



**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, FEBRUARY 02, 2016

MINUTES

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

CALL TO ORDER

Mayor Maher Maso called the meeting to order at 4:58 p.m. with a quorum present.

1. ROLL CALL

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

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;

Council Member Bob Allen moved to enter recess at 5:00 p.m. Council Member Tim Nelson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

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 status and recommended path forward regarding the proposed Brazos Electric Transmission Line routes in the City of Frisco.
 - ii. 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. South of US 380, west of Preston Road, north of Stonebrook Parkway, and east of FM 423.
 - 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.

Council Member Bob Allen moved to reconvene into Regular Session at 6:39 p.m. Council Member Tim Nelson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

No action was taken.

INVOCATION

Deputy Mayor Pro-Tem Will Sowell led the invocation.

PLEDGE OF ALLEGIANCE

Frisco Boys & Girls Keystone Club members led the Pledges of Allegiance to the United States and Texas flags.

PROCLAMATIONS

4. Frisco Soccer Association--U14 Girls STINGERS Soccer Team Champions

Mayor Maso proclaimed February 2, 2016 as Frisco Soccer Association U14 Girls Stingers Day. Members of the team and Coach Robert Schmich accepted the proclamation.

REPORTS

5. Public Works report on water usage and other monthly activities.

Public Works Director Gary Hartwell reported on water usage and other monthly activities.

6. Library usage report.

Library Services Director Shelley Holley reported on Library usage and activities. Ms. Holley announced that the Leadership Frisco Class of 2016 has chosen the Frisco Public Library for their project this year.

7. Parks and Recreation monthly report regarding park and trail development, facilities, special events and youth development.

Parks and Recreation Director Rick Wieland reported on the monthly report regarding Park and Trail development, facilities, special events and youth development. Mr. Wieland announced the Daddy Daughter Dance is coming up and will sell out soon.

8. Engineering Services monthly report on roads, traffic, and water and sewer projects.

Engineering Director Paul Knippel reported on roads, traffic, and water and sewer projects.

9. 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 Texas Commission and Regional Transportation Council.

No reports were presented.

Mayor Maso asked Staff to schedule a Frisco Square Meeting.

Mayor Maso continued with the Consent Agenda since it was not yet 7:30 p.m.

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

No one wished to speak and Mayor Maso returned to Item 26.

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.)

Deputy Mayor Pro-Tem Will Sowell moved to pull Item 15 from the Consent Agenda. Council Member Bob Allen seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Deputy Mayor Pro-Tem Will Sowell moved to approve the remainder of the Consent Agenda. Council Member Tim Nelson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Human Resources Director Lauren Safranek asked for item 15 to be pulled to let Council know there were a few minor typo changes made since the Ordinance was posted to the agenda. (Exhibit A)

Deputy Mayor Pro-Tem Will Sowell moved to approve Item 15 on the Consent Agenda. Council Member Bob Allen seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob

Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

10. Consider and act upon approval of minutes from the January 19, 2016 Special Called TIRZ meeting, Council Work Session and Regular City Council Meeting. (CSO/JP)
11. Consider and act upon approval authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Alliance Architects, Inc. to provide architecture and engineering services for the Frisco Police Department parking garage. (CMO/MB)
12. Consider and act upon authorization for the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Alliance Geotechnical Group for geotechnical inspection and materials testing for the Police Headquarters parking garage. (CMO/WH)
13. Consider and act upon approval of the First Amendment to the Thoroughfare Construction Agreement for Construction of Gaylord Parkway, Lebanon Connector, Portions of John Hickman Parkway, Varsity Drive and Gridiron Road and Related Public Infrastructure dated August 6, 2014 by and between the City of Frisco, Texas, and Frisco Station Partners, L.P. authorizing the City Manager to execute. (CMO/RP)
14. Consider and act upon a Resolution authorizing the City Manager to submit four (4) State Homeland Grant Applications to the United States Department of Homeland Security (DHS) for the Federal Emergency Management Agency (FEMA) Grant Program. (FIRE / POLICE) **RESOLUTION 16-02-08R**
15. City Council consider and approve Ordinance to include the Carry of Handguns and Firearms Policy. (HR/LS) **ORDINANCE 16-02-08**
16. Consider and act upon approval of a purchase order to Casteel & Associates, Inc. for the purchase and installation of dedication signage for Veteran's Memorial Trail at Frisco Commons Park. (Parks & Recreation/DF)
17. Consider and act upon approval of a purchase order to Taser International for the purchase of conductive electrical weapons. (Police/DF)
18. Consider and act upon approval of purchase orders to Cla-Val Company for a water pump control valve and transfer valve parts. (Public Works/DF)
19. Consider and act upon award of bid #1612-025, annual contract for pavement and sidewalk repair, to NACC, Inc. and KT Contracting, LLC. (Public Works/DF)

20. Approval of the attached reimbursement requests presented by Mayor and Council Members.
21. 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.)

Council Member Bob Allen moved to approve the Legislative Agenda. Deputy Mayor Pro-Tem Will Sowell seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

22. Consider and act upon adoption of an Ordinance to amend Planned Development-199 to modify development standards on 223.9± acres on the south side of Main Street, 1,720± feet west of Legacy Drive. Zoned Planned Development-199-Retail/Office-1/Office-2/Townhome/Patio Home/Single Family-7. Neighborhood #41. Zoning Case Z15-0022. (Development Services/KM) **ORDINANCE 16-02-09**
23. Consider and act upon adoption of an Ordinance to rezone 6.25± acres on the south side of Hickory Street, 365± feet east of Parkwood Boulevard, from Single Family-7 to Office-1. Zoned Single Family-7. Neighborhood #20. (Development Services/SS) **ORDINANCE 16-02-10**

REGULAR AGENDA

24. Public Hearing: Zoning Case No. Z15-0029. A request to amend Planned Development-224 located on the north side of State Highway 121, 500± feet west of Legacy Drive to allow the use of Automobile Sales, Used with a Specific Use Permit, and to consider to direct Staff to prepare an ordinance of the same. Neighborhood #33. (Development Services/SS)

Development Services Director John Lettelleir asked that Items 24 and 25 be

held at the same time for the Public Hearing with separate action for approval.

Council Member Bob Allen moved to open the Public Hearing for Items 24 and 25. Deputy Mayor Pro-Tem Will Sowell seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Bill Dahlstrom, 2323 Ross Avenue, Suite 600, Dallas, Texas, developer for the applicant, spoke in favor of the project.

Eddie Garcia, 4020 E. Indian School Road, Phoenix, Arizona, representing Carvana, spoke in favor of the project.

David Wire, 1522 Hilton Head Lane, Frisco, Texas, President of the Stonebriar Legacy Association of Neighborhoods (SLAN), spoke in favor of the project.

Council Member Scott Johnson moved to close the Public Hearing. Council Member Tim Nelson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Council Member Bob Allen moved to approve Public Hearing: Zoning Case No. Z15-0029. A request to amend Planned Development-224 located on the north side of State Highway 121, 500± feet west of Legacy Drive to allow the use of Automobile Sales, Used with a Specific Use Permit, and to consider to direct Staff to prepare an ordinance of the same. Neighborhood #33. (Development Services/SS). Deputy Mayor Pro-Tem Will Sowell seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

25. Public Hearing: Specific Use Permit Case No. SUP15-0018. A request for a Specific Use Permit for an Automobile Sales, Used facility on one lot on 1.8± acres north of State Highway 121 and 500± feet west of Legacy Drive, and consider to direct Staff to prepare an ordinance of the same. Zoned Planned

Development-224/Retail/Office-2. Neighborhood #33. (Development Services/SS)

Council Member Bob Allen moved to open the Public Hearing. Deputy Mayor Pro-Tem Will Sowell seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Council Member Scott Johnson moved to close the Public Hearing. Council Member Tim Nelson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Council Member Tim Nelson moved to approve Public Hearing: Specific Use Permit Case No. SUP15-0018. A request for a Specific Use Permit for an Automobile Sales, Used facility on one lot on 1.8± acres north of State Highway 121 and 500± feet west of Legacy Drive, and to consider to direct Staff to prepare an ordinance of the same. Zoned Planned Development-224/Retail/Office-2. Neighborhood #33. (Development Services/SS). Deputy Mayor Pro-Tem Will Sowell seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

Against: (None)

Mayor Maso continued with Citizen Input at 7:32 p.m.

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

- Work Session in June for Charter.

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

Council Member Jeff Cheney gave the Council a grade of satisfactory for governance of tonight's meeting.

ADJOURN

Deputy Mayor Pro-Tem Will Sowell moved to adjourn at 7:35 p.m. Council Member Scott Johnson seconded the motion.

Passed

Vote: 5 - 0

For: Deputy Mayor Pro-Tem Will Sowell, Council Member Bob Allen, Council Member Jeff Cheney, Council Member Scott Johnson, Council Member Tim Nelson;

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.

Approved this ____ day of _____ 2016.

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary

EXHIBIT A

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, ADOPTING PERSONNEL POLICIES ATTACHED; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Article IV, Section 4.06 of the City of Frisco, Texas ("Frisco") City Charter ("Charter") provides that the City Manager shall develop personnel rules (the "personnel rules/policies") and submit those personnel rules/policies to the City Council of the City of Frisco, Texas ("City Council") for its consideration; and

WHEREAS, the City Council may adopt the personnel rules/policies by ordinance, with or without amendment; and

WHEREAS, the City Manager has approved the personnel rules/policies, attached hereto and incorporated herein for all purposes, entitled "Personnel Policies", and has investigated and determined that the Personnel Policies included will enhance the orderly management of Frisco; and

WHEREAS, the City Council has investigated and determined that it is in the best interest of Frisco and its citizens to adopt the Personnel Policies, attached hereto, which will be implemented, to enhance the orderly management of Frisco.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Adoption of Personnel Policies. The Personnel Policies, attached hereto, are hereby adopted by the City Council to enhance the orderly management of Frisco. The City Manager is hereby authorized to implement the Personnel Policy included, which is as follows:

Carry of Handguns and Firearms Policy - new

SECTION 3: Savings/ Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent

jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED by the City Council of the City of Frisco, Texas, this ___ day of _____, 2016.

Maher Maso, MAYOR

ATTEST:

APPROVED AS TO FORM:

Jenny Page,
CITY SECRETARY

Abernathy, Roeder, Boyd & Hullett, PC
CITY ATTORNEY

**CITY OF FRISCO PERSONNEL POLICIES
CARRY OF HANDGUNS & FIREARMS POLICY**

Subject: CARRY OF HANDGUNS & FIREARMS

Date: 2/02/2016

Approved by:

Revision Date:

I. STATEMENT OF PURPOSE:

The purpose of this policy is to establish the rules and procedures governing the carrying of handguns and firearms by City of Frisco employees in the course and scope of their employment.

II. SCOPE:

This policy applies to all City of Frisco employees.

This policy governs the open or concealed carry of “handguns,” and “firearms” as defined in Section 46.01 of the Texas Penal Code.

III. DEFINITIONS:

- **“Handgun”** means any firearm that is designed, made, or adapted to be fired with one hand, as defined in Section 46.01 of the Texas Penal Code.
- **“Firearm”** means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use, as defined in Section 46.01 of the Texas Penal Code. The term Firearm includes a handgun.
- **“Licensed Handgun Holder”** means a person who is licensed pursuant to Subchapter H, Chapter 411 of the Texas Government Code.
- **“Premises”** means a building or a portion of a city building, as defined in Section 46.035 of the Texas Penal Code. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
- For the purposes of this policy only, an **“employee”** includes all City of Frisco employees including all full-time, part-time, and temporary employees, and contract employees.

IV. FIREARM AND HANDGUN POLICY:

A. City Premises:

A City employee is prohibited from carrying a firearm onto City premises. The prohibition stated above shall not apply to a peace officer or those persons who have written authorization to carry a firearm as part of their official duties.

B. Vehicles:

1. A City employee may transport or store a firearm in his/her personal vehicle in a City parking lot and/or space so long as the vehicle is locked, unless otherwise prohibited by law.
2. A City employee is prohibited from possessing or storing a firearm in a vehicle owned or leased by the City of Frisco, regardless of whether the employee is a Licensed Handgun Holder, unless the City employee is authorized to carry a firearm in a City vehicle as part of his/her normal course and scope of employment, such as a police officer.

C. Areas Prohibited by Law:

It is a violation for a City employee when performing City duties or functions to carry a firearm in any location where the carrying of the firearm is not authorized by law.

D. Restricted Access:

Employees who have meetings with the public must be aware that those persons may openly carry handguns in public areas. If you have meetings with members of the public, the meetings should be conducted in spaces that are not designated for restricted access. Restricted access areas are any portions of the premises that the public is prohibited from accessing.

V. Intervention:

- A.** Except peace officers, City employees are prohibited from questioning the public regarding whether a person holds a proper license. Only peace officers may question a person who is carrying a handgun license as to whether the person holds the proper license under Chapter 411 of the Texas Government Code.
- B.** Anytime another City employee carries a firearm onto City premises or in a City vehicle (and is not authorized to do so), an employee should notify a supervisor and the supervisor will take the appropriate action necessary to resolve the situation.
- C.** If any person carrying any firearm displays erratic/concerning behavior or appears intoxicated, the City employee (regardless of location), should:
 - 1. Move to a safe location;
 - 2. Dial 911 to alert police so that they may dispatch assistance to the site; and
 - 3. Notify a supervisor immediately.

VI. Enforcement: A violation of this policy may result in adverse employment action, up to and including termination. Violations may also incur criminal penalties.