



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, June 24, 2014

1. Call to Order/Roll Call.

The meeting was called to order at 5:01 p.m.

Council Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Kenneth Dugger
Councilmember Michael Korbuly
Councilmember Mike Davis
Councilmember Curry Vogelsang, Jr.
Councilmember Jason Dixon

Council Members Absent:

Mayor Pro-Tem Meigs Miller

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, Development Services Director
Matt Richardson, Senior Engineer
Frank Jaromin, Public Works Director
Kent Austin, Finance Director
Baby Raley, Human Resources Director
January Cook, Purchasing Agent

2. 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:

2a. *Section 551.087 - To discuss and consider economic development incentives.*

2b. *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 5:03 p.m.

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

The Town Council reconvened the Regular Session at 6:31 p.m. No action was taken as a result of Executive Session.

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

Pastor Steven Scifers led the invocation. The pledge of allegiance and the pledge to the Texas flag were recited.

5. Announcements of upcoming events.

Councilmember Korbuly made the following announcements:

Due to the poor weather on Monday, TxDOT and Mario Sinacola have rescheduled the closure of the Broadway and Preston Road intersection for Wednesday, June 25. Asphalt crews will begin to resurface the intersection at 8:00 a.m., and the intersection should reopen by Wednesday afternoon. Crews will begin work on the asphalt transitions on Preston Road at the Prosper Trail and Frontier Parkway intersections on Wednesday afternoon as well. Weather permitting, workers are expected to complete both intersections by Thursday afternoon. Motorists should anticipate minor delays at these intersections as flaggers direct traffic through the work zones.

Weather permitting, Preston Road is scheduled to open on July 8. Beginning at 4:00 a.m., crews will begin shifting north-bound traffic to the new pavement. The traffic shift should last about two hours, and motorists should anticipate slight delays. Traffic between Prosper Trail and Frontier Parkway will be confined to two lanes until paving is completed in Celina. South-bound motorists will use the existing single lane until permanent striping can be completed. Weather permitting, the south-bound lanes are expected to open by July 14.

Prosper residents are encouraged to complete an online survey to assist the Town in updating its Parks, Recreation and Open Space Master Plan. The survey includes questions about resident preferences on park usage, park facilities, and recreational opportunities. The survey is available on the Town's website. Please contact Paul Naughton, Landscape Architect, for more information.

The Town will host an informational meeting on West Nile Virus on Monday, June 30, at 6:00 p.m. in Municipal Chambers. Residents will learn about the Town's efforts to control mosquitoes, as well as practical ways to prevent the spread of the virus. Contact Trish Eller, Code Compliance Officer, for more information.

Live & Prosper Magazine is hosting "Pride in the Sky" as part of its 2014 Summer Series. This Independence Day celebration will take place on Thursday, July 3, from 5:00 to 10:00 p.m. at Frontier Park. Activities will include a charity softball game, car show, music, food, games, and fireworks.

6. **Proclamations.**

- **Presentation of a Proclamation to a representative of The Initiative Cheer & Gymnastics declaring June 27, 2014, as *Olympic Day*.**

Samantha Dickey of The Initiative Cheer & Gymnastics was present to receive the Proclamation.

7. **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 Item 7f from the Consent Agenda.

7a. Consider and act upon minutes from the following Town Council meeting. (RB)

- **Regular Meeting – June 10, 2014**

7b. Receive the May 2014 Financial Report. (KA)

7c. Consider and act upon authorizing the Town Manager to execute a Storm Water Management Agreement between Prosper Partners, LP, and the Town of Prosper, Texas, related to the construction of a detention pond and pump to serve the Parks at Legacy development. (HW)

7d. Consider and act upon authorizing the Town Manager to execute a Reservation of Rights and Encroachment on Easement Agreement between Atmos Energy Corporation and the Town of Prosper, Texas, related to the dedication of right-of-way for Mahard Parkway. (MR)

7e. Consider and act upon Ordinance No. 14-37 amending the Town's Future Land Use Plan. (CA14-0001). (CC)

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve Items 7a through 7e on the Consent Agenda. The motion was approved by a vote of 6-0.

7f. Consider and act upon Ordinance No. 14-38 amending 46.6± acres of Planned Development-40 (PD-40), located on the northeast corner of Gee Road and US 380. (Z14-0010). (CC)

Town Attorney Terrence Welch provided an amendment to the proposed motion. Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Vogelsang Seconded the motion to approve an ordinance amending 46.6± acres of Planned Development-40 (PD-40), located on the northeast corner of Gee Road and US Highway 380 (Z14-0010) subject to the following:

On Exhibit C to the proposed ordinance, Section 3(j), "Approval Process," shall be deleted and a new subsection (j) added, to read as follows: "Lighting: On-site parking

lot lighting shall include dimmers"; and a new subsection (k) added: "Screening: Developer shall maintain three-foot berms for purposes of screening along Gee Road and Windsong Ranch Parkway, and shall use best efforts to install berms along US Highway 380."

The motion was approved by a vote of 6-0.

8. 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 –

Irwin "Cap" Parry, 850 Kingsview, Prosper, encouraged the Town Council to limit the amount of commercial development, noting that the amount of tax revenue from residential development would be comparable to that of commercial development.

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:

- 9. Conduct a Public Hearing, and consider and act upon a request to rezone 33.2± acres, located on the northeast corner of Preston Road and Prosper Trail, from Single Family-15 (SF-15) to Planned Development-Retail (PD-R). (Z14-0007). (CC)**

Mayor Smith announced that the applicants for Items 9 and 10 have requested that both items be tabled to the July 8, 2014, Town Council meeting.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to table Item 9 to the July 8, 2014, Town Council meeting. The motion was approved by a vote of 6-0.

- 10. Conduct a Public Hearing, and consider and act upon a request to rezone 80.7± acres, located on the southeast corner of Dallas Parkway and Frontier Parkway, from Single Family-15 (SF-15) to Planned Development-Single Family/Retail (PD-SF/R). (Z14-0006). (CC)**

Councilmember Korbuly made a motion and Councilmember Davis seconded the motion to table Item 10 to the July 8, 2014, Town Council meeting. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

11. **Consider and act upon authorizing the Town Manager to enter into contracts for employee benefits with Blue Cross Blue Shield for group medical insurance, Delta Dental for group dental insurance, EyeMed for group vision services, Mutual of Omaha for group and voluntary Life/Accidental Death and Dismemberment (AD&D)/Short-term Disability (STD)/Long-term Disability (LTD) insurance, Stanley, Hunt, Dupree & Rhine (SHDR) for section 125, Cafeteria Plan, Medical Expense Reimbursement Plan (MERP) - Health Reimbursement Account (HRA) claims administration, Allstate for voluntary work-life benefits, and Health Plan One Exchange Solutions' services for retiree exchange services. (BR)**

Baby Raley, Human Resources Director, presented this item before the Town Council. Ms. Raley reviewed the recommended providers for employee benefits for the plan year beginning August 1, 2014. Town staff, the Employee Benefits Committee, and the Council Benefits Subcommittee agreed on the chosen providers. The Town will also transition from an August 1 – July 31 plan year to a January 1 – December 31 plan year for employee benefits. To accomplish this, staff has requested proposals from all providers for the period of August 1, 2014 - December 31, 2015. Ms. Raley reviewed the medical contribution strategy for the Town and the budget impact for the upcoming plan year.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to enter into contracts for employee benefits with Blue Cross Blue Shield for group medical insurance, Delta Dental for employee group dental insurance, EyeMed for employee group vision insurance, Mutual of Omaha for employee group Life/AD&D/LTD and voluntary STD insurance, Allstate for employee group voluntary work-life benefits, SHDR for Section 125, Cafeteria Plan, and MERP-HRA claim administration, and Health Plan One Exchange Solutions' services for retiree exchange services. The motion was approved by a vote of 6-0.

12. **Consider and act upon an alternative type of open storage screening for Warren/Avant Garde Addition, Block A, Lot 1R (The Body Shop), on 2.5± acres, located on the west side of Business Park Drive, 400± feet south of First Street. The property is zoned Commercial (C). (D14-0017). (CC)**

Chris Copple, Development Services Director, presented this item before the Town Council. The applicant is proposing to add open storage to an existing metal building, which is required to be screened from all streets and adjacent properties. Town staff and the Planning and Zoning Commission recommend approval of an alternative type of open storage screening, subject to revising the alternative type of open storage screening along the southern property line to a 6-foot ornamental metal fence. The applicant, John Rattan, addressed the Town Council, and requested a variance on the southern property line to install a wrought iron fence with landscaping. The applicant is leasing the property, so for any variance to be enforceable, a development agreement would need to be executed with the owner of the property. The applicant was agreeable to table the item until the July 22, 2014, Town Council meeting to allow time to negotiate a development agreement with the owner.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to table Item 12 to the July 22, 2014, Town Council meeting. The motion was approved by a vote of 6-0.

13. Consider and act upon authorizing the Town Manager to execute Change Order #1 to JLB Contracting, LLC, related to construction services for the Prosper Road Improvements Project 2014 - Rhea Mills Pavement Replacement. (FJ)

Public Works Director Frank Jaromin presented this item before the Town Council. In April of 2014, the Town Council awarded the Prosper Road Improvements Project 2014 – Rhea Mills Pavement Replacement, to JLB Contracting, LLC. To take advantage of competitive pricing obtained with this bid, Town staff is recommending a change order to include additional concrete pavement replacement on First Street (Church Street to Craig Road). Town staff will hold neighborhood meetings for residents in the First Street and Rhea Mills neighborhoods to inform them of the road improvements plans on June 25. First Street is scheduled to be completed first, with Rhea Mills to follow.

After discussion, Councilmember Vogelsang made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute Change Order #1, in the amount of \$167,980.75, to JLB Contracting, LLC, related to the construction services for the Prosper Road Improvement Project 2014 - Rhea Mills Pavement Replacement. The motion was approved by a vote of 6-0.

14. Consider and act upon authorizing the Town Manager to execute an agreement between Wier & Associates, Inc., and the Town of Prosper, Texas, related to the design of the Downtown Enhancements project. (MR)

Matt Richardson, Senior Engineer, presented this item before the Town Council. The proposed agreement is for design services related to the reconstruction of existing sidewalks, modification to parking stalls, and construction of new street lighting, landscaping, and irrigation on Broadway between Coleman Street and Crockett Street. Construction is expected to be complete in June of 2015. Mr. Richardson responded to questions from the Town Council on street grade, handicap accessibility, existing building entryways, and sidewalks. The Town will need to address underground drainage in the downtown area in the future, which may require additional construction in the area. Lighting will be installed toward the end of the project. Town staff was directed to provide a detailed construction plan of the downtown area prior to the project going to bid, which is anticipated to happen in September or October of 2014.

Mayor Smith recognized the following individual who requested to speak:

Jack Dixon, 810 Long Valley Court, Prosper, spoke in favor of enhancements in downtown Prosper, but would like to see the Town Council implement a plan for the entire downtown area, not just the items included in this proposed project.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to execute an agreement, in the amount of \$49,500, between Wier & Associates, Inc., and the Town of Prosper,

Texas, related to the design of the Downtown Enhancements project. The motion was approved by a vote of 5-1.

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.*

The Executive Session was not held.

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

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

- **Presentation regarding budgeting process**

Town Manager Harlan Jefferson updated the Town Council on budget preparations for the 2014-2015 fiscal year.

- **Board and Commission appointment process**

Town Secretary Robyn Battle provided an overview and timeline for the upcoming Board and Commission appointment process.

- **SH 289 monument signage**

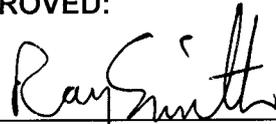
Hulon Webb, Executive Director of Development and Community Services, informed the Town Council that the request for monument signs along Preston Road had been denied by TxDOT. Town Manager Harlan Jefferson reiterated that TxDOT has consistently denied the placement of hardscape in medians, due to liability concerns. Mr. Webb also provided an update on TxDOT's landscape plan for the Preston Road medians, which differs slightly from the Town's standards.

18. Adjourn.

The meeting was adjourned at 7:50 p.m., on Tuesday, June 24, 2014.

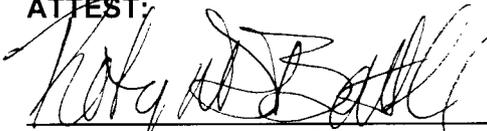
These minutes approved on the 8th day of July, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary