



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, January 14, 2014

1. Call to Order/Roll Call.

The meeting was called to order at 6:01 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller
Deputy Mayor Pro-Tem Kenneth Dugger
Councilmember Michael Korbuly
Councilmember Curry Vogelsang
Councilmember Danny Wilson (arrived at 6:04 p.m.)
Councilmember Jason Dixon

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
Chris Copple, Director of Development Services
Paul Naughton, Landscape Architect
Frank Jaromin, Public Works Director
Kent Austin, Finance Director
Doug Kowalski, Interim Police Chief
Gary McHone, Assistant Police Chief

2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Pastor Jason McConnell of Prosper United Methodist Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

Mayor Pro-Tem Miller made the following announcements:

BNSF closed Frontier Parkway today starting at approximately 10:00 a.m. and were scheduled to reopen at 4:00 p.m. Originally, the railroad had contacted Town staff late last Friday afternoon informing the Town of Prosper and City of Celina that Frontier Parkway at the railroad crossing would be closed on Monday starting at 7:00 a.m. Through Frank Jaromin's efforts with the Town and Gabe Johnson with Celina, the proposed closure was delayed until today to allow the municipalities adequate time to notify the PISD, public safety and residents. Frank also coordinated with Celso to inform the public, and Michael Bulla placed the two Town message boards along Frontier

Parkway yesterday morning to let motorists know of the scheduled closing. Thanks to the fast actions of Town staff, the closure was delayed and proper notice was provided.

The Friends of the Prosper Library are hosting "Bring Your Child to the Library Day" on Saturday, January 25 from 11:00 a.m. – 2:00 p.m.

The Town of Prosper has received an upgrade to its credit rating from A to AA from Standard & Poor's credit rating agency. The increased rating indicates strong management and sound financial practices. The Town Council would like to congratulate Town Manager Harlan Jefferson and Finance Director Kent Austin for their efforts in keeping the Town financially sound.

The Town Council would like to welcome Doug Kowalski as our Interim Police Chief. Doug has over 30 years of law enforcement experience in the North Texas area, and we are excited that he has agreed to share his leadership and experience here in Prosper.

4. Presentations.

- **Recognition of the Prosper Christmas Festival Committee and volunteers. (HW)**

Mayor Smith recognized several community members and staff volunteers who assisted with the Prosper Christmas Festival.

5. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. Consider and act upon minutes from the following Town Council meeting. (RB)**

- **Regular Meeting – December 10, 2013**
- **Special Called Meeting – December 16, 2013**

- 5b. Receive the October 2013 financial report. (KA)**

- 5c. Consider and act upon Ordinance No. 14-01 rezoning 76.1± acres, located on the east side of Legacy Drive, 1,400± feet north of Prosper Trail, from Agricultural (A) to Planned Development-Single Family-15 (PD-SF-15). (Z13-0016). (CC)**

- 5d. Consider and act upon Ordinance No. 14-02 granting a Specific Use Permit (SUP) for a concrete batching plant, on 5.0± acres, located on the west side of Dallas Parkway, 900± feet south of First Street. The property is zoned Planned Development-19-Commercial Corridor. (PD-19-CC). (S13-0001). (CC)**

- 5e. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the**

Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or preliminary site plan. (CC)

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Wilson seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

6. CITIZEN COMMENTS:

(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.)

Mayor Smith recognized the following individuals who requested to speak:

Roger Flood, 2761 Meadow Ridge Drive, Prosper, spoke on behalf of the Friends of the Prosper Community Library regarding the upcoming "Bring Your Child to the Library Day" event to be held on January 25, and announced the results of the reading contest that took place over the recent holiday break.

Local author Ken Smith and his daughter presented a copy of Mr. Smith's book to Mayor Smith.

Twila Weber, 5 Hickory Creek Drive, Prosper, spoke regarding the steep slope of Hickory Creek Drive, and voiced her concerns about access to the neighborhood, especially for emergency vehicles. Town Manager Harlan Jefferson stated that the Town will continue to have dialogue with TxDOT about lowering the slope of Hickory Creek Drive.

There were no other Citizen Comments.

REGULAR AGENDA:

(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)

DEPARTMENT ITEMS:

7. Consider and act upon authorizing the Town Manager to execute a sales tax consultant services agreement with MuniServices, LLC. (KA)

Finance Director Kent Austin presented this item before the Town Council. The agreement will help the Town ensure that it receives all of the sales tax it is owed by recovering money owed, but not paid, to the Town, and also by providing monthly and quarterly reports to Town officials on sales tax activity by taxpayers. Mr. Austin answered questions from the Town Council regarding MuniServices' method of

calculating fees and their method to determine the amount of sales tax owed. Brenda Anderson from MuniServices was present and answered questions regarding the company's fees, and how the Town will be charged for their services.

After discussion, Councilmember Wilson made a motion and Councilmember Vogelsang seconded the motion to approve authorizing the Town Manager to execute a sales tax consultant services agreement with MuniServices, LLC. The motion was approved by a vote of 7-0.

8. Consider and act upon an ordinance amending the FY 2013-2014 budget to establish a part-time Municipal Court Clerk position and a full-time Library Director position. (KA)

Finance Director Kent Austin presented this item before the Town Council. Currently, the Town relies on one full-time Municipal Court Administrator to perform all Court functions. Without any scheduled relief for the Court Administrator, the Court is closed each day from 12:30 p.m. to 1:30 p.m., as well as other times when the Court Administrator must be out of the office. The addition of a part-time Court Clerk would improve customer service, improve turnaround time for court transactions, and improve internal controls for cash management.

Currently, the Prosper Community Library contracts with the City of Celina for part-time Librarian services. The current Librarian works 20 hours per week for the Town of Prosper. In order to continue to meet the criteria for accreditation, the Texas State Library requires the Town to have a Library Director employed for at least 30 hours per week. The addition of a full-time Library Director would allow the Prosper Community Library to implement new programs and prepare for future anticipated growth requirements for the Library.

Mr. Austin explained the budget amendment that would fund the addition of a part-time Municipal Court Clerk and a full-time Library Director, and answered questions regarding employee benefits for the full-time Library Director.

After discussion, Councilmember Korbuly made a motion and Mayor Pro-Tem Miller seconded the motion to approve Ordinance No. 14-03 amending the FY 2013-2014 budget to establish a part-time Municipal Court Clerk position and a full-time Library Director position. The motion was approved by a vote of 7-0.

9. Consider and act upon awarding Bid No. 2014-17-B to Superscapes, Inc., related to the construction services for the First Street and Coit Road Landscape Improvements; and authorizing the Town Manager to execute same. (PN)

Landscape Architect Paul Naughton presented this item before the Town Council. The Town received three bids for the project, which is an extension of the recently completed First Street and Coit Road Widening Project. Mr. Naughton reviewed the details of the base bid and the alternates that are recommended by Town staff. The total proposed budget for this project is \$585,000.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2014-17-B to Superscapes, Inc., related to the construction services for the First Street and Coit Road Landscape Improvements;

and authorize the Town Manager to execute same. The motion was approved by a vote of 7-0.

10. Consider and act upon an amendment to the Capital Improvement Project (CIP) plan for the design and construction of the Southwest Corner of Frontier Park Practice Field and construction of the First Street and Coit Road Landscaping Improvement Project. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. At the December 10, 2013, Town Council meeting, Town staff was directed to proceed with the design of the park improvements at the Southwest Corner of Frontier Park. The proposed CIP amendment adds this new project to the list of proposed CIP Parks Projects, and reallocates funds to pay for the project. The CIP amendment also reallocates cost savings from the First Street and Coit Road Widening Project to fund the First Street and Coit Road Landscape Improvements, which was previously approved at this meeting.

Mr. Webb discussed the funding for both projects, and answered questions regarding electric and water utilities for the Frontier Park site. Upon approval, the Frontier Park project is estimated to be complete by the Spring of 2015. Town staff is researching potential deed restrictions for the property that would determine the plan for lighting at the site.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve an amendment to the Capital Improvement Project (CIP) plan for the design and construction of the Southwest Corner of Frontier Park Practice Field and construction of the First Street and Coit Road Landscaping Improvement Project. The motion was approved by a vote of 7-0.

11. Consider and act upon authorizing the Town Manager to execute an agreement between Dunaway Associates, LP and the Town of Prosper, Texas, related to the update of the Parks, Recreation and Open Space Master Plan. (PN)

Landscape Architect Paul Naughton presented this item before the Town Council. An SOQ was submitted for professional services for the Parks, Recreation and Open Space Master Plan, and Dunaway Associates was selected to provide an inventory and needs assessment as well as an updated Master Plan. Philip Neely, Public Studio Leader with Dunaway Associates, was present and answered questions about the company's methods for determining the Town's current and future needs to be incorporated into the Master Plan.

After discussion, Councilmember Wilson made a motion and Councilmember Korbuly seconded the motion authorizing the Town Manager to execute an agreement between Dunaway Associates, LP and the Town of Prosper, Texas, related to the update of the Parks, Recreation and Open Space Master Plan. The motion was approved by a vote of 7-0.

12. Consider and act upon appointing members to the Parks, Recreation and Open Space Master Plan Advisory Committee. (PN)

Landscape Architect Paul Naughton presented this item before the Town Council. This committee will assist Town staff and Dunaway Associates throughout the Parks, Recreation and Open Space Master Plan update process, and upon completion of the project, will help present the Master Plan to the Town Council.

After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to appoint the following members to the Parks, Recreation and Open Space Master Plan Advisory Committee:

- Craig Andres
- Jan Brown
- Barbara Cottone
- Jack Dixon
- Bill Hays
- Mike Kays
- Johnny Warren
- Rebekah Wikander
- Councilmember Michael Korbuly

The motion was approved by a vote of 7-0.

Following this item, Councilmember Wilson asked a question about the previous item awarding the bid to Superscapes. He asked whether the maintenance costs had been included in the bid award for the First Street and Coit Road Landscape Improvements. Mr. Webb responded that the Town contracts with a vendor for the maintenance of median landscaping, and the maintenance costs for this project will be included in the next bid award.

13. Consider and act upon a resolution making a determination related to the creation of a Neighborhood Empowerment Zone, creating Neighborhood Empowerment Zone No. 2, and setting forth incentives authorized to be used by the Town. (CC)

Development Services Director Chris Copple presented this item before the Town Council. At the October 22, 2013, Town Council meeting, Town staff was directed to pursue the creation of Neighborhood Empowerment Zone (NEZ) No. 2, which is located east of Coleman Road. Mr. Copple reviewed the stipulations and incentives that would be provided by NEZ No. 2, which would include a reduction in permit fees, inspection fees and impact fees, and could also include sales tax and/or property tax incentives. The incentives would apply to residential and non-residential new development and redevelopment within the boundaries of the NEZ. Mr. Copple answered questions from the Town Council regarding the process for repealing the NEZ, if needed, and the provisions for property tax abatement in NEZ No. 2.

After discussion, Councilmember Vogelsang made a motion and Mayor Pro-Tem Miller seconded the motion to approve Resolution No. 14-04 making a determination related to the creation of a Neighborhood Empowerment Zone, creating Neighborhood Empowerment Zone No. 2, and setting forth incentives authorized to be used by the Town. The motion was approved by a vote of 7-0.

14. Discussion on the design of Fire Station No. 2. (RT)

This item was removed from the agenda and no action was taken. The item will be discussed at the January 29, 2014, Town Council Strategic Planning Session.

15. EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

15a. Section 551.087. To discuss and consider economic development incentives.

15b. Section 551.072. To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

15c. Section 551.071. Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.

15d. Section 551.074. To discuss and review the Town Manager's performance evaluation.

The Town Council recessed into Executive Session at 7:21 p.m.

Mayor Smith left the Executive Session at 9:15 p.m.

16. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Regular Session was reconvened at 9:23 p.m.

No action was taken as a result of Executive Session.

17. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

• Missing Sidewalk Program. (HW)

Mr. Webb reviewed three areas in the Town where sections of sidewalk are missing. Town staff recommended and the Town Council agreed that the sidewalks in the Gentle Creek area be added in the Spring of 2014, and the other missing sections be included in the budget for the following fiscal year.

• Naming of future thoroughfares. (CC)

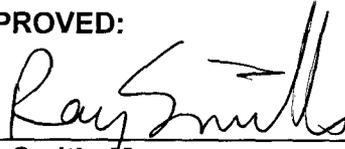
Mr. Copple provided the Town Council with a list of suggested names for thoroughfares in the Town. Some have not yet been built, but will need to be named for addressing and emergency response purposes. Town staff was directed to bring the item before Council again at a future meeting.

18. Adjourn.

The meeting was adjourned at 9:33 p.m., on Tuesday, January 14, 2014.

These minutes approved on the 28th day of January, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary