



**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, OCTOBER 15, 2013

MINUTES

For complete details on each item, please view a video of the meeting on the [City of Frisco](#) web site.

Mayor	Maher Maso	Present
Council Member	Scott Johnson	Absent
Deputy Mayor Pro-Tem	John Keating	Present
Council Member	Tim Nelson	Present
Council Member	Bob Allen	Present
Mayor Pro-Tem	Jeff Cheney	Present
Council Member	Will Sowell	Present

CALL TO ORDER

1. ROLL CALL

Mayor Maso called the meeting to order at 5:11 p.m. with a quorum present. Scott Johnson was absent.

Representing Staff: George Purefoy, City Manager; Henry Hill, Deputy City Manager; Nell Lange, Assistant City Manager; Ron Patterson, Assistant City Manager; Jenny Page, City Secretary; Richard Abernathy, City Attorney; Department Directors, and other staff members.

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

John Keating moved to enter recess at 5:12 p.m. Tim Nelson seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

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.

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

i. Bordered by Eldorado Parkway on the north, FM 423 on the west, Preston Road on the east and SH121 on the south.

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.

Jeff Cheney moved to reconvene into Regular Session at 6:46 p.m. John Keating seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

There was no action to take as a result of Closed Session.

INVOCATION

Will Sowell led the invocation.

PLEDGE OF ALLEGIANCE

Briana Royer and Girl Scout troop 8737 led the Pledge of Allegiance to the United States and the State of Texas Flags.

PROCLAMATIONS

4. Red Ribbon Week.

Mayor Maso proclaimed October 21 – 25, 2013 as “Red Ribbon Week” in the City of Frisco. Accepting the award was the National Junior Honor Society and Student Council from Staley Middle School.

5. Recognition of Danny Carroll for twenty years of service.

Mayor Maso presented a proclamation to Danny Carroll for twenty (20) years of service to the City of Frisco.

6. Recognition of Paul Siebert for twenty years of service.

Mayor Maso presented a Proclamation to Paul Siebert for twenty (20) years of service to the City of Frisco. Assistant Fire Chief Siebert was joined on stage with his wife and two sons.

REPORTS

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

Public Works Director, Gary Hartwell gave a report on water usage and other monthly activities for September 2013. Mr. Hartwell introduced Perry Harts, Stormwater Administrator, who gave a brief update on Stormwater activities.

8. Fire Department Monthly Report on Incident Response and Educational Activities, September 2013.

Fire Chief, Mark Piland gave a monthly report on incident response and educational activities for the month of September 2013. Chief Piland mentioned that this was Fire Prevention Week.

9. Development Services Activities Monthly Update September 2013.

Development Services Director, John Lettelleir gave a monthly activities update for September 2013. The Planning Division had once again received a Certificate of Achievement.

10. Police Department's crime statistics and response times for the month of

September 2013.

Police Chief, John Bruce gave a report on crime statistics and response times for the month of September 2013. Chief Bruce reminded citizens to be cautious around construction zones and encourage people to Lock, Take, and Hide.

11. Frisco CVB September report on industry statistics.

CVB Executive Director, Marla Roe gave a report on industry statistics for the month of September 2013. Story Telling Festival, Shawnee Trail Cowboy Exhibit, among other activities and a November 12, 2013 Joint CVB and City Council meeting.

The Council congratulated Ms. Roe for her recent competition in the Chicago Marathon last week. Ms. Roe received a medal for completing the race.

12. Council Subcommittee reports for current activities of the Legislative, Governance, Budget and Audit Committee, the Charter Review Commission and the Citizen Bond Committee.

Legislative – No meeting.

Governance – Mayor Maso stated that a Draft document will be sent out soon. Jeff Chaney added another topic included possible changes to the Board Appointment process.

Budget and Audit – No meeting.

Charter Review – Deputy City Manager, Henry Hill reported the Commission was meeting weekly and making progress.

Citizen Bond Committee – Assistant City Manager, Nell Lange reported the Committee will meet weekly on Monday nights.

Mayor Maso moved to the Consent Agenda.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Aquila Harper, 12928 Michelle Dr., Frisco, Texas, representing Frisco Unleaded asked the Council to choose the better and most thorough clean up options rather than the cheaper options.

Jim Schermbeck, P. O. Box 703844, Dallas, Texas, representing Downwinders at Risk, asked for a complete clean up of Exide.

Mayor Maso returned to Item 45.

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.)

Jeff Cheney moved to approve the Consent Agenda. John Keating seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

13. Consider and act upon approval of the September 17, 2013 Work Session and Regular Council meeting minutes. (CSO/JP)
14. Consider and act upon approval of a Resolution adopting the 2013 Official Tax Roll as certified by the Tax Assessor Collector of Collin County with the amount of tax affixed to each account. (Financial Services/JH) **RESOLUTION 13-10-99R**
15. Consider and act upon approval of an Annexation Agreement by and between City of Frisco, Texas, a Texas Municipal Corporation, and the Veninga Investment Company, A Texas General Partnership, and all of its General Partners: Dolores Marie Veninga, Louise Ann Veninga, Fredrick William Veninga, Jr., The Ann Kramer Management Trust dated effective July 29, 2011, John Eichholtz Kramer, III, Trustee, Francis David Vincent Veninga, Karen Helen Veninga Driscoll, The Louise A. Veninga Children's Trust I dated June 22, 2005, Benjamin R. Zaricor, Trustee; and the Veninga Children's Trust, Karen Veninga Driscoll, Trustee for 40.569± acres of land located south of US 380 and 5,000± feet west of the Dallas North Tollway. (CMO\RKP)
16. Consider and act upon approval of an Annexation Agreement by and between the City of Frisco, Texas, a Texas municipal corporation, and Wilpat Real Estate Partners, Ltd., a Texas limited partnership; Francis David Vincent Veninga; John Eichholtz Kramer, III, Trustee, The Ann Kramer Management Trust dated effective July 29, 2011; Karen Helen Veninga Driscoll; Louise A. Veninga; Benjamin R. Zaricor, Trustee, The Louise A. Veninga Children's Trust I dated June 22, 2005; Dolores Marie Veninga; and Frederick William Veninga, JR., for 292.76± acres of land located south of US 380 and 3,000± feet west of the Dallas North Tollway. (CMO\RKP)
17. Consider and act upon approval of an AIA Document B101 – 2007 for

architectural services by and between the City of Frisco, Texas and M. Arthur Gensler Jr. & Associates, Inc. related to the design of a multi-use special events and sports facility and authorizing the City Manager to execute. (CMO/RKP)

18. Consider and act upon a Chapter 380 Grant Agreement by and between the City of Frisco, Texas and Cornerstone Automation Systems, LLC. (CMO/RKP)
19. Consider and act upon approval of the Ordinance for the Rate Review Mechanism (RRM) tariff that reflects the negotiated RRM process with Atmos Energy Corp, Mid-Tex Division rate case filed with the City on or about July 15, 2013. (CMO/BB) **ORDINANCE 13-10-70**
20. Consider and act upon authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. for design and preparation of construction documents for 4th Army Drive Reconstruction (Engineering/DLC)
21. Consider and act upon award of bid to Core Construction and authorization for the City Manager to execute a Standard Form of Agreement for Construction Services for Public Works Parking Expansion (Bid No. 1308-086) and authorizing construction phase contingencies. (Engineering/JB)
22. Consider and act upon authorizing the City Manager to execute an Advance Funding Agreement by and between the Texas Department of Transportation and the City of Frisco to provide funding for the construction of turn lanes on Main Street at the Dallas North Tollway. (Engineering/JB) **RESOLUTION 13-10-100R**
23. Consider and act upon authorizing the City Manager to execute Amendment Number One to the Master Agreement by and between the City of Frisco and Kimley-Horn and Associates, Inc. for On-Call Professional Traffic Engineering Services, Contract Number 2012-001 (Engineering/BM)
24. Consider and act upon authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Garver to perform Engineering Design and Bid Package Preparation for Street Rehabilitation and Turn Lane Projects. (Engineering/JB)
25. Consider and act upon approval of an Interlocal Agreement by and between the City of Frisco and the Town of Prosper for GIS Services. (IT/SO)
26. Consider and act upon adoption of a Resolution accepting two (2) Fiscal Year 2012-2013 Urban Areas Security Initiative (UASI) Sub-Recipient Grant Awards from the United States Department of Homeland Security (USDHS) and authorizing the City Manager to execute two (2) Sub-Recipient Grant Agreements by and between the City of Frisco and the Texas Department of

Public Safety. (Fire/MP) **RESOLUTION 13-10-101R**

27. Consider and act upon a Resolution approving a Memorandum of Understanding with Collin County for the purposes of a joint grant application. Consider and act upon a Resolution approving the acceptance of the grant award from the Office of the Governor, Criminal Justice Division for the funding under the Victims of Crime Act Grant Program and authorizing the submission of the grant application by the City Manager or his designee. The grant proposal is to partner with the Collin County Sheriff's Office to share a full-time Victim Advocate dedicated to working with victims of violent crimes. The funding period for this grant is from September 1, 2013 – August 31, 2014 in the amount of \$62,394. **RESOLUTION 13-10-102R**
28. Consider and act upon a Resolution approving the acceptance of the grant award from Office of the Governor, Criminal Justice Division for the funding under the Violence Against Women Act Grant Program and authorizing the acceptance of the grant application by the City Manager or his designee. This grant, will continue to fund an already grant funded position, not to add an additional full-time employee. The funding period for this grant is from September 1, 2013 – August 31, 2014, the funding amount for this project is \$73,226. (POLICE/TC) **RESOLUTION 13-10-103R**
29. Consider and act upon approval of a purchase order to Digital Resources, Inc. for the purchase and installation of two (2) digital projectors and accessories for Council Chambers. (Communications/DF)
30. Consider and act upon approval authorizing the City Manager to execute an agreement with Curtco, Inc. for roadway joint and crack sealing. (Public Works/DF)
31. Consider and act upon approval authorizing the City Manager or his designee to execute an Agreement with CORE Construction Services of Texas, Inc., for a job order contract for driveway, sidewalk, alley and road maintenance and repair at various locations during the fiscal year 2014. (Public Works/DF)
32. Consider and act upon approval authorizing the City Manager to execute an agreement with Pavecon, Ltd. for Redbud Estates asphalt street overlay. (Public Works/DF)
33. Consider and act upon award of RFQ #1307-071 Occupational Medical and MRO Services and RFP #1307-072 Occupational Health and Safety Services to E-Care Management, LP and approval authorizing the City Manager to execute agreements for these services. (HR/DF)
34. Consider and act upon approval authorizing the City Manager to execute a renewal for Stop Loss Services with Everest Reinsurance Company. (HR/DF)

35. Consider and act upon approval of purchase orders to 3M Company for the purchase of downloadable digital media during the fiscal year 2014. (Library/DF)
36. Consider and act upon approval of purchase orders to OverDrive, Inc. for the purchase of digital media hosting and download services during the fiscal year 2014. (Library/DF)
37. Consider and act upon approval authorizing the City Manager to execute an annual support agreement with CRW Systems, Inc. for software support and updates for TRAKiT, TRAKiT PDA, eTRAKiT and TRAKiT Sync. (IT/DF)
38. Consider and act upon approval of a purchase order to Interspec, LLC for the purchase of computerized irrigation control equipment for Eldorado Parkway median improvements. (Parks & Recreation/DF)
39. Consider and act upon approval of an agreement with Illumimax, LLC for services related to the design and operation of the holiday lighting of the exterior of the City Hall/Library facility. (Administrative Services/TJ)
40. 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.)

Jeff Cheney moved to approve the Legislative Agenda. Will Sowell seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

41. Consider and act upon adoption of an Ordinance amending Planned Development-206 to amend the Zoning Exhibit and development standards. The property contains 82.8± acres 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. Zoning Case No. Z13-0009. (Development Services/MW) **ORDINANCE 13-10-71**

42. Consider and act upon adoption of an Ordinance rezoning 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). Neighborhood #46. Zoning Case No. Z13-0010. (Development Services/MW) **ORDINANCE 13-10-72**
43. Consider and act upon amending Ordinance No. 13-10-69 Exhibit "A"; providing for the installation of water heaters in attics and above living space; providing for leak detection shut off device installation on water heaters in attics or above living spaces. (Development Services/PDC) **ORDINANCE 13-10-73**

ADJOURN

*Scriveners Note**

Due to a technical error, the Adjournment title was placed in the wrong order on the agenda. For purposes of the Minutes, it has been moved to the end of the meeting.

REGULAR AGENDA

44. Public Hearing: Specific Use Permit Case SUP13-0010. A request for a Specific Use Permit for a Major Automotive Repair Facility on one lot on 1.8± acres on the southeast corner of F.M. 423 and Old Newman Road and consider and act to direct staff to prepare an Ordinance of the same. Zoned Commercial-1. Neighborhood #42. (Development Services/JE)

Development Services Director, John Lettelleir presented information and stated the Planning & Zoning Commission unanimously recommend approval.

Will Sowell moved to open the Public Hearing. Bob Allen seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

No one wished to speak.

Jeff Cheney moved to close the Public Hearing. Will Sowell seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will

Sowell;
Against: (None)

Will Sowell moved to approve Public Hearing: Specific Use Permit Case SUP13-0010. A request for a Specific Use Permit for a Major Automotive Repair Facility on one lot on 1.8± acres on the southeast corner of F.M. 423 and Old Newman Road and consider and act to direct staff to prepare an Ordinance of the same. Zoned Commercial-1. Neighborhood #42. (Development Services/JE). Bob Allen seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

45. Public Hearing: A request for a Specific Use Permit for a Licensed Child Care Center on one lot on 1.5± acres on the south side of Warren Parkway, 80± feet west of Victory Group Way and consider and act to direct staff to prepare an Ordinance of the same. Zoned Retail and Planned Development-33-Business Center. Neighborhood #32. Case No. SUP13-0009 (Development Services/RC)

Mr. Lettelleir presented information and stated the Planning & Zoning Commission unanimously recommend approval. A map of the area from the Frisco 2006 Comprehensive Plan was presented as Exhibit A.

Will Sowell moved to open the public hearing. Tim Nelson seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

Mayor Maso asked speakers to voluntarily limit their comments to three (3) minutes.

The following citizens spoke in opposition to the Racetrac and other retail properties surrounding the proposed Day Care in Item 45:

Phill Crimmins, 3108 Hampshire Ct., Frisco, Texas

Cynthia Figueroa, 4 Desert Falls, Frisco, Texas

Jeff Steel, 3116 Hampshire Ct., Frisco, Texas

Cindy Allen, 5202 Loma Alta Dr., Frisco, Texas

Chris Zarski, 5081 Loma Alta Dr., Frisco, Texas

Louis Frisbie, 9601 Whiterock Tr., #204, Dallas, Texas

Sinthil Ramanath, 4112 Dancing Waters Rd., Plano, Texas

Tom Brooks 5404 Southern Hills Dr., Frisco, Texas

Will Sowell moved to close the Public Hearing. Tim Nelson seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

John Keating moved to approve Public Hearing: A request for a Specific Use Permit for a Licensed Child Care Center on one lot on 1.5± acres on the south side of Warren Parkway, 80± feet west of Victory Group Way and consider and act to direct staff to prepare an Ordinance of the same. Zoned Retail and Planned Development-33-Business Center. Neighborhood #32. Case No. SUP13-0009 (Development Services/RC). Will Sowell seconded the motion.

Passed

Vote: 4 – 1

For: John Keating, Tim Nelson, Jeff Cheney, Will Sowell;

Against: Bob Allen

46. 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)

Mayor Maso reappointed Fred Lusk and Charles Yarbrough. The third appointment will be made at a future meeting.

47. Discussion regarding the recent appointment of Mr. David Porter to the Board of Directors of the Frisco Economic Development Corporation; consider an act upon removal of Mr. David Porter as a member of the Board of Directors of the Frisco Economic Development Corporation; and subject to Mr. David Porter being removed as a Board member, consider and act upon appointment of a replacement for Mr. David Porter to the Board of Directors of the Frisco Economic Development Corporation. (TN)

Councilman Tim Nelson asked for this item to be placed on the agenda and stated that he was confused during the September 17, 2013 appointment process for the Frisco Economic Development Corporation and voted in error. He asked for an opportunity to correct his vote. The appointment was the result

of Councilman Nelson voting for Mr. Porter and a 3 to 3 tie vote. Mayor Maso broke the tie in favor of Mr. Porter. Councilman Nelson calculated that if he had not voted in favor, the vote would have been 2 – 4 and failed. Councilman Nelson stated for the record that Mr. Porter had not done anything wrong and was a fine citizen that he thought very highly of and would recommend for future appointments to other boards.

Councilman Nelson also addressed concerns over communication between the Council in regard to Governance.

Mayor Maso asked if there was interest in considering this item and a lengthy discussion was held.

Mayor Maso asked for citizens that had submitted comment cards to step to the podium.

Dan Mossokowski, 6109 Wilmington Dr., Frisco, Texas, spoke in opposition to revoting and in support of Mr. Porter. He commented that many times leaders make hard decisions and sometimes wonder if it was the right decision, but asking for a revote was not the right thing to do. Leaders should honor their decisions regardless of what they think they did or didn't do in error. Mr. Mossokowski said, "I have known and served with David Porter on the EDC board for many years and he will look at each separate situation with creative eyes to see if it is in the best interest of the EDC."

Tony Felker, 5517 Vicksburg Place, Frisco, Texas, former Council Member and Frisco Chamber of Commerce Executive President, spoke in opposition to removing Mr. Porter and stated, "The real issue was do Council Members have the right to go back and change their vote. This is not about David Porter, the EDC, or why you voted one way or another. If you allow that right, what sort of precedent does that set down the road?"

Jaime Ronderos, 1798 Torrey Pines Lane, Frisco, Texas, and EDC Board Member spoke in opposition to removing Mr. Porter and stated he agreed wholeheartedly with Mr. Mossokowski and Mr. Felker. He said, "The problem is not the man. You have put Mr. Porter on the internet and made it look like you are impeaching him and have ruined his reputation. You owe Mr. Porter an incredible debt of gratitude and a huge apology. The question is the process. A true leader would live with their decision. David Porter is the best."

Will Sowell moved to deny removal of Mr. David Porter from the Board of Directors of the Frisco Economic Development Corporation. Bob Allen seconded the motion.

Passed

Vote: 4 – 1

For: John Keating, Bob Allen, Jeff Cheney, Will Sowell;

Against: Tim Nelson

48. Consider and act upon choosing a date for the December 2013 Council meeting and the Council Winter Work Session. (CSO/JP)

City Secretary, Jenny Page addressed Council and asked for direction in scheduling meetings for December and the Winter Work Session. After discussion, Council decided to tentatively schedule January 30, 31, and February 1, 2014 for the Winter Work Session and confirm the dates after everyone could check their schedules.

Will Sowell moved to approve December 3, 2013 as the only meeting in December. John Keating seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

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

- November Pre-Council Work Session on Board Appointments
- ACNT Board Appointments with two Council Members
- Housing Authority appointment

50. Discussion on Governance Monitoring of present City Council Meeting.

Tim Nelson gave the council a grade of satisfactory.

ADJOURN

Bob Allen moved to adjourn at 9:38. Will Sowell seconded the motion.

Passed

Vote: 5 – 0

For: John Keating, Tim Nelson, Bob Allen, Jeff Cheney, Will Sowell;

Against: (None)

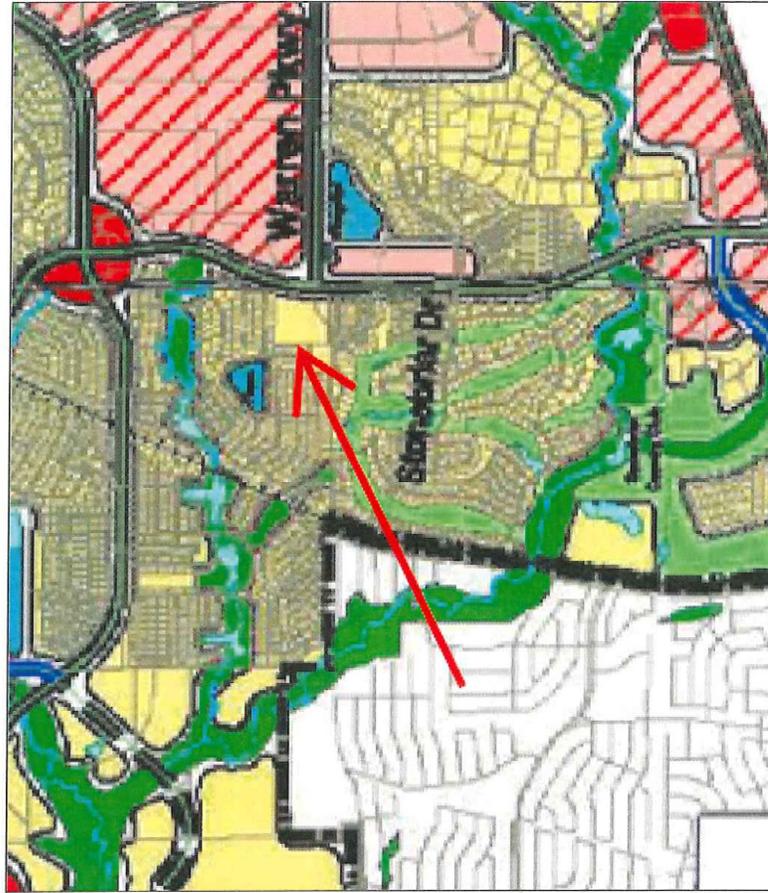
Please note these are preliminary results and are not official until approved at the next scheduled meeting. Approved/signed minutes are available at www.friscotexas.gov/docs.

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary

Victory at Stonebriar site designated for Residential Use in Frisco's 2006 Comprehensive Plan



City of Frisco 2006 Comprehensive Plan - Land Use Strategy - Page 4.10

City of Frisco, Texas
Future
Land Use
Plan