



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, March 25, 2014
6:00 p.m.

1. Call to Order/Roll Call.
2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
3. Announcements of upcoming events.
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.)

- 4a. Consider and act upon minutes from the following Town Council meeting. **(RB)**
 - Regular Meeting – February 25, 2014
- 4b. Consider and act upon a resolution approving the exclusion of land from the boundaries of Prosper Management District No. 1. **(RB)**
- 4c. Receive the February 2014 Financial Report. **(KA)**
- 4d. Consider and act upon an ordinance amending Article 12.04 of Chapter 12 of the Code of Ordinances related to concrete trucks and leakage of concrete. **(DK)**
- 4e. Consider and act upon an ordinance amending Article 4.09 of the Code of Ordinances (Special Events and Temporary Outdoor Seasonal Sales). **(CC)**
- 4f. Consider and act upon an ordinance rezoning 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)**
- 4g. Consider and act upon an ordinance rezoning 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)**
- 4h. Consider and act upon an ordinance rezoning 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)**
- 4i. Consider and act upon approving a list of qualified firms to provide professional engineering and related services to the Town of Prosper. **(MR)**

- 4j. Consider and act upon approving the purchase of lighting and installation services for the Frontier Park Soccer Field Lighting Addition project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative. **(PN)**
- 4k. 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)**
- 4l. Consider and act upon authorizing the Town Manager to execute a Brokerage Service Agreement between McGriff, Seibels & Williams of Texas, Inc., related to employee benefit management services. **(BR)**

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.)

Other Comments by the Public -

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 357.3± acres, located on the north side of US 380, 3,800± feet west of Dallas Parkway, from Planned Development-14 (PD-14) and Planned Development-43 (PD-43) to Planned Development-Single Family/Retail/Commercial (PD-SF/R/C). (Z13-0011). **(CC)**
- 7. Conduct a Public Hearing, and consider and act upon a request to rezone 29.5± acres, located on the southeast corner of Coit Road and Frontier Parkway, from Agricultural (A) to 16.2± acres of Single Family-17.5 (SF-17.5) and 13.3± acres of Retail (R). (Z14-0004). **(CC)**
- 8. Conduct a Public Hearing, and consider and act upon a request for a variance to the Sign Ordinance, Section 1.09(L), regarding Subdivision Entry Signs, located north of US 380 at Windsong Ranch Parkway. (V14-0001). **(CC)**

DEPARTMENT ITEMS:

9. Consider and act upon authorizing the Town Manager to execute a Standard Form of Agreement between the Town and Pogue Construction Co., L.P., related to Construction Manager-At-Risk services for Prosper Fire Department Station No. 2; an Addendum to the Standard Form of Agreement between the Town and the Construction Manager-At-Risk; and an Addendum to the General Conditions of the Contract for Construction. **(JC)**
10. Consider and act upon a resolution accepting the Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2013, as presented by Cara Hilbrich of Davis Kinard & Co, PC, Certified Public Accountants. **(KA)**
11. Consider and act upon a resolution declaring the expectation to reimburse expenditures for the design and construction of Coleman Street (Prosper Trail to Prosper High School) and Rhea Mills concrete street improvements with proceeds of future debt, and authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date. **(KA)**
12. Consider and act upon authorizing the Town Manager to execute an agreement between Kimley-Horn and Associates, Inc., and the Town of Prosper, Texas, related to the design of Coleman Street (Prosper Trail to Prosper High School). **(MR)**
13. Consider and act upon awarding Bid No. 2014-32-B to Austin Bridge & Road, LP, related to construction services for the Prosper Road Improvement Project 2014; and authorizing the Town Manager to execute same. **(HW)**
14. **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:
 - 14a. *Section 551.087. - To discuss and consider economic development incentives.*
 - 14b. *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.*
15. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
16. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
 - SH 289 Landscape, Lighting and Monument Signage. **(HW)**
 - Update on Town Hall/Multi-Purpose architectural and engineering services consultant selection. **(HW)**
17. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at the Town Hall of Prosper, Texas, 121 W. Broadway Street, Prosper, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time:

On March 21, at 5:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

If during the course of the meeting covered by this Notice, the Town Council should determine that a closed or executive meeting or session of the Town Council or a consultation with the attorney/special counsel for the Town should be held or is required, then such closed or executive meeting or session or consultation with the attorney/special counsel as authorized by the Texas Open Meetings Act, Texas Government Code, §551.001, *et seq.*, will be held by the Town Council at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Town Council may conveniently meet in such closed or executive meeting or session or consult with the attorney/special counsel for the Town concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sections and purposes:

Texas Government Code:

- §551.071 - Consultation with the attorney/special counsel for the Town.
- §551.072 - Discussion regarding the purchase, exchange, lease or value of real property.
- §551.074 - Discussion regarding personnel matters.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper Staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

<p>NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council Meetings are wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as Interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the Town Secretary's Office at (972) 569-1011. BRAILLE IS NOT AVAILABLE.</p>
