

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 13, 2015

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 Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Mike Davis
Councilmember Jason Dixon (arrived at 6:11 p.m.)

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
Frank Jaromin, Public Works Director
John Webb, Director of Development Services
Alex Glushko, Senior Planner
Dan Heischman, Senior Engineer
Matt Richardson, Senior Engineer
Will Mitchell, Parks & Recreation Manager
Paul Naughton, Landscape Architect
Kent Austin, Finance Director
January Cook, Purchasing Agent
Baby Raley, Human Resources Director
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief
Officer Paul Norris
Ronnie Tucker, Fire Chief
Stuart Blasingame, Assistant Fire Chief

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

Pastor John Fowler of the First Presbyterian Church of Prosper 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:

Prosper residents are invited to join the 100-Mile Centennial Challenge, sponsored by the Parks & Recreation Department. The challenge takes place from now until April 1, 2015. Everyone who signs up and completes 100 miles of walking, jogging, running, biking, or other physical activity will receive a limited edition Centennial T-shirt. More information is available at www.prosperparksandrec.org

Reconstruction of Seventh Street from Coleman Street to the Prosper ISD Administration building is underway. The street will undergo a complete reconstruction over the next five months, including repavement from asphalt to concrete, and the replacement of a waterline. During reconstruction, traffic will flow one way in an eastward direction. The Town will provide temporary mailboxes to residences affected by the project. For more information, please contact the Public Works Department.

The Town Council is proud to announce that property crimes and violent crimes in the Town of Prosper dropped by an average of five percent in 2014. Thanks to the efforts of the Prosper Police Department, and community policing programs such as National Night Out, the Community Safety Initiative, social media interaction, and other activities, Prosper can proudly claim to be one of the safest communities in North Texas.

4. Presentations.

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

Mayor Smith recognized members of the Prosper Christmas Festival Committee and presented them with plaques of appreciation.

- **Presentation of a Blue Star Flag to the family of a Prosper service member currently deployed by the U.S. Armed Forces. (RB)**

Mayor Smith and Joey Womble of the Prosper Rotary Club presented a Blue Star Flag to Gary and Elizabeth Williams on behalf of their daughter, Master Sergeant Erin Hubbard of the United States Air Force Reserve, who is also a Town of Prosper Police Officer.

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.)

Councilmember Davis removed Item 5j from the Consent Agenda.

Councilmember Vogelsang removed Item 5e from the Consent Agenda.

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

- **Regular Meeting – December 9, 2014**

- 5b. Receive the November 2014 financial report. (KA)**

- 5c. Consider and act upon approving an Interlocal Agreement between the City of Frisco and the Town of Prosper relating to the use of the Frisco and Prosper radio communications system; and authorizing the Town Manager to execute same. (SB)
- 5d. Consider and act upon Resolution No. 15-01 expressing official intent to reimburse costs of Town capital improvement program projects that may be funded with proceeds of bonds or other obligations, if those costs are paid prior to the issuance of such bonds or other obligations. (KA)
- 5f. Consider and act upon authorizing the Town Manager to execute a Software Maintenance and Hosting Agreement between CRW Systems, Inc., and the Town of Prosper, Texas, related to continued hosting, maintenance, and support services for TRAKiT Land Management software. (HW)
- 5g. Consider and act upon authorizing the Town Manager to execute an Annexation Agreement between G&R STX Investments, LLC, and the Town of Prosper, Texas. (AG)
- 5h. Consider and act upon authorizing the Town Manager to execute an Annexation Agreement between RH-TWO, LP, and the Town of Prosper, Texas. (AG)
- 5i. Consider and act upon Ordinance No. 15-02 for a Specific Use Permit (SUP) for a Private or Parochial School, on 7.1± acres, located on the southwest corner of First Street and Coit Road. The property is zoned Planned Development-6 (PD-6). (S14-0005). (JW)
- 5k. 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. (AG)

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve Items 5a, 5b, 5c, 5d, 5f, 5g, 5h, 5i, and 5k. The motion was approved by a vote of 7-0.

- 5e. Consider and act upon approving the purchase and installation of a radio system upgrade through various suppliers; a Communications Products Agreement with Motorola Solutions, Inc.; and authorizing the Town Manager to execute same. (SB)

Assistant Fire Chief Blasingame responded to questions from the Council regarding the life expectancy of the equipment, and its versatility if and when the system will need to be expanded. After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the purchase and installation of a radio system upgrade through various suppliers; a Communications Products Agreement with Motorola Solutions, Inc.; and authorizing the Town Manager to execute same. The motion was approved by a vote of 7-0.

- 5j. **Consider and act upon Resolution No. 15-03 denying a request for a Specific Use Permit (SUP) for a Commercial Antenna, on 5.4± acres, located on the east side of Prosper Commons Boulevard, 300± feet south of Richland Boulevard, and authorizing the Mayor to execute same. (JW)**

Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Resolution No. 15-03 denying a request for a Specific Use Permit (SUP) for a Commercial Antenna, on 5.4± acres, located on the east side of Prosper Commons Boulevard, 300± feet south of Richland Boulevard, and authorizing the Mayor to execute same. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

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.)

Other Comments by the Public -

There were no 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:

7. **Conduct a Public Hearing, and consider and act upon a request to rezone 9.4± acres, located 500± feet north of Prosper Trail, 3,000± feet west of Dallas Parkway, from Agricultural (A) to Planned Development-Single Family-12.5 (PD-SF-12.5). (Z14-0016). (JW)**

John Webb, Director of Development Services, presented this item before the Town Council. The Planning & Zoning Commission recommended approval of the item; however, Town staff recommended denial since it does not conform to the Future Land Use Plan.

Mayor Smith opened the Public Hearing.

Rob Baldwin addressed the Council on behalf of the applicant. He explained that although the development does not meet the density requirements, he asked Council to consider following the Planning & Zoning Commission’s recommendations, due to the limitations of the property caused by the adjacent floodplain and the surrounding

street plan. The applicant has reclaimed some of the floodplain in order to increase the size of some of the lots.

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

Mr. Webb responded to Council's questions regarding density and proposed dwelling size for the development. Currently, the developer is proposing 18 lots. In order to meet the 1.6 dwelling units per acre requirement, the developer would need to decrease the number of lots to 15.

After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem seconded the motion to table Item 7 until the February 10, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a request to rezone 56.5± acres, located on the west side of Teel Parkway, 300± feet south of Fishtrap Road, to amend Planned Development-40 (PD-40), Exhibit C, Section 3., c., c. (Townhouse Uses), and d. (Residential Development Standards). (Z14-0017). (JW)

John Webb, Director of Development Services, presented this item before the Town Council. The primary purpose of the request is to amend the development standards to accommodate a specific townhome product. The townhomes will be on individually platted lots for ownership and will predominantly be one and two story products which will require a larger lot and reduced side yard setbacks adjacent to an alley. The garages for all units will be alley-served. In many instances, the development standards have increased and the overall density was reduced. The product will be more "suburban" in nature compared to "urban-style" townhomes that are on narrow lots.

Mayor Smith opened the Public Hearing.

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

Mr. Webb responded to questions from Council related to parking, alleys, and street width, all of which meet the Town's development standards.

David Blom, representing the developer, responded to questions from the Council related to the target market for the Townhomes and the price point. The developer anticipates the majority of residents to be empty-nesters, retirees, and single parents. There will be no age restriction on the Townhomes. The price point is expected to be \$270,000-\$300,000.

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve a request to rezone 56.5± acres, located on the west side of Teel Parkway, 300± feet south of Fishtrap Road, to amend Planned Development-40 (PD-40), Exhibit C, Section 3., c., c. (Townhouse Uses), and d. (Residential Development Standards), subject to the inclusion of the revised Exhibit F included in the Council Packet. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

9. **Consider and act upon an ordinance amending Chapters 5, 6, and 7 of the Town of Prosper Personnel Policies and Procedures Manual relative to maximum vacation accrual, on-call pay, and employee conduct. (HJ)**

Town Manager Harlan Jefferson presented this item before the Town Council. The proposed changes to the Personnel Policies include significant changes to Chapter 7, specifically related to employee conduct and disciplinary procedures. Other proposed changes are related to increasing the maximum number of vacation hours employees may accrue, and modifications to the on-call policy. Additional changes will be proposed by the employee committee on personnel policies later in 2015.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Ordinance No. 15-04 amending Chapters 5, 6, and 7 of the Town of Prosper Personnel Policies and Procedures Manual relative to maximum vacation accrual, on-call pay, and employee conduct. The motion was approved by a vote of 7-0.

10. **Consider and act upon an ordinance amending the FY 2013-2014 and FY 2014-2015 budgets. (KA)**

Finance Director Kent Austin presented this item before the Town Council. The proposed budget amendment would roll forward encumbrances from the FY 2013-2014 budget to the current year budget, amend the Fire Department budget to repair the Fire Station roof, amend the Special Revenue Fund for the Christmas Festival, amend the Thoroughfare Impact Fee Fund for SH 289 medians, and amend the Capital Projects Fund to complete funding for the purchase of the Patin property.

After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Ordinance No. 15-05 amending the FY 2013-2014 and FY 2014-2015 budgets. The motion was approved by a vote of 7-0.

11. **Consider and act upon approval of the FY 2014-2015 Vehicle and Equipment Replacement Fund list. (KA)**

Finance Director Kent Austin presented this item before the Town Council. Frank Jaromin, Director of Public Works, responded to questions from the Council about some vehicles scheduled to be replaced. The purchase of the actual vehicles will be presented to the Council for approval at future meetings. Town Manager Harlan Jefferson proposed that the Town Council consider forming a Council subcommittee for Technology.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve the FY 2014-2015 Vehicle and Equipment Replacement Fund list. The motion was approved by a vote of 7-0.

12. **Consider and act upon approving the purchase of roof repair services for the Central Fire Station from D&G Quality Roofing, Inc., through The Interlocal Purchasing System (TIPS/TAPS). (SB)**

Assistant Fire Chief Stuart Blasingame presented this item before the Town Council. The Town requested proposals from companies that offer roof repair services through

a cooperative contract. D&G Quality Roofing, Inc., submitted the lowest proposal. After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Davis seconded the motion to approve the purchase of roof repair services for the Central Fire Station from D&G Quality Roofing, Inc., through The Interlocal Purchasing System (TIPS/TAPS). The motion was approved by a vote of 7-0.

13. Discussion on implementing the Stormwater Management Program requirement to meet conditions of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System. (DH)

Dan Heischman, Senior Engineer, presented this item before the Town Council. Mr. Heischman reviewed the components of the program, and the requirements of the TCEQ. He reviewed the timeline of implementation of the program. No action was taken on this item.

14. Consider and act upon authorizing the Town Manager to execute a Development Agreement between M/I Homes of DFW, LLC, and the Town of Prosper, Texas, related to the extension of water lines to serve the Preserve at Doe Creek development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Staff requested to table this Item until the February 10, 2015, Town Council meeting in order to coordinate it with another agreement. Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to table the item to the February 10, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

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 the Town Attorney regarding Specific Use Permits and permitted land uses for commercial zoning districts, and consideration of temporary certificates of occupancy and agreements regarding same.

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

The Town council recessed into Executive Session at 7:36 p.m.

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

The Town Council reconvened the Regular Session at 9:45 p.m. Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Davis seconded the motion to approve an agreement with Advantage Storage. 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.

- **Priority List of Shovel Ready Projects. (HW)**

Hulon Webb, Executive Director of Development and Community Services, reviewed the list of projects, and provided feedback on priority projects.

- **Radar Speed Limit Policy. (MR)**

Senior Engineer Matt Richardson reviewed the policy, which includes speed and volume requirements, location requirements, deployment options and evaluation procedures.

Councilmember Korbuly announced that the local sports leagues will be proposing traffic control policies to improve traffic flow at Frontier Park during games, and requested that Town staff look into providing traffic control services, and contact Prosper ISD about options for additional parking.

18. Adjourn.

The meeting was adjourned at 10:10 p.m.

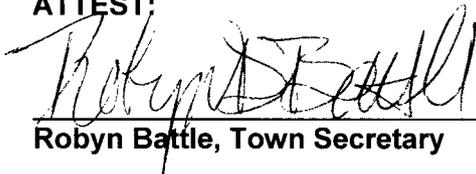
These minutes approved on the 27th day of January, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary