

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO’S CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, CHAPTER 2 (ADMINISTRATION), ARTICLE III (AUTHORITIES, BOARDS AND COMMISSIONS), DIVISION 10 (DOWNTOWN ADVISORY BOARD); RENAMING THE DOWNTOWN ADVISORY BOARD TO THE RAIL DISTRICT ADVISORY BOARD; MODIFYING CERTAIN PROVISIONS GOVERNING THE RAIL DISTRICT ADVISORY BOARD; EXPANDING AND CLARIFYING THE BOARD’S POWERS AND DUTIES AND BOARD MEMBERS’ QUALIFICATIONS, APPOINTMENT, TERMS, OFFICERS, MEETINGS AND OTHER MATTERS; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Frisco, Texas finds that it would be beneficial to the citizens of the City of Frisco, Texas, to amend Frisco’s Code of Ordinances, Ordinance No. 06-03-31, as amended (“Code of Ordinances”), Chapter 2 (Administration), Article III (Authorities, Boards and Commissions), Division 10 Downtown Advisory Board) to rename the Downtown Advisory Board to the Rail District Advisory Board and to modify certain provisions governing the Board, as set forth below.

**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: Amendment to the Code of Ordinances, Chapter 2 (Administration), Article III (Authorities, Boards and Commissions), Division 10 (Downtown Advisory Board). The Code of Ordinances is amended as follows<sup>1</sup>:

**“CHAPTER 2 (ADMINISTRATION)**

...

**ARTICLE III (AUTHORITIES, BOARDS AND COMMISSIONS)**

...

**DIVISION 10. RAIL DISTRICT ~~DOWNTOWN~~ ADVISORY BOARD**

**Sec. 2-176 Definitions.**

<sup>1</sup> Additions are underlined; deletions are evidenced by ~~strikethrough~~.

For the purposes of this division, the following terms, phrases, words and their derivation shall have the meaning given herein:

*Board* ~~when used herein~~ shall mean the Rail District Downtown Advisory Board of the City of Frisco, Texas.

*City Manager* ~~when used herein~~ shall mean the City Manager of the City of Frisco, Texas, or his/her designee.

*Member* ~~when used herein~~ shall mean the member or members of the Rail District Downtown Advisory Board ~~of Members~~, excluding ex-officio members of the Board.

*Staff Liaison* ~~when used herein~~ shall mean the Director of Development Services ~~Staff Liaison of the Frisco Downtown Advisory~~, or the person designated by the City Manager to serve in such capacity.

*Downtown Planner* shall mean the City employee who administers the Downtown Master Plan, the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and all other applicable ordinances.

*Frisco* ~~when used herein~~ shall mean the City of Frisco, Texas.

*Rail District Downtown* ~~when used herein~~ shall mean Historic Downtown Frisco ~~the area established within the boundaries of the Rail District, as defined in the 2018 Downtown Master Plan adopted under Ordinance No. 18-11-67, as it exists or may be amended (and any successor ordinance thereto).~~ bordered by the BNSF Railroad to the West, North/South County Road to the East, Walnut Street to the North and Hickory Street to the South.

*Plan* when used herein shall mean the 2018 Downtown Master Plan adopted under Ordinance No. 18-11-67, as it exists or may be amended (and any successor ordinance thereto).

#### **Sec. 2-177 Establishment.**

There is hereby created and established a Downtown Rail District Advisory Board of the City of Frisco, which shall serve in an advisory capacity to the City Council and Frisco staff in the ~~implementation, administration and operation~~ of the Plan. It shall function according to the laws of the State of Texas, the Charter of the City of Frisco, Texas, and the provisions of this Code.

#### **Sec. 2-178 Purpose and objective.**

- (a) The purpose of the ~~Frisco Downtown~~ Rail District Advisory Board is to further the development and awareness of, and interest in, the Rail District for residents and visitors by assisting with branding efforts, communication, engaging new and existing businesses, enhance the and advising City Council and City staff on the Plan, economic vitality of the area and to assist with determining the best use of city-owned buildings in downtown Frisco ("Buildings") ~~by advising the City Council and Frisco Staff on the Plan and use of the~~

**Buildings.**

(b) The objectives of the Board shall be:

- (1) To foster cooperative efforts between downtown businesses, ~~citizens~~ residents and advocacy partners ~~Friseo~~;
- (2) To communicate a clear redevelopment process for property owners by working with the Staff Liaison and Downtown Planner ~~To enhance and preserve the historical and architectural aspects and features of downtown and the Buildings;~~
- (3) To further promote ~~the promotion of~~ economic growth and publicity brand recognition for the area by supporting the One Voice Strategy developed by Visit Frisco;
- (4) To ~~raise the public visibility/awareness~~ advocate for programs and events that support the Rail District's character of local features and activities throughout the State of Texas, regionally, nationally, and internationally;
- (5) To advise ~~provide advice to City Friseo staff~~ regarding the implementation, administration ~~administration and operation~~ of the Plan; and
- (6) To ~~ensure~~ advise on the public property programming including the 4<sup>th</sup> Street Plaza, sidewalks and other connectivity infrastructure. ~~the financial feasibility of the City's investment in the City-owned buildings within the Downtown, working to assure a long-term sustained loss is not incurred.~~

**Sec. 2-179 Members.**

The Board shall consist of seven (7) active Members, with the following composition:

- (1) ~~Downtown-Rail District Commercial Property Owner~~ or ~~Downtown-Business Owner Representatives~~ ~~Owner Representatives = Three-Two (23)~~ Members shall be representatives who own commercial property in ~~Downtown Friseo~~ the Rail District and/or own operative a business (~~business owner~~) located in the Rail District. ~~Downtown Friseo~~ Downtown-Rail District Commercial Property Owner or ~~Downtown-Business Owner-Owner R~~epresentatives shall be designated as places numbers one (1) and through three two (23).
- (2) Rail District Resident Representatives – Three (3) members shall be representatives who reside in the Rail District. Rail District Resident Representatives shall be designated as place numbers three (3), four (4) and five (5).
- (3) At-Large Representatives = ~~Four-Two (24)~~ Members shall be representatives of the citizens of Frisco at-large who ideally have special skills or professional talents which could enhance the ~~Downtown-Rail D~~istrict such as but not limited to architecture, banking, economic development and/or marketing. At-large

representatives shall be designated as places numbers ~~four six (64) and through~~ seven (7).

(4) Notwithstanding any statement to the contrary in this Division, the City Council may appoint an at-large representative to fill one or more of the places described in subsection (1) and (2) in the event there is an insufficient number of qualified applicants for appointment to the same.

## Sec. 2-180 Appointments and terms.

- (a) ~~Downtown Property or Downtown Business Owner Representatives~~ Rail District Commercial Property Owner or Business Owner Representatives – Any commercial property owner or owner of property a business located in ~~Downtown~~ the Rail District ~~or the owner of a business located in Downtown~~ who is otherwise qualified to serve on a Frisco ~~Board~~ board may apply for a position on the Board under this category of Members through Frisco’s standard board application procedure.
- (b) Rail District Resident Representatives – Any qualified voter of Frisco who resides in the Rail District and who is otherwise qualified to serve on a Frisco board may apply for a position on the Board under this category of Members through Frisco’s standard board application procedure.
- (c) At-Large Representatives – Any qualified voter of Frisco may submit an application for the at-large representative seats through Frisco’s standard board application procedure.
- (d) The term of office shall be for ~~two three (32)~~ years. Places one (1), three (3), five (5), and seven (7) shall be appointed to ~~two three (32)~~ year terms ending on September 30<sup>th</sup> in odd numbered years. Places two (2), four (4), and six (6) shall be appointed to ~~two three (32)~~ year terms ending on September 30<sup>th</sup> in even numbered years. Except as otherwise provided for herein, No Member shall serve for more than three (3) consecutive terms or six nine (96) consecutive years, whichever is less, unless extended by a supermajority vote of the City Council; provided, however, that should a Member’s replacement not be qualified as of the expiration of the Member’s term, then that Member shall holdover on the Committee until a qualified replacement Member has been appointed. Except for Members whose terms are extended by a supermajority vote of the City Council, a Member may be reappointed to serve on the Board after being off the Board for at least one (1) full year. In addition to the seven (7) Members, the City Manager, or his/her designee, shall serve as an ex-officio member of the Committee, but shall have no right to vote on any matter before the Committee. The City Council shall determine the time for the annual appointment of Members.
- (e) The two (2) years commencing October 2025 and ending October 2026, and October 2026 and ending October 2027, shall constitute a transition period (the “Transition Period”). The Transition Period will adjust when certain Members of the Board reach the end of their respective terms so that after the Transition Period the terms of all Members, subject to the City Council’s right to remove any Member from the Board at will, will be three (3) years,

up to a maximum of three (3) consecutive terms or nine (9) consecutive years, whichever is less. In October 2025, the City Council will make the following appointments: (i) the Place 1 Member's position will be appointed for a one (1) year term, terminating in October 2026, (ii) the Place 3 Member's position will be appointed for a two (2) year term, terminating in October 2027; and (iii) the Place 5 and 7 Members' positions will be appointed for three (3) year terms, terminating in October 2028. In October 2026, the City Council will make the following appointments: (i) the Place 2 Member's position will be appointed for a two (2) year term, terminating in October 2028, (ii) the Place 4 Member's position will be appointed for a three (3) year term, terminating in October 2029; and (iii) the Place 6 Member's position will be appointed for a one (1) year term, terminating in October 2027. Anyone appointed to the Board after the Transition Period expires shall serve a term of three (3) years. This amendment to the term length shall not affect the length of the current term for any existing board member.

- (f) All Members shall be appointed by and serve at the discretion of the City Council. Each Member shall be appointed to represent one particular group set forth in subsection Section 2-179 and shall be directly and verifiably connected to such represented group.

#### **Sec. 2-181 Qualifications.**

- (a) Each Member shall be qualified by experience and/or training to consider and vote on matters within the jurisdiction of the Board and shall not be an employees of the City of Frisco.
- (b) Each Member shall be a qualified voter of Frisco and shall have any other qualifications(s) as the City Council deems necessary and appropriate and as required by the City Charter.
- (c) If a Member of the Board no longer possesses the qualifications for the seat to which they are appointed, they shall resign or be deemed to have resigned.

#### **Sec. 2-182 Officers.**

- (a) The officers of the Board shall be a Chair, a Vice-Chair, a Secretary and such other Officers as the Board may from time to time elect ~~or appoint~~. Terms of office shall be one (1) year with the right of an officer to be reelected. Subject to Section 2-75, Aall officers shall be elected by and from the Board and shall be subject to removal from office at any time by a vote of a majority of the entire Board or by action of the majority of the City Council. A vacancy in the office of any officer shall be filled for the remaining term by a vote of a majority of the Board.
- (b) The Chair shall be the presiding officer of the Board with the following authority:
- (1) Shall preside over all meetings of the Board;
- (2) Shall vote on all matters coming before the Board;

- (3) Shall have the authority, upon reasonable notice to the members of the Board, to call a special meeting of the Board when in the Chair's judgment such a meeting is required;
- (4) Shall report ~~quarterly~~ annually to the City Council concerning the Board's activities and proposals.
- (c) The Vice Chair shall assist the Chair in directing the affairs of the Board. In the absence or the inability to act of the Chair, the Vice Chair shall exercise the powers of the Chair.
- (d) The Secretary shall keep the minutes of all meetings of the Board, and in the Secretary's absence, the Chair shall designate another member to act as Secretary. The Secretary may accept the assistance of City personnel in taking and transcribing minutes, when available, but shall sign name officially before presenting same to the Board for approval.

### **Sec. 2-183 Vacancies.**

When vacancies occur on the Board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the term. Any replacement shall be appointed to represent the group that the vacated seat previously represented.

### **Sec. 2-184 Meetings.**

- (a) All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, as it currently exists or may be amended.
- (b) Regular meetings of the Board shall take place at least once each calendar quarter ~~monthly~~ at a regular time and place to be determined by the Board. ~~The initial regular meeting shall be called by the City Manager or his/her designee and held within thirty (30) days of the appointment of the Board of Members.~~
- (c) Special meetings of the Board may be held at any time or place upon proper notice. Special meetings may be called by the Chair~~man~~, the City Manager, the Staff Liaison, or upon the request of ~~three~~ four (4~~3~~) Members.

### **Sec. 2-185 Quorum and voting.**

- (a) A majority of the duly appointed Members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the Board at a meeting in which a quorum is present shall be the act of the Board ~~of Members~~.
- (b) Each Member is entitled to one (1) vote. Only duly appointed Members shall be allowed to vote. No proxies or substitutions will be allowed.

**Sec. 2-186 Powers and duties.**

- (a) The Board shall develop for City Council review the rules and regulations of the Board as may be prescribed by the City Council for the conduct of its business.
- (b) The Board shall make recommendations to the City Council on the public programming of the Rail District ~~sales and leasing of city-owned buildings in Downtown Frisco~~ that it considers advisable.
- (c) The Board shall make recommendations to the City Council on implementing the Plan and on making amendments or changes to the Plan.
- (d) The Board, through its Chair~~man~~ or Staff Liaison, shall report ~~quarterly~~ annually to the City Council concerning its activities and proposals.
- (e) The Board's authority shall not extend to the direction, supervision, employment, or termination of employees of the City of Frisco, including without limitation, the Staff Liaison.
- (f) The Board may, from time to time, recommend to the City Council amendments or changes to this Ordinance.
- (g) The Board shall not have the power to obligate Frisco for any funds or expenditures or incur any debt on behalf of Frisco.
- (h) The Board shall advise the Staff Liaison on strategic marketing, communications, and public relations targeting the Rail District. ~~Downtown.~~
- (i) The Board shall keep and maintain minutes of any and all proceedings held and submit a written report of such proceedings to the City ~~Council~~ Secretary not more than three (3) weeks following the approval of such minutes by the Board.
- (j) All powers and duties prescribed and delegated herein are delegated to the Board as a unit and all action hereunder shall be of the Board acting as a whole. No action of an individual member is authorized except through the Board or City Council.

**Secs. 2-187 – 2-210 Reserved.”**

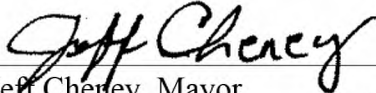
SECTION 3: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said 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 and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

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


**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this 7th day of January, 2025.

  
\_\_\_\_\_  
Jeff Cheney, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristi Morrow, City Secretary

  
\_\_\_\_\_  
Abernathy Roeder Boyd & Hullett, P.C.  
Ryan D. Pittman, City Attorney

