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, 2018

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 cleanup/remediation of hazardous and non-hazardous waste.
      ii. Receive legal advice regarding Civil Action No. 4:17-cv-00311, Exide Technologies v. The City of Frisco, Frisco Economic Development Corporation and Frisco Community Development Corporation in the United States District Court for the Eastern District of Texas.
      iii. Receive legal advice regarding PUC Docket No. 46662 pending before the Public Utility Commission of Texas in the case styled

Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates.

iv. Receive legal advice regarding rights and potential remedies relating to slope failures and other damage to stormwater features, including within Lot 1X, Block A of Starwood Phase Seven, an addition to the City of Frisco, Texas.

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

i. South of US 380, west of Preston Rd, north of Eldorado and east of Teel Parkway
ii. South of Warren Parkway, north of SH 121, east of Legacy Drive and west of Preston Road.
iii. South of Eldorado Parkway, west of the Preston Road, east of Legacy and north of Stonebrook Parkway.

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. American Legion Boys' State Recognition

5. Honor Library Board President Audrey Adkins for 5 Years of Service

6. Constitution Week

7. Recognition of John Lettelleir for 20 Years of Service

REPORTS

8. Financial Services Department August Report

9. Police department's crime statistics and response times for the month of August 2018.

10. Fire Department Monthly Report on Incident Response and Educational Activities, August 2018.

11. Visit Frisco August sales and marketing report.

12. Development Services Activity Monthly Update Report for month of August 2018.

13. Council Subcommittee reports for current activities of the Legislative, Governance, Budget and Audit Committee, Frisco Square Management District, also including the Dallas Regional Mobility Commission, North Central Texas Emergency Preparedness Committee, Frisco Veterans Advisory Committee, Public Relations and Messaging Committee, the North Texas Commission and Regional Transportation Council.

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 Minutes. (CSO/KM)

    A. September 4, 2018 Joint City Council and Charter Review Commission Work Session Meeting Minutes.

    B. September 4, 2018 Regular City Council Meeting Minutes.

15. Consider and Act Upon a Resolution approving the Fiscal Year 2019 City of Frisco General Fund, Social Services Grant Allocations. (Financial Services/JH)

16. Consider and act upon approval of a development agreement by and between the City of Frisco and GRBK FRISCO LLC, for park improvements. (CMO/JC)

17. Consider and act upon approval of a Chapter 380 Agreement by and between the City of Frisco and GRBK Frisco, LLC for roadway improvements. (CMO/JC)

18. Consider and act on a resolution approving the issuance of revenue improvement and refunding bonds issued for the benefit of Bethesda Foundation D/B/A/ Bethesda Senior Living Communities and its affiliates. (CMO/NL)

19. Consider and act upon agreements with the Town of Hackberry. (CMO/NL)

A. Hackberry Settlement agreement.

B. First Amendment to Contract.

20. Consider and act on extension of contract for public affairs consulting by HillCo Partners through July 31, 2019. (CMO/JC)

21. City Council consideration and approval of the City of Frisco 2019 State Legislative Agenda. (CMO/JC)

22. Consideration and approval of a resolution of the City of Frisco approving a negotiated settlement between the Atmos Cities Steering committee and Atmos Energy Corp. regarding the Company's 2018 rate review mechanism filings. (CMO/JC)

23. Consider and act on authorization of the City Manager to execute an emergency construction contract to remedy a property condition along a tributary of Stewart Creek. (Engineering/PK)

24. 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.)

25. Consider and act upon an adoption of an Ordinance to amend the Zoning Ordinance (Ordinance No. 11-04-09), Sections 3 & 7 to provide for Brewpubs as a conditional use within the nonresidential zoning districts, to provide the conditional standards associated with Brewpubs and to provide a definition for Brewpubs. Zoning Case No. ZA18-0001 (Development Services/AL)

26. Consider and act upon an ordinance amending Frisco Code of Ordinances, Ordinance No. 06-03-31, as amended, Part II, Chapter 18 (Buildings and Building Regulations), Article IV (Technical Codes), Division 3 (Green Building Program), Section 18-168 (Commercial Green Building Program; Penalty), Exhibit A (Minimum Standards). (Development Services/PDC)

REGULAR AGENDA

27. Public Hearing: A request to rezone 76.9± acres on the south side corner of US 380, 3,500± feet west of Dallas Parkway, from Agricultural to Planned Development/Office-2/Retail/Residential, and to consider to direct Staff to prepare an Ordinance of the same. Zoned Agricultural. Neighborhood #53. Zoning Case No. Z17-0032. (Development Services/AM)

28. Public Hearing: A request to repeal Ordinance No. 323 consisting of 500.6± acres on the northwest corner of Custer Road and Rolater Road ("Property"), to amend the Zoning Ordinance (Ordinance No. 11-04-09, as amended) and to rezone the Property from Planned Development-16-Single Family-8.5/Multifamily-15/Retail to Planned Development-Single Family-8.5; Single Family-8.5; Multifamily-15; and Retail, and to consider to direct Staff to prepare an Ordinance of the same. Zoned Planned Development-16-Single Family-8.5/Multifamily-15/Retail. Neighborhood #16. Zoning Case No. Z18-0010. (Development Services/JH)

29. Public Hearing: A request to repeal Ordinance No. 17-11-73 consisting of 1.9± acres on the southeast corner of Gaylord Parkway and Cowboys Way ("Property"), to amend the Specific Use Permit (S-269) for one High Rise Urban Living Structure to modify development standards, and to consider to direct Staff to prepare an Ordinance of the same. Zoned Planned Development-29-Office-2/Retail/Residential with a Specific Use Permit (S-269) for one High Rise Urban Living Structure. Neighborhood #31. Zoning Case No. SUP18-0007. (Development Services/JH)

30. Public Hearing: A request to repeal Ordinance No. 12-05-30 consisting of 2.0± acres on the north side of Timber Ridge Drive, 400± feet east of Teel Parkway ("Property"), to amend the Specific Use Permit (S-208) for an Assisted Living Facility to modify development standards. Zoned Planned Development-183-Office-1 with a Specific Use Permit (S-208) for an Assisted Living Facility and to consider to direct Staff to prepare an Ordinance of the same. Neighborhood #39. Zoning Case No. SUP18-0009. (Development Services/AM)

31. Public Hearing: A request to amend the Zoning Ordinance (Ordinance No, 11-04-09), Subdivision Ordinance (Ordinance No. 09-07-38, as amended), and the Fence Ordinance (12-08-46) to reflect ordinance changes approved in the Neighborhood Design Strategy, and to consider to direct Staff to prepare an Ordinance of the same. Zoning Case No. ZA18-0002. Tabled 8/7/18. (Development Services/AS)

32. Consider and act upon an adoption of Ordinances to repeal Ordinance No. 12-05-31 consisting of 364.4± acres on northwest and southwest corner of Dallas Parkway and Rockhill Parkway (“Property”), to amend the Zoning Ordinance (Ordinance No. 11-04-09, as amended), and to rezone the Property from Planned Development-216-Mixed Use into two separate Planned Developments

(Planned Development-216-Mixed Use and Planned Development-Mixed Use). Zoned Planned Development-216-Mixed Use. Neighborhood #53. Zoning Case No. Z18-0011. Tabled on 8/28/2018 and 9/4/2018. (Development Services/JH)

33. Consider and Act Upon Adoption of an Ordinance Approving the Revised Budget Figures for Fiscal Year 2017-2018 and Adopting a Budget and Appropriating Resources for the City of Frisco Budget Year Beginning October 1, 2018 (Financial Services/JH)

34. Consider and Act Upon Adoption of an Ordinance Levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2018 and Fiscal Year 2019 (Financial Services/JH)

35. A Resolution of the City Council of the City of Frisco, Texas, ratifying the property tax revenue in the 2018-2019 budget as a result of the city receiving more revenues from property taxes in the 2018-2019 budget than in the previous fiscal year (Financial Services/JH)

36. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2017-2018 and Adopting a Budget and Appropriating Resources for the Frisco Community Development Corporation Budget Year Beginning October 1, 2018 (Financial Services/JH)

37. Consider and Act Upon Adoption of an Ordinance Approving Revised Figures for Fiscal Year 2017-2018 and Adopting a Budget and Appropriating Resources for the Frisco Economic Development Corporation Budget Year Beginning October 1, 2018 (Financial Services/JH)

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

39. Consider and act upon the appointment of three (3) members (Places 2, 4 - FISD Representative, and 6) to the Frisco Economic Development Corporation Board of Directors for a term of three (3) years each beginning October 1, 2018 and ending September 30, 2021. (CSO/KM)

40. Consider and act upon the appointment of three (3) regular members (Places 2, 4, and 6) to the Frisco Community Development Corporation Board of Directors for the following terms: Place 2 for a term of two (2) years beginning October 1, 2018 and ending on September 30, 2020; Place 4 for a term of three (3) years beginning October 1, 2018 and ending on September 30, 2021; Place 6 for a term of one (1) year beginning October 1, 2018 and ending on September 30, 2019. (CSO/KM)

41. Consider and act upon the appointment of three (3) members (Places 3, 4, and

5) to the Planning and Zoning Commission for a term of three (3) years each beginning on October 1, 2018 and ending on September 30, 2021. (CSO/KM)

42. Consider and act upon the appointment of three (3) members (Places 2, 4, and 6) to the Parks and Recreation Board for a term of two (2) years each beginning October 1, 2018 and ending September 30, 2020. (CSO/KM)

43. Consider and act upon the appointment of two (2) regular members (Place 2 and 4) and two (2) Alternate members (Place 6 - Alternate #1 and Place 8 – Alternate #3) to the Board of Adjustment/Construction Board of Appeals for a term of two (2) years each beginning on October 1, 2018 and ending on September 30, 2020. (CSO/KM)

44. Consider and act upon the appointment of five (5) members to the Convention and Visitors Bureau / Visit Frisco board, representing the following sectors: Place 2 - Hotel 2; Place 4 - At Large; Place 6 - Restaurant; Place 8 – Sports Team Representative; and Place 10 - Ex Officio; for a term of two (2) years each beginning on October 1, 2018 and ending on September 30, 2020. (CSO/KM)

45. Consider and act upon the appointment of three (3) members to the Downtown Advisory Board representing: Place 2 - Business/Property; Place 4 – At Large; and Place 6 - At Large for a term of two (2) years beginning on October 1, 2018 and ending on September 30, 2020; and appointment of one (1) member (Place 1 -Business/Property) to fill a one (1) year unexpired term ending on September 30, 2019. (CSO/KM)

46. Mayor's appointment of two (2) members (Places 2 and 4 – Tenant) to the Frisco Housing Authority Board for a term of two (2) years each beginning October 1, 2018 and ending on September 30, 2020. (CSO/KM)

47. Consider and act upon the appointment of three (3) members (Places 2, 4, and 6) to the Frisco Public Art Board for a term of two (2) years each beginning on October 1, 2018 and ending on September 30, 2020. (CSO/KM)

48. Consider and act upon appointment of two (2) members (Places 2 and 4) to the Citizen Advisory Committee for Photographic Traffic Signal Enforcement Systems (Red Light Camera Committee) for a term of three (3) years beginning on October 1, 2018 and ending on September 30, 2021. (CSO/KM)

49. Consider and act upon the appointment of three (3) members (Places 2, 4, and 6) to the Frisco Social Services and Housing Board for a term of two (2) years each beginning on October 1, 2018 and ending on September 30, 2020. (CSO/KM)

50. Consider and act upon the appointment of three (3) members (Places 2, 4, and

6) to the Urban Forestry Board for a term of two (2) years each beginning on October 1, 2018 and ending on September 30, 2020. (CSO/KM)

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

52. 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 September 14, 2018 at 9:00 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.