (Police/GW)

18. Consider and Act on a Resolution accepting the grant award from 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 City Manager or his designee to execute any and all documents. The Grant is for continued funding of one part-time victim advocate dedicated to working with victims of violent crimes. (Police/GW)

19. Consider and act upon authorization for the City Manager to execute a settlement agreement for First Glendora Partners, Ltd. (Development Services/GC)

20. Consider and act upon a Resolution approving the fiscal year 2013 City of Frisco Social Service Grant allocations. (Financial Services/SB)

21. Consider and act upon approval of an agreement with Texas Moving Co. Inc. dba Texas Archives, for storage, tracking and destruction of City documents according to the legally required record retention schedules and authorization for the City Manager to execute an agreement for these services. (CS/TJ)

22. 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)

23. 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.)

24. Consider and act upon adoption of an Ordinance 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. Neighborhood #28. Zoned: Highway. SUP12-0016. (Development Services/MW)

25. Consider and act upon adoption of an Ordinance amending Planned Development-52, rezoning a 50.0± 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. 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. Zoning Case No. Z12-0001. (Development Services/MW)

26. Consider and act upon adoption of an Ordinance 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). Neighborhood #39. Zoning Case No. Z12-0008. (Development Services/MW)

REGULAR AGENDA

27. Public Hearing: Specific Use Permit SUP12-0018. Consider and act on a request for a Specific Use Permit for a Private School on one lot on 7.8± acres on the south side of Hickory Street at South County Road and consider and act to direct staff to prepare an Ordinance of the same. Zoned: Planned Development-46-Multifamily-19. Neighborhood #20. (Development Services/MW)

28. Public Hearing: SUP12-0013. A request for a Specific Use Permit for a Utility Distribution Facility on one lot on 3.4± acres on the south side of Cobb Hill Drive, 800± feet east of Bethel Drive and consider and act to direct staff to prepare an Ordinance of the same. Zoned Agricultural with a Specific Use Permit (S-123) for an Electrical Substation. Neighborhood #47. (Development Services/SM)

29. Public Hearing: SUP12-0010. A request for a Specific Use Permit for a Utility Distribution Facility on 0.1± acre, on an overall 93.0± acre property, on the west side of Legacy Drive, 1,550± feet south of Academy Drive and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-167-Information and Technology. Neighborhood #39. (Development Services/SM)

30. Public Hearing: Zoning Case Z12-0017. A request to amend Planned

Development-206 regarding garage restrictions and development standards and consider and act to direct staff to prepare an Ordinance of the same. The property contains 82.8± acres located on the east side of Coit Road, 500± feet north of Panther Creek Parkway. Zoned Planned Development-206-Single Family-10/Single Family-8.5/Single Family-7. Neighborhood #5. (Development Services/MW)

31. Public Hearing: SUP12-0017. A request for a Specific Use Permit for a Commercial Antenna Support Structure and ground equipment within a 600 square-foot lease area on one lot on 78.3± acres on the southeast corner of Main Street and Pinebridge Drive and consider and act to direct staff to prepare an Ordinance of the same. Zoned Planned Development-15-Retail/Office-1 and Multifamily-15. Neighborhood #17. (Development Services/RC)

32. Public Hearing: A request to consider the construction of a Commercial Antenna Support Structure and ground equipment located within City of Frisco Parkland known as Harold Bacchus Community Park, declaring a portion of the parkland necessary for installation of telecommunication facilities as part of a City Lease Agreement, and consider and act to direct staff to prepare a Resolution of the same. SUP12-0017 (Development Services/RC)

33. Consider and Act Upon Approval of the Ground Lease Agreement between the City of Frisco and New Cingular Wireless PCS, LLC, at 13995 Main Street and a Resolution Authorizing the City Manager to execute this Agreement. (CMO/BB)

34. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2011-2012 and Adopting a Budget and Appropriating Resources for the Frisco Community Development Corporation Budget Year Beginning October 1, 2012 (Financial Services/JH)

35. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2011-2012 and Adopting a Budget and Appropriating Resources for the Frisco Economic Development Corporation Budget Year Beginning October 1, 2012 (Financial Services/JH)

36. Consider and Act Upon Adoption of an Ordinance Approving the Revised Budget Figures for Fiscal Year 2011-2012 and Adopting a Budget and Appropriating Resources for the City of Frisco Budget Year Beginning October 1, 2012 (Financial Services/JH)

37. Consider and Act Upon Adoption of an Ordinance Levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2012 (Financial Services/JH)

38. Consider and Act Upon an Amendment to the Master Fee Ordinance Setting New Rates for Water and Sanitary Sewer Service Fees (Financial Services/JH)

39. Consider and act upon the appointment of one (1) member, (Frisco Representative), to represent the Member Cities, to the Board of Directors of the Arts Center of North Texas for a term of two years beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

40. Consider and act upon the appointment of three (3) regular members (places 1, 2, and 4) and two (2) alternate members (Alternate 6 and Alternate 8) to the Board of Adjustment/Construction Board of Appeals for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

41. Consider and act upon the appointment of three (3) members (Places 2, 4 and 6) to the Frisco Community Development Corporation Board of Directors for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

42. Consider and act upon the appointment of five (5) members to the Convention and Visitors Bureau, representing the following sectors: Place 2- Lodging Sector Representative (Hotel 2); Place 4- At Large Position; Place 6- Restaurant; Place 8- Sports Team Representative; Place 10- Ex-Officio At-Large Representative for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

43. Consider and act upon the appointment of three (3) members to the Downtown Advisory Board representing Place 2- Business Property Owner at Large; Place 4- At- Large; Place 6- At Large for a term of two years each beginning on October 2, 2012 and ending on September 30, 2014. (CSO/JP)

44. Consider and act upon the appointment of three (3) members (Places 2, 4, and 6) to the Frisco Economic Development Corporation Board of Directors for a term of two years each beginning on October 2, 2012 and ending on September 30, 2014. (CSO/JP)

45. Consider and act upon the appointment of three (3) members (Places 2, 4, and 6) to the Housing Trust Fund Board for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

46. Mayor's appointment of two (2) members to the Housing Authority Board- Place 2, and Place 4, (Tenant Position) for a term of two years beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

47. Consider and act upon the appointment of three (3) members to the Parks and Recreation Board (Places 2, 4, and 6) for a term of two years each beginning October 1, 2012 and ending September 30, 2014. (CSO/JP)

48. Consider and act upon the appointment of three (3) members to the Planning and Zoning Commission (Places 3, 4 and 5) for a term of three years each beginning on October 1, 2012 and ending on September 30, 2015. (CSO/JP)

49. Consider and act upon the appointment of three (3) members to the Frisco Public Arts Board- Places 2, 4 and 6 for a term of two years each beginning on October 1, 2012 and ending on September 30, 2014. (CSO/JP)

50. Consider and act upon the appointment of three (3) regular members to the Urban Forestry Board- Places, 2, 4, and 6 for a term of two years each beginning on October 2, 2012 and ending on September 30, 2014 and appointment to fill the unexpired term for Place 7 for one year, beginning October 1, 2012 and ending on September 30, 2013. (CSO/JP)

51. Consider and act on approval of agreements for Election Services for the November 6, 2012 Special Local Option Election for the City of Frisco. (CSO/JP)

    A. Consider and act upon approval of an agreement with Denton County for Election Services.

    B. Consider and act upon approval of an agreement with Collin County for Election Services.

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

53. 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, September 14, 2012 at 8:00 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.