



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, April 8, 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 Copple, Development Services Director
Matt Richardson, Senior Engineer
Michael Bulla, CIP Project Manager
Kent Austin, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Interim Police Chief
Gary McHone, Assistant Police Chief
Julie Shivers, Recreation Services Coordinator

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

Pastor Rick Briscoe led the invocation. The pledge of allegiance and the pledge to the Texas flag were recited.

3. Announcements of upcoming events.

Councilmember Dixon made the following announcements:

Smart911 is now operational in Prosper. Residents can log on to www.smart911.com and fill out a Safety Profile that can include information such as an acute medical condition, work or home addresses, names of children and elderly parents, and a host of other information that can save time when dialing 9-1-1 and reporting an emergency.

The Town is partnering once again with Texas A&M Agri-Life to present an adult education series on water conservation. The series is designed to provide information to help residents improve their home landscapes and gardens while conserving water. The classes will be held at 6:30 p.m. each Monday through April 21st at the Prosper Community Library. Information and registration is available on the Town's website.

Senior Citizens are invited to attend Coffee with the Mayor on Friday, April 11, at 9:00 a.m., in Prosper Municipal Chambers. Please RSVP to Kelly Vanaman in Utility Billing.

Also on April 11, Prosper High School will host a Relay for Life to Benefit the American Cancer Society. The Relay will take place at Prosper High School from 6:00 p.m. to midnight. Contact Prosper ISD for more information.

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

4. **Proclamations.**

- **Presentation of a Proclamation to members of Prosper's Police Dispatch Personnel declaring the week of April 13-19, 2014, as *National Telecommunicators Week*.**

Mayor Smith presented the Proclamation to Dispatch Supervisor Natalee Warren and Dispatcher Elise Dailey.

- **Presentation of a Proclamation to members of the Collin County Children's Advocacy Center declaring April 2014 as *Child Abuse Prevention Month*.**

Mayor Smith presented the Proclamation to Terri Green, First Vice President of the Child Protective Services Board and Lynne McLean, CEO of the Collin County Children's Advocacy Center

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 – March 25, 2014**
- 5b. **Consider and act upon awarding CSP No. 2014-30-A to V&A Lawn Service, at the unit prices proposed, to establish an annual fixed-price contract for Prosper Parkland and Right-Of-Way Maintenance; and authorizing the Town Manager to execute same. (JC)**

- 5c. Consider and act upon authorizing the Town Manager to execute a service contract between Superscapes, Inc., and the Town of Prosper, Texas, related to First Street and Coit Road landscape maintenance services. (JC)
- 5d. Consider and act upon authorizing the Town Manager to execute an agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the development of a new Subdivision Ordinance. (JC)
- 5e. Consider and act upon Resolution No. 14-22 declaring the expectation to reimburse expenditures for the design and construction of Town Hall with proceeds of future debt; authorizing the preparation of the documents associated with the issuance, sale, and delivery of the debt obligations; and providing an effective date. (KA)
- 5f. Consider and act upon authorizing the Town Manager to execute an agreement between Brinkley Sargent Architects, and the Town of Prosper, Texas, related to the design of a new Town Hall/Multi-Purpose Building. (JC)
- 5g. 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)
- 5h. Consider and act upon Ordinance 14-23 rezoning 357.3± acres, located on the north side of U.S. 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)

Mayor Pro-Tem Miller 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.)

Comments by the Public:

Gerald Perrin, Area Manager for Oncor, announced that he will be retiring at the end of April. He extended his appreciation to the Council for the positive working relationship he has had while serving the Prosper area.

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:

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)**

Development Services Director Chris Copple presented this item before the Town Council. The Public Hearing for this item was held on March 25, 2014, and the Town Council tabled the item until tonight's meeting. The applicant has reconfigured the location and acreage of the Single-Family-17.5 and the Retail tracts. Hulon Webb, Executive Director of Development and Community Services, answered questions on the process for the required Traffic Impact Analysis, and the development of floodplain area on the property.

Mayor Smith recognized the following individuals who requested to speak:

Dana Pelan, 1891 Sand Creek Drive, Prosper, spoke in opposition to the item, noting concerns for traffic, public safety, and proposed lot sizes for the development.

David Snyder, 1791 Sand Creek Drive, Prosper, spoke in opposition to the item, noting that he did not believe the density for the proposed development complied with the Comprehensive Plan. Mr. Snyder provided a handout to the Town Council that included a chronology of events related to the development of the 2012 Comprehensive Plan.

Jack Dixon, 810 Long Valley Court, Prosper, questioned whether the Comprehensive Plan is to be used as a legal instrument or as a guide, and recommended the property be zoned as residential only.

Bruce Blackmon, 2681 Fair Oaks Lane, Prosper, spoke in opposition to the item, noting that while he is not opposed to retail development, he does not feel the timing is right, and is concerned about safety and making sure the appropriate infrastructure is in place first.

Scott Clayton, 2601 Fair Oaks Lane, Prosper, spoke in opposition to the item, noting that many residents oppose the Comprehensive Plan that is now in place, and questioned the calculations that were used to determine the density for the proposed zoning request.

Jessica Parton, 2700 Fair Oaks Lane, Prosper, spoke in opposition to the item, questioning whether this development is appropriate for the Town at this time, and expressing concern for the safety of drivers during the development process.

Ann Lieber, 1190 Crooked Stick Drive, Prosper, questioned a discrepancy between the Comprehensive Plan and the Future Land Use Plan related to retail development at the proposed site.

Bill Strohmeier, 2641 Fair Oaks Lane, Prosper, did not wish to speak, but wished to express his opposition to the item.

Jennifer and Mark Devol, 1861 Sand Creek Drive, Prosper, did not wish to speak, but wished to express their opposition to the item.

Kirby Jones, 1760 Silverleaf Court, Prosper, did not wish to speak, but wished to express his support of the item.

Mardy Brown, representing the applicant, answered questions from the Town Council on the timeline for the development and the Traffic Impact Analysis. Terry Welch, Town Attorney, clarified the use of the Comprehensive Plan as a guide for zoning, explained the process by which retail development was added to the Future Land Use Plan at the proposed site, and noted that under straight zoning, there is a list of permitted uses; as long as the zoning request includes a permitted use, it is a legal use for the property. Town staff answered questions on right-of-way acquisition, traffic safety lights, and upcoming meetings with Collin County, the Regional Transportation Council, the City of Celina, and the Texas Department of Transportation to discuss the development and potential funding for roadways, including FM 1461.

Councilmember Korbuly made a motion and Mayor Pro-Tem Miller seconded the motion to approve a request to rezone 29.5± acres, located on the southeast corner of Coit Road and Frontier Parkway, from Agricultural (A) to 17.9± acres of Single Family-17.5 (SF-17.5) and 11.6± acres of Retail (R), as shown on revised Exhibit A. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a Child Day Care Center, on 2.3± acres, located on the east side of Coit Road, 800± feet north of First Street. The property is zoned Retail (R). (S14-0001). (CC)

Development Services Director Chris Copple presented this item before the Town Council. Mr. Copple reviewed the details of the request, and the criteria used to determine its validity. The SUP conforms to the Future Land Use Plan. The Planning and Zoning Commission has approved the request subject to conditions for façade materials and fencing. Town staff recommended approval of the item, subject to fencing and façade requirements that are consistent with the Town's zoning ordinance.

Mayor Smith opened the Public Hearing, and recognized the following individual who requested to speak:

Arlyn Samuelson of Pogue Engineering and Development Company, spoke on behalf of the potential owners and operators of the facility, who already own other facilities in Allen and Frisco and answered questions from the Town Council.

Mayor Smith closed the Public Hearing.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Dixon seconded the motion to approve request for a Specific Use Permit (SUP) for a Child Day Care Center, on 2.3± acres, located on the east side of Coit Road, 800± feet north of First Street,

subject to the following: 1) the front façade facing Coit Road shall be 80% stone, 2) the remaining façades shall be stone from the ground up to the stone sill, and 3) wrought iron fencing and access gates shall be provided at both the northwest and southeast ends of the landscaping setback. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

9. Consider and act upon a resolution reviewing, updating, and adopting the Town of Prosper and Prosper EDC Investment Policy and Investment Strategy. (KA)

Finance Director Kent Austin presented this item before the Town Council. The Texas Government Code requires the Town to review its investment policy and strategy annually. There has been no change in the policy, and no legislative action by the state legislature to require a change in the policy. Mr. Austin answered questions from the Town Council on the amount of funds that can be invested in non-liquid assets, and clarified the individual Town staff members who are responsible for managing the Town's investments and financial transactions.

Mayor Pro-Tem Miller made a motion and Councilmember Vogelsang seconded the motion to approve Resolution No. 14-24 reviewing, updating, and adopting the Town of Prosper and Prosper EDC Investment Policy and Investment Strategy. The motion was approved by a vote of 7-0.

10. Consider and act upon awarding Bid No. 2014-37-B to JLB Contracting, LLC, related to construction services for the Prosper Road Improvements Project 2014 - Rhea Mills Pavement Replacement; and authorizing the Town Manager to execute a construction agreement for same. (MR)

Senior Engineer Matt Richardson presented this item before the Town Council. The contract will replace the existing concrete pavement in the Rhea Mills subdivision with new concrete pavement, including incidental work on driveways and culverts. Mr. Richardson responded to questions from the Town Council on the details of the contract. January Cook, Purchasing Agent, responded to a question from the audience on the Town's bidding process, explaining that the Town does due diligence on all contracts, including checking references, and making sure companies are registered to do business in the State of Texas.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to award Bid No. 2014-37-B to JLB Contracting, LLC, related to the construction services for the Prosper Road Improvement Project 2014 - Rhea Mills Pavement Replacement in the amount of \$813,993.50; and authorize the Town Manager to execute a Construction Agreement between JLB Contracting, LLC, and the Town of Prosper, related to construction services for the same. The motion was approved by a vote of 7-0.

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

Julie Shivers, Recreation Services Coordinator, presented this item before the Town Council. Ms. Shivers reviewed the programs currently being offered by the Town, as well as those that are planned to be offered during the summer. Town staff is actively

working on implementing additional programs at the request of residents to provide a variety of programs that include active adult programs, senior programs, fitness/sport classes and camps and indoor recreational classes. The Town Council expressed approval of the plan for recreation programs, with an additional request that all new programs be submitted to the Parks and Recreation Board for approval before being implemented.

This was an informational item only, and no action was taken.

12. Discussion on the Old Town Drainage Study. (MR)

Senior Engineer Matt Richardson introduced Ulys Lane from Wier and Associates, Inc., who performed a drainage analysis of the Old Town area of Prosper. Mr. Lane reviewed the details of the analysis, and recommended a number of measures to improve the flow of drainage in the Old Town area and to reduce the hazards associated with backup of drainage flows. The recommendations are to be used as a guide for future improvements. As planning occurs for future development, a more detailed analysis will occur for each element proposed in the plan, including a cost/benefit analysis.

This was an informational item only, and no action was taken.

13. Capital Improvement Projects update. (MR)

CIP Project Manager Michael Bulla presented this item before the Town Council. Mr. Bulla updated the Council on the Capital Improvement Projects that have been recently completed, and those that are currently under construction. Senior Engineer Matt Richardson continued the presentation by updating the Council on projects that are currently under design, those that have approved funding, and those that will need additional funding in order to be implemented. Mr. Richardson reviewed the Five-Year CIP Plan and the status of the 2011 Bond Projects.

This was an informational item only, and no action was taken.

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.

The Town Council recessed into Executive Session at 8:37 p.m.

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

The Regular Session was reconvened at 10:12 p.m.

No action was taken as a result of Executive Session.

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

• **Discussion on Capital Improvement Project Process. (HW)**

Mr. Webb reviewed concerns that have previously been brought to Town staff's attention by the Town Council related to the CIP Process, and the strategies that have been put in place to address those concerns.

• **Discussion on watering restrictions and the Drought Contingency Plan. (FJ)**

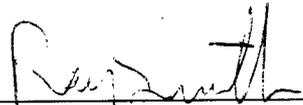
Frank Jaromin, Public Works Director, updated the Town Council on the North Texas Municipal Water District's Water Conservation Plan and Drought Contingency Plan, which the Town has adopted. While the Town is still under Stage 3 watering restrictions, the hours for watering are being revised as of April 22 so that no watering may occur during the hours of 10:00 a.m. and 6:00 p.m. NTMWD may also be revising the definitions of their drought contingency stages. The Town Council expressed concern that the new definitions may create confusion for residents. Mr. Jaromin responded that Town staff will be diligent about informing residents by providing information on the Town website, press releases, and signage. An update to the Water Conservation Plan will be brought forward for Council consideration at the April 22, 2014, Town Council meeting, and a proposed enforcement plan will be brought forward at a future Town Council meeting.

17. Adjourn.

The meeting was adjourned at 10:31 p.m., on Tuesday, April 8, 2014.

These minutes approved on the 22nd day of April, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary