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

5:30 PM

WEDNESDAY, MARCH 23, 2011

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 from City Attorney concerning legal issues regarding Exide and lead issues.
     - ii. Receive legal advice regarding the Sports Facility Lease Agreement dated January 24, 2008, by and between the City of Frisco, Texas (Lessor) and Sports Village Operating I, LLC (Lessee).
     - iii. Receive legal advice regarding housing concerns raised by Inclusive Communities Project.
     - iv. Receive legal advice regarding legal issues related to the Town of Little Elm's Zoning Case #10-PD-001 to rezone Tract 3 located on the east side of FM423 near Smotherman Road to multi-family.

v. Receive legal advice regarding the Proposed Pizzeria Testa Lease Agreement by and between the City of Frisco (Lessor) and Abide Investments, LLC (Lessee) .

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 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 George Purefoy (City Manager).
   ii. Deliberation regarding the annual evaluation of Richard Abernathy (City Attorney).
   iii. Deliberation regarding the annual evaluation of Michael Drewry (City 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. Eagle Scouts from Frisco Boy Scout Troop 51

5. Vietnam Veterans Appreciation Day

REPORTS

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

7. Convention & Visitors Bureau February report on definite business, economic impact and in kind media.

8. Development Services February 2011 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

9. Police Department's report on crime statistics and response times for the month of February 2011.

10. Fire Department Monthly Report on Incident Response and Educational Activities, February 2011.

11. Financial Services Department Status Financial Report for February 2011

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 Minutes from the March 1, 2011 Regular City Council Meeting (CSO/JP)

13. Consider and act upon approval of the Minutes from the March 9, 2011 Special City Council Meeting (CSO/JP)

14. Consider and act upon approval of the Minutes from the January 11, 2011 Council participation in a Town Hall Meeting of the Conservative Coalition Organization (CSO/JP)

15. Consider and act upon approval of a resolution authorizing the Mayor to execute a Contract with the Frisco Independent School District and the Collin County Elections Administrator for the May 14, 2011 Joint General & Special Election. (CSO/JP)

16. Consider and act upon approval of a resolution authorizing the City Manager to execute a Letter Agreement with the Village at Frisco Lakes Community Association, Inc. for the use of the Village Center as an Early Voting Polling Location for the May 14, 2011 Joint General Election. (CSO/JP)

17. Consider and act upon approval of a resolution authorizing the City Manager to execute a Letter Agreement with Heritage Lakes Home Owners Association for the use of the Heritage Lakes Amenities Center as a Polling Location for the May 14, 2011 Joint General Election. (CSO/JP)

18. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Advance Funding Agreement for a Transportation Enhancement Project by and between the City of Frisco and the Texas Department of Transportation to provide funding for the Phillips Creek Ranch Hike and Bike Trail. (Engineering/JB)

19. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for a Transportation Enhancement Project by and between the City of Frisco, PCR Land Company LLC, and the PCR Community Association, Inc. to provide funding and maintenance for the Phillips Creek Ranch Hike and Bike Trail. (Engineering/JB)

20. Consider and act upon approval of a Resolution authorizing the City Manager to

execute Amendment Number One to the Professional Services Agreement by and between the City of Frisco and Huitt Zollars, Inc. to perform Design, Bid Package Preparation, and Construction Administration Services for Stonebrook Parkway (FM 423 to 4th Army Memorial Drive). (Engineering/TF)

21. Consider and act upon approval of a Resolution authorizing the City Manager to execute Amendment Number Three to the Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. for Professional Design and Engineering Services for the 20"/24" Water Improvements along the proposed TxDOT Right-of-Way for FM 3537, from State Highway 289 (Preston Road) to FM 2478 (Custer Road). (Engineering/DLC)

22. Consider and act upon approval of a Resolution authorizing the City Manager to enter into a Memorandum of Understanding regarding the adoption of the Texas Department of Transportation's federally-approved Disadvantaged Business Enterprise Program. (Engineering/BB)

23. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number 2 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)

24. Consider and act upon award of bid to Jim Bowman Construction Company, LP and act upon a Resolution authorizing the City Manager to execute a Standard Construction Contract for the Teel Water Tower Driveway, Bid No. 1101-022 and authorizing construction phase contingencies (Engineering/AH)

25. Consider and act upon adoption of a Resolution ratifying the City Manager's, or his designee's, execution of the Amendment to the Takeover Agreement by and between the City of Frisco and North American Specialty Insurance Company, for the completion of Preston Road 24-inch Water Transmission Main (Stonebrook Parkway to Main St./FM 3537) (Engineering/AH)

26. Consider and act upon a Resolution authorizing the City Manager of the City of Frisco, Texas, to execute an Encroachment Agreement by and between the City of Frisco and Brazos Electric Power Cooperative for an encroachment of various public infrastructures within an existing Brazos Electric Power Cooperative easement. (Engineering/AH)

27. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement with NEC Stonebrook/423, LLC for the construction of a northbound right turn deceleration lane adjacent to the properties on FM 423 in conjunction with the Texas Department of Transportation's construction of FM 423 (Stewart Creek to Eldorado Parkway) Improvements (Engineering/JF)

28. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement with SCMC, LP and 423 Storage, LP for the construction of a northbound right turn deceleration lane adjacent to the properties on FM 423 in conjunction with the Texas Department of Transportation's construction of FM 423 (Stewart Creek to Eldorado Parkway) Improvements (Engineering/JF)

29. Consider and Act on the adoption of a Resolution authorizing the City Manager to submit documents to the Texas Comptroller's Office Trust Fund for the reimbursement of state tax revenue acquired from two events. (CVB/MR)

30. Consider and act upon a resolution authorizing the City Manager to execute an agreement with Estrada Concrete LLC, for Hike and Bike Trail construction along Main St from Dallas North Tollway to FM 423. (Parks/DR)

31. Consider and act upon a Resolution authorizing the City Manager to execute a proposal by and between the City of Frisco and DFW Communications to complete the installation of the Weather Alert Siren 800MHz Upgrade (FIRE / PS).

32. Consider and act upon a Resolution approving the submission of a Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Application to the Texas Forest Service (FIRE/LG).

33. Consider and act upon approval of an interlocal agreement (ILA) by and between the City of Frisco and the City of Carrollton for Police vehicle make-ready services and approval of a resolution authorizing the City Manager to execute an agreement for these services. (Police/TJ)

34. Consider and act upon ratification of purchase order to Capco Communications for relocation of fiber optic network line serving Central Fire Station and the Emergency Operations Center. (IT/TJ)

35. Consider and act upon approval of a purchase order to NAFECO, Inc. for the purchase of protective fire fighter bunker gear. (Fire/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.)

36. Consider and act upon adoption of an Ordinance amending Planned Development-202 regarding development standards and site layout. The property contains 947.6± acres on the east side of FM 423 from Old Newman Road on the north to south of Lebanon Road. Zoned: Planned Development-202-Single Family-3/Single Family-4/Single Family-5/Patio Home/Townhome/Multifamily-2/Urban Living. Neighborhood Nos. 37, 38, and

42. (Development Services/MW)

REGULAR AGENDA

37. Public Hearing: Zoning Case ZA09-0006, A request to adopt a revised Comprehensive Zoning Ordinance and repeal the existing Comprehensive Zoning Ordinance, as amended (Ordinance No. 00-11-01) and consider and act to direct staff to prepare an Ordinance of the same. (Development Services/MW) Tabled: 3/1/11

38. Consider and act upon a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Focused Advocacy, LLC for Public Affairs Consulting Services (CMO/JE).

39. Consider and act upon a Resolution authorizing the City Manager to execute a Ground Lease by and between the City of Frisco and Abide Investments, LLC. (CMO/Ron)

40. Acceptance of resignation from Phil Crimmins as a member of the Downtown Advisory Board. (CMO/NL)

41. Consider and Act Upon a Resolution Clearly Stating the Intention of the Frisco City Council Concerning Congressional and Legislative Redistricting. (PF)

42. Discussion and Provide Direction Concerning Process for Council Members' Requests to Add Items to the Agenda. (PF)

43. 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)

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

45. 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, March 18, 2011 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.