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 17, 2013

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. 4:12-cv-0049, Frank Morehouse vs. City of Frisco.
      ii. Receive legal advice regarding EEOC Charge No. 450201303227 – Charging Party Janae Wright, Respondent City of Frisco.
      iii. Receive legal advice regarding Exide cleanup/remediation of hazardous and non-hazardous waste.
      iv. Receive legal advice concerning requests to change the solicitation ordinance.
      v. Receive legal advice regarding Day Labor issue.

vi. Receive legal advice regarding proposed development at Victory at Stonebriar Addition, located on the west side of Legacy Drive at the intersection of Warren Parkway.
vii. Receive legal advice regarding legislative changes affecting alcohol permitting.
viii. Receive legal advice regarding status and recommended path forward regarding opposing the proposed Brazos Electric Transmission Line routes affecting the City of Frisco.

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

i. Bordered by Legacy on the West, DNT on the East, SH 121 on the South and Warren Pkwy on the North.

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. Constitution Week

5. Recognition of Open World Delegation from Russia.

6. Recognition of 25 Years of Service for Steve Covington

REPORTS

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

8. Financial Services Budget Status Report for August 2013

9. Development Services Activities Monthly Update August 2013

10. Frisco CVB report on industry statistics.

11. Fire Department Monthly Report on Incident Response and Educational Activities, August 2013.

12. Police Department's crime statistics and response times for the month of August 2013.

13. Council Subcommittee reports for current activities of the Legislative, Governance, Budget and Audit Committee, and Frisco Square Management District; and report on Charter Review Commission activities.

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.)

14. Consider and act upon approval of the August 27, 2013 Budget Public Hearing minutes. (CSO/JP)

15. Consider and Act on a Resolution approving the fiscal year 2014 City of Frisco General Fund Social Service Grant allocations. (Financial Services/SB)

16. Consider and act upon authorization for the City Manager to execute a Master Agreement with Freese and Nichols, Inc. for On Call Professional Civil Engineering Services, Miscellaneous Drainage Services, Contract Number 2013-001 (Engineering/AS).

17. Consider and act upon authorization for the City Manager to execute a Change Order 2 to the Standard Construction Contract for Pittard Construction Company for Construction Services for FM 3537 20” & 24” Water Improvements (Preston Rd to Custer Rd) (Bid No. 1201-037). (Engineering/DC)

18. Consider and act upon a standard form for Encroachment on Easement or Fee Simple Right-of-Way Agreements. (PW/GH)

19. Consider and act upon award of RFP #1307-077, CM at Risk for Frisco Fire Station #8 to Pogue Construction Co., L.P., and approval authorizing the City Manager to execute an agreement for these services. (Fire/DF)

20. Consider and act upon award of RFP #1304-047, Basic Life/AD&D, Voluntary Life/AD&D, Short Term Disability, Long Term Disability, Disability and Leave Administration Services and Worksite Benefits Plans to UNUM, and Approval Authorizing the City Manager to execute agreements for these services. (HR/DF)

21. Consider and act upon adoption of a Resolution authorizing the City Manager to

execute a Release of Development Agreement by and between the City of Frisco and Eldorado Ranch, Ltd. for the Grayhawk Property. (CMO/BB)

22. Consider and act upon ratification of Settlement Agreement with Janae Wright. (CMO)

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 granting a Specific Use Permit for an Assisted Living Facility on one lot on 4.7± acres on the east side of Legacy Drive, 700± feet north of Main Street. Zoned Planned Development-181-Commercial-1/Office-2. Neighborhood #46. Case No. SUP13-0007. (Development Services/MW)

25. Consider and act upon adoption of an Ordinance amending the Thoroughfare Plan regarding 4th Army Drive between Stonebrook Parkway and Lebanon Road. Neighborhood #39. Case No. TA13-0001. (Development Services/MW)

26. Consider and act upon adoption of an Ordinance amending Planned Development-163 from Planned Development- Neighborhood Service/Office-1/Single Family-16 to Planned Development-Retail/Office-1/Single Family-16 and modifying the development standards on 35.5± acres on the northwest corner of Coit Road and Rolater Road. Neighborhood #18. Case No. Z13-0006. (Development Services/SP)

27. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Restaurant with a Drive-through Window on one lot on 1.4± acres on the west side of Coit Road, 250± feet north of Rolater Road. Zoned Planned Development-163-Retail. Neighborhood #18. Case No. SUP13-0008. (Development Services/SP)

28. Consider and act upon adoption of an Ordinance for a Specific Use Permit for a Commercial Antenna Support Structure and Ground Equipment within a 625 square foot lease area on one lot on 3.7± acres on the north side of Stonebrook Parkway, 600± feet west of Preston Road. Zoned Commercial-1.

Neighborhood #20. Case No. SUP13-0005. (Development Services/RC)

29. Consider and act upon an ordinance repealing Ordinance 09-05-26 and amending Chapter 42 (Flood Prevention), Article II (Flood Damage Prevention) of the Frisco Code of Ordinances regarding Flood Damage Prevention (Engineering/AS).

REGULAR AGENDA

30. Public Hearing: Zoning Case Z13-0009. A request to amend Planned Development-206 to amend the Zoning Exhibit 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/Singe Family-7. Neighborhood #5. (Development Services/MW)

31. Public Hearing: Zoning Case Z13-0010. A request to rezone 38.8± acres located on the northeast corner of All Stars Avenue and Frisco Street from Agricultural and Industrial to Commercial-1 (33.0± acres) and Industrial (5.8± acres) and consider and act to direct staff to prepare an Ordinance of the same. Zoned Agricultural and Industrial. Neighborhood #46. (Development Services/MW)

32. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2012-2013 and Adopting a Budget and Appropriating Resources for the Frisco Community Development Corporation Budget Year Beginning October 1, 2013 (Financial Services/JH)

33. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2012-2013 and Adopting a Budget and Appropriating Resources for the Frisco Economic Development Corporation Budget Year Beginning October 1, 2013 (Financial Services/JH)

34. Consider and Act Upon Adoption of an Ordinance Approving the Revised Budget Figures for Fiscal Year 2012-2013 and Adopting a Budget and Appropriating Resources for the City of Frisco Budget Year Beginning October 1, 2013 (Financial Services/JH)

35. Consider and Act Upon Adoption of an Ordinance Levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2013 and Fiscal Year 2014 (Financial Services/JH)

36. Consider and Act Upon an Amendment to the Master Fee Ordinance Setting New Rates for Water and Sanitary Sewer Service Fees, Development Services Fees, Stormwater Fees, and Utility Billing Fees (Financial Services/JH)

37. Consider and act upon the appointment of two (2) regular members (Place 3 and 5) and one (1) Alternate member (Place 6 - Alternate #1) to the Board of Adjustment/Construction Board of Appeals for a term of two (2) years each beginning on October 1, 2013 and ending on September 30, 2015. (CSO/WW)

38. Consider and act upon the appointment of four (4) regular members (Places 1, 3, 5, and 7) to the Frisco Community Development Corporation Board of Directors for a term of two (2) years each beginning October 1, 2013 and ending on September 30, 2015. (CSO/WW)

39. Consider and act upon accepting the resignation of Steve Lay from the Convention and Visitors Bureau Board Place 10 - Ex Officio At Large Position. (CSO/WW)

40. Consider and act on the appointment of six (6) members to the Convention and Visitors Bureau , representing the following sectors: Place 1 - Hotel 1; Place 3 - At Large; Place 5 - Retail; Place 7 - Downtown/Frisco Square; Place 9- Chamber; Place 11 - Ex Officio At Large for a term of two (2) years each beginning on October 1, 2013 and ending on September 30, 2015 and one (1) member to the Place 10 - Ex Officio At Large unexpired term of one (1) year ending September 30, 2014. (CSO/WW)

41. Consider and act on the appointment of four (4) members to the Downtown Advisory Board representing: Place 1 - Business/Property Owner; Place 3 - Business/Property Owner; Place 5 - At Large; and Place 7 - At Large for a term of two (2) years beginning on October 1, 2013 and ending on September 30, 2015. (CSO/WW)

42. Consider and act upon the appointment of four (4) members (Places 1, 3, 5, and 7) to the Frisco Economic Development Corporation Board of Directors for a term of two (2) years each beginning October 1, 2013 and ending September 30, 2015. (CSO/WW)

43. Mayor's appointment of three (3) members (Places 1, 3, and 5) to the Frisco Housing Authority Board for a term of two (2) years each beginning October 1, 2013 and ending on September 30, 2015. (CSO/WW)

44. Consider and act upon the appointment of four (4) members (Places 1, 3, 5, and 7) to the Parks and Recreation Board for a term of two (2) years each beginning October 1, 2013 and ending September 30 2015. (CSO/WW)

45. Consider and act upon the appointment of two (2) members (Places 6 and 7) to the Planning and Zoning Commission for a term of three (3) years each beginning on October 1, 2013 and ending on September 30, 2016, and one (1) member (Place 1) to fill an unexpired term beginning on October 1, 2013 and

ending on September 30, 2014. (CSO/WW)

46. Consider and act on the appointment of four (4) members (Places 1, 3, 5, and 7) to the Frisco Public Art Board for a term of two (2) years each beginning on October 1, 2013 and ending on September 30, 2015. (CSO/WW)

47. Consider and act upon the appointment of four (4) members (Places 1, 3, 5 and 7) to the Frisco Social Services and Housing Board for a term of two (2) years each beginning on October 1, 2013 and ending on September 30, 2015. (CSO/WW)

48. Consider and act upon the appointment of four (4) members (Places 1, 3, 5, and 7) to the Urban Forestry Board for a term of two (2) years each beginning on October 1, 2013 and ending on September 30, 2015. (CSO/WW)

49. Consider and act on approval of a Resolution nominating a member or members to be placed on the ballot to serve on the Collin Central Appraisal District Board. (CSO/WW)

50. Consider and act on nominating a member or members to serve on the Denton Central Appraisal District Board. (CSO/WW)

51. Consider and act upon appointments to the Citizen Bond Committee.

52. Discuss and direct staff on the selection process for the Comprehensive Plan Advisory Committee to update the 2006 Comprehensive (Development Services/JL)

53. Discuss dates for future meetings. (CMO)

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

55. 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 13th, 2013 at 11:30 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.