

Prosper is a place where everyone matters.

MINUTES

Regular Meeting of the Prosper Town Council

Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 25, 2014

1. Call to Order/Roll Call.

The meeting was called to order at 6:00 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, Jr.
Councilmember Danny Wilson
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 Cople, Director of Development Services
Kent Austin, Finance Director
Doug Kowalski, Interim Police Chief

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

Pastor Wayne Bartley led the invocation. Brownie Troop 7231 led the pledge of allegiance and the pledge to the Texas flag.

3. Announcements of upcoming events.

Deputy Mayor Pro-Tem Dugger made the following announcements:

The Town Council thanked Brownie Troop 7231 for leading the pledges. The Brownies are here to learn about local government and how it works to support the community. In the coming weeks, they will be working toward identifying a "Take Action Project" to make the world a better place.

On Monday, new asphalt was installed on Coleman Road south of the High School to repair the pavement as a result of a box culvert crossing completed with the Tanner's Mill development.

The Town will hold its third annual Prosper Spring Clean Up event on Saturday, March 22, from 8:00 a.m. - Noon in the parking lots around Main Street Park. Residents may

bring old electronics, tree and yard debris, and bulk items to be recycled, and on-site shredding services will be available. Please bring a current water bill and drivers license as proof of residency. For more information, please contact Kelly Vanaman in Utility Billing.

The Town of Prosper will hold a Centennial Celebration on Saturday, April 26, in the downtown area. The event will include entertainment, storytelling, games and activities for the whole family that will celebrate Prosper's past, present and future. For more information, please contact Town Secretary Robyn Battle.

The Town Council welcomed Sharon Alderton, the Town's new Children's Services Librarian. Sharon will plan and promote the Summer Reading Program and other activities throughout the year to inspire a love of reading among the children in our community. Ms. Alderton came forward to introduce herself, and tell the Council about the new Children's Storytime program at the library.

4. 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.)

Deputy Mayor Pro-Tem Dugger removed items 4h, 4k, and 4l from the Consent Agenda.

- 4a. Consider and act upon minutes from the following Town Council meeting. (RB)**
 - Regular Meeting – February 11, 2014**
- 4b. Consider and act upon canceling the March 11, 2014, Town Council meeting. (RB)**
- 4c. Consider and act upon adopting Resolution No. 14-07 ordering a General Election to be held on May 10, 2014, and authorizing the Town Manager to execute agreements with the Collin County Election Administration and the Denton County Election Administration to provide joint election services with the Prosper Independent School District. (RB)**
- 4d. Consider and act upon appointing Mark DeMattia to the Board of Directors, and approving the appointment of Nathan P. Bontke, Scott Ramsey, Brett L. Pedigo, and David Blom for the remaining positions on the Board of Directors for the Prosper Management District No. 1. (RB)**
- 4e. Consider approval of the purchase of one brush truck for the Fire Department, from Chastang Ford, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program; and authorize prepayment options. (JC)**
- 4f. Receive the January 2014 Financial Report. (KA)**

- 4g. **Receive the Quarterly Investment Report for the quarter ending December 31, 2013. (KA)**
- 4i. **Consider and act upon receiving the 2013 Racial Profiling Report as required by state law. (DK)**
- 4j. **Consider and act upon Ordinance No. 14-08 establishing a curfew for juveniles under the age of 17 years. (DK)**

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

- 4h. **Consider and act upon an addendum to the current Interlocal agreement between the Town of Prosper and the North Central Texas Council of Government (NCTCOG) regarding the implementation of the Smart911 system. (DK)**

Deputy Mayor Pro-Tem Dugger asked regarding the cost of the Smart911 service. Town Manager Harlan Jefferson clarified that although the service is free to residents, the Town pays a fee for the service, which is included in the Town's budget.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve Item 4h. The motion was approved by a vote of 7-0.

- 4k. **Consider and act upon Ordinance No. 14-09 rezoning 6.5± acres, located on the west side of Custer Road, 500± feet north of Prosper Trail, from Agricultural (A) to Planned Development-Office (PD-O). (Z13-0009). (CC)**
- 4l. **Consider and act upon Ordinance No. 14-10 amending 6.6± acres of Planned Development-57-Office (PD-57-O), located on the north side of Prosper Trail, 500± feet west of Custer Road. (Z13-0019). (CC)**

Mayor Smith recused himself from Items 4k and 4l, and he stepped down from the Council bench.

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve Items 4k and 4l. The motion was approved by a vote of 6-1.

5. 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 individual who requested to speak:

Wayne Bartley, 721 Shadow Hill Drive, Prosper, spoke regarding the activities of Cornerstone North Central Texas. He reviewed the organization's programs and accomplishments for the previous year, and the new programs planned for 2014. Mr.

Bartley thanked the Town Council and the residents of Prosper for their continued support of Cornerstone NCT. Councilmember Korbuly and Councilmember Wilson thanked Mr. Bartley for his efforts for Cornerstone NCT.

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.)

PUBLIC HEARINGS:

6. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.7± acre from Single Family-15 (SF-15) to Downtown Single Family (DTSF), located on the north side of Third Street, 200± feet west of Church Street (309 E. Third Street). (Z14-0001). (CC)**

Development Services Director Chris Copple presented this item before the Town Council. The proposed zoning request is to rezone the property from Single Family-15 to Downtown Single Family, which conforms to the Future Land Use Plan. The Planning and Zoning Commission has approved the request, and Town staff recommends approval as well.

Mayor Smith opened the Public Hearing.

With no-one speaking, Mayor Smith closed the Public Hearing.

Mayor Pro-Tem Miller made a motion and Councilmember Vogelsang seconded the motion to approve a request to rezone 0.7± acre from Single Family-15 (SF-15) to Downtown Single Family (DTSF), located on the north side of Third Street, 200± feet west of Church Street (309 E. Third Street). The motion was approved by a vote of 7-0.

7. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.3± acre from Single Family-15 (SF-15) to Downtown Retail (DTR), located on the west side of Coleman Street, 100± feet south of Fifth Street. (Z14-0002). (CC)**

Development Services Director Chris Copple presented this item before the Town Council. The proposed zoning request is to rezone the property from Single Family-15 to Downtown Retail, which conforms to the Future Land Use Plan. The Planning and Zoning Commission has approved the request, and Town staff recommends approval as well.

Mayor Smith opened the Public Hearing.

With no-one speaking, Mayor Smith closed the Public Hearing.

After discussion, Councilmember Korbuly made a motion and Mayor Pro-Tem Miller seconded the motion to approve a request to rezone 0.3± acre from Single Family-15 (SF-15) to Downtown Retail (DTR), located on the west side of Coleman Street, 100± feet south of Fifth Street. The motion was approved by a vote of 7-0.

8. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.4± acre from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northwest corner of Craig Road and First Street (713 E. First Street). (Z14-0003). (CC)**

Development Services Director Chris Copple presented this item before the Town Council. The proposed zoning request is to rezone the property from Single Family-15 to Downtown Office, which conforms to the Future Land Use Plan. The Planning and Zoning Commission has approved the request, and Town staff recommends approval as well.

Mayor Smith opened the Public Hearing.

With no-one speaking, Mayor Smith closed the Public Hearing.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve a request to rezone 0.4± acre from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northwest corner of Craig Road and First Street (713 E. First Street). The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

9. **Consider and act upon authorizing the Town Manager to enter into an Alternate Funding Procedure Agreement between the Town of Prosper and the Upper Trinity Regional Water District (UTRWD). (KA)**

Finance Director Kent Austin presented this item before the Town Council. The Town's agreement with the Upper Trinity Regional Water District allows the Town to utilize alternative funding options for the Town's share of the Doe Branch Wastewater Treatment Plant. The proposed agreement, written by the Town's bond counsel, Dan Culver, outlines the terms of the alternate funding procedure. The Town will receive regular reports on how the Town's portion of the funds for the project will be spent.

After discussion, Councilmember Wilson made a motion and Councilmember Dixon seconded the motion authorizing the Town Manager to enter into an Alternate Funding Procedure Agreement between the Town of Prosper and the Upper Trinity Regional Water District (UTRWD). The motion was approved by a vote of 7-0.

Mayor Smith opened Items 10 and 11 concurrently.

10. **Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Bond Purchase Agreement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. (KA)**

11. **Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas General Obligation Refunding and Improvement Bonds, Series 2014, including the adoption of an ordinance authorizing the issuance of such Bonds, approving an Official Statement, a Bond Purchase Agreement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. (KA)**

Finance Director Kent Austin introduced Jason Hughes of FirstSouthwest, the Town's Financial Advisor. Mr. Hughes reviewed the terms of the Certificates of Obligation and the General Obligation Bonds. The Town will save nearly \$1 million by providing its own funding for the Doe Branch Wastewater Treatment Plant. Town staff recommends funding \$13 million of its \$16 million share by debt, with the remaining \$3 million funded by cash in the Water/Sewer fund.

Existing low interest rates have made refunding of the Town's 2004 bond series favorable. Along with the refunding, Town staff is proposing to include \$1 million for CIP projects including Frontier Park field lighting, the Windsong Ranch Fire Station, and the Cook Lane Fire Station. The savings from the refunding will decrease the amount of the Town's annual debt service and completely offset the cost of the new debt being issued. Town staff and Mr. Hughes recommended approval of both items.

After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to adopt Ordinance No. 14-11 authorizing the issuance of the Town's Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Bond Purchase Agreement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to adopt Ordinance No. 14-12 authorizing the issuance and sale of the Town of Prosper, Texas General Obligation Refunding and Improvement Bonds, Series 2014, including the adoption of an ordinance authorizing the issuance of such Bonds, approving an Official Statement, a Bond Purchase Agreement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. The motion was approved by a vote of 7-0.

12. **Consider and act upon an ordinance of the Town Council of the Town of Prosper, Texas, amending the budget for fiscal year 2013-2014 in accordance with existing statutory requirements and appropriating the various amounts referenced herein; making findings related thereto, providing repealing, savings and severability clauses; and providing for an effective date. (KA)**

Finance Director Kent Austin presented this item before the Town Council. The proposed budget amendment would authorize the use of \$3 million from the Water/Sewer fund to be used to fund the Town's portion of the Doe Branch Wastewater Treatment Plant.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to adopt Ordinance No. 14-13 amending the budget for fiscal year 2013-2014 in accordance with existing statutory requirements and appropriating the various amounts referenced herein; making findings related thereto, providing repealing, savings and severability clauses; and providing for an effective date. The motion was approved by a vote of 7-0.

13. Consider and act upon authorizing the Town Manager to execute a Fifth Amendment to the Preannexation Agreement between the Town of Prosper and TVG Texas I, LLC. (CC)

Development Services Director Chris Copple presented this item before the Town Council. The Town first entered into the preannexation agreement with Forest City and Mahard Egg Farm in 2007. The property is now owned by TVG Texas I, LLC. The proposed fifth amendment, as well as the four previous amendments, are related to the donation of the first elementary school site, dedication of a 50-acre community park site, and the payment of a \$100,000 community park grant. The community park grant funds were received by the Town earlier this year, per the agreement. The fifth amendment would extend the dedication requirement to March 28, 2014, and the community park dedication to April 30, 2014. Town staff recommended approval of this item.

After discussion, Councilmember Vogelsang made a motion and Mayor Pro-Tem Miller seconded the motion authorizing the Town Manager to execute a Fifth Amendment to the Preannexation Agreement between the Town of Prosper and TVG Texas I, LLC. The motion was approved by a vote of 7-0.

14. Discussion on the Town Council strategic goal: Develop a plan for recreation programs to be offered by the Town. (JS)

Recreation Services Coordinator Julie Shivers presented this item before the Town Council. Ms. Shivers reviewed several programs that the Parks and Recreation Department is currently offering. New programs include a tennis academy, Fit 4 Mom/Stroller Strides, Kindermusik, and a 100-mile walking challenge in conjunction with the Town's Centennial Celebration. Lighthouse Church has partnered with the Town on the Bricks4Kids and Kindermusik programs by allowing the Town to use space at the church at no additional cost. Town staff is working on developing other programs that have been suggested by residents and the Parks and Recreation Board to provide a variety of recreational opportunities. Ms. Shivers will provide another update on recreation programs at the April 8, 2014, Town Council Meeting.

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 551.074 - To discuss and review the Town Manager's performance evaluation.

The Town Council recessed into Executive Session at 6:54 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 8:48 p.m.

The following action was taken as a result of Executive Session:

Councilmember Wilson made a motion and Deputy Mayor Pro-Tem seconded the motion to authorize the Mayor to execute an employment agreement with the Town Manager pursuant to the terms discussed in Executive Session. The motion was approved by a vote of 7-0.

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

- **Temporary Building Standards. (CC)**

Development Services Director Chris Copple presented this item before the Town Council. The Town's zoning ordinance currently requires private entities to apply for a Specific Use Permit for temporary buildings, with three exceptions: public schools, government agencies, and houses of worship, which may apply for an initial three-year term with a one-year extension, at which time the temporary building should be removed. Town staff is seeking direction from the Town Council on the duration that public schools, government agencies, and houses of worship may keep temporary buildings on their property. After discussion, Town staff was directed to amend the existing ordinance to exempt government agencies and public schools from the ordinance, and give houses of worship the option to reapply for additional terms for temporary buildings.

- **Update on Centennial Celebration (RB)**

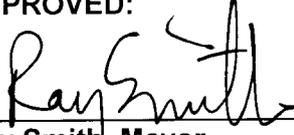
Town Secretary Robyn Battle presented this item before the Town Council. The Centennial Celebration is scheduled for Saturday, April 26, 2014, from 12:30 - 4:00 p.m. Ms. Battle reviewed the current plans for the celebration, which include an opening ceremony, games, activities, food, and entertainment. The planning committee is continuing to finalize plans for the event.

18. Adjourn.

The meeting was adjourned at 9:10 p.m., on Tuesday, February 25, 2014.

These minutes approved on the 25th day of March, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST



Robyn Battle, Town Secretary