



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 27, 2015

1. Call to Order/Roll Call.

The meeting was called to order at 6:01 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
Angela Tucker, Administrative Assistant
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
John Webb, Director of Development Services
Alex Glushko, Senior Planner
Dan Heischman, Senior Engineer
Matt Richardson, Senior Engineer
Kent Austin, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Police Chief
Ronnie Tucker, Fire Chief

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

Pastor Jason McConnell of Prosper United Methodist Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

Councilmember Korbuly made the following announcements:

Registration for the Active Adults' Choctaw trip that is scheduled for Wednesday, February 11, 2015, is being accepted by staff. More information is available at www.prosperparksandrec.org.

The free annual Trout Derby, newly branded as the Family Fishing Derby, will be held on Saturday, March 7 from 9-11 a.m. Please visit the Parks and Recreation website at www.prosperparksandrec.org to register for this fun-filled family event.

As the year-long Centennial Celebration in Prosper passes the half-way point, the Town is featuring a walk through history with local author Bill Hays who has written two extensive volumes on Prosper's 100-year journey. A story time session designed for youngsters will be held on February 5 at 11:00 a.m. at the Prosper Historical Society's museum located in the Prosper ISD Board Room, 605 East Seventh St. Songs, dances, and stories directly related to the day's topic will be included. Several members of the Prosper Historical Society will appear in period costumes. A second presentation is set for Thursday, February 26 from 6 p.m. to 7:30 p.m. at the same locations that will be geared toward adults and families with older children. Any additional details that become available regarding the February 26 presentation will be provided closer to the time of the event.

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 meetings. (RB)**
 - Regular Meeting – January 13, 2015**
- 4b. Consider and act upon Resolution No. 15-08 approving the exclusion of land from the boundaries of Prosper Management District No. 1. (RB)**
- 4c. Receive the December 2014 financial report. (KA)**
- 4d. Receive the Quarterly Investment Report for the quarter ending December 31, 2014. (KA)**
- 4e. Consider and act upon approving the purchase of two public safety rated sport utility vehicles for the Police Department, from Holiday Chevrolet, through a Tarrant County contract. (DK)**
- 4f. Consider and act upon authorizing the Town Manager to execute a License and Irrigation/Landscape Maintenance Agreement between D.R. Horton-Texas, Ltd., Hawk Ridge Community Association, and the Town of Prosper, Texas, related to the perimeter landscaping improvements within the Hawk Ridge development. (HW)**
- 4g. Consider and act upon adopting the Stormwater Management Program requirement to meet conditions of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System. (DH)**
- 4h. Consider and act upon Ordinance No 15-06 rezoning 56.5± acres, located on the west side of Teel Parkway, 300± feet south of Fishtrap Road, amending Planned Development-40 (PD-40), Exhibit C, Section 3., c., c. (Townhouse Uses), and d. (Residential Development Standards). (JW)**
- 4i. Consider and act upon Ordinance No. 15-07 amending Chapter 3, "Building Regulations," of the Town's Code of Ordinances, by adding a**

new Article 3.19, "Fence Regulations," and repealing Ordinance No. 12-01. (JW)

- 4j. 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 Mayor Pro-Tem Miller seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

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 -

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.)

DEPARTMENT ITEMS:

6. Discussion on updating of utility billing policies. (KA)

Finance Director Kent Austin presented this item before the Town Council. Town staff is proposing to prorate water and sewer charges for customers who have service for only a partial month. Residents who move, but stay within the Town limits of Prosper, are currently charged the base monthly amounts twice; once at the old address, and once at the new address. Mr. Austin presented a proposed proration schedule, and a modified fee schedule, dependent upon when the customer initiates or terminates service. He also proposed a new process for handling an unexplainable or unusually large bill. Proposed changes to this policy and other Utility Billing policies in Article 13.07 of the Code of Ordinances will be brought before Council for consideration at a future meeting.

Kelly Vanaman, Utility Billing Administrator responded to questions from Council on the frequency of residents moving within the Town limits, which is typically 2-3 times per month. The new policy would allow the Utility Billing Administrator the flexibility to waive fees that are charged twice within one month, and to work with customers who have an unusually large bill.

Mayor Smith opened Item 7 and Item 8 concurrently.

7. **Consider and act upon an amendment to the Capital Improvement Plan (CIP). (MR)**
8. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, related to the Lower Pressure Plane 42-Inch Transmission Line Alignment Study Project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The proposed amendment to the Capital Improvement Plan is to add an additional \$10,100 to the Lower Pressure Plane Pump Station and 42-Inch Transmission Line Project.

Mr. Richardson continued the presentation by reviewing the proposed contract with Freese and Nichols for the engineering services for the Lower Pressure Plane 42-Inch Transmission Line Alignment Study Project. He responded to questions from Council about the proposed agreement, including the budget, and easement acquisition. The Transmission Line and the 10 MGD pump station are scheduled to be online by the summer of 2018 to supply additional water to fast growing areas on the west side of Prosper. Mr. Richardson and Hulon Webb, Executive Director of Development and Community Services, answered additional questions from Council, comparing the Lower Pressure Plane project with the Upper Pressure Plane project, and addressing concerns regarding the capacity of the future pump station.

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve an amendment to the Capital Improvement Plan (CIP). The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, related to the Lower Pressure Plane 42-Inch Transmission Line Alignment Study Project.

9. **Consider and act upon awarding Bid No. 2015-19-B to Groves Electrical Service, Inc., related to construction services for the SH 289 Median Lighting project; 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 project will include the installation of continuous median street lighting on SH 289 (Preston Road) between US 380 and Frontier Parkway with decorative poles and LED lighting fixtures. The project should be completed by June of 2015.

January Cook, Purchasing Agent, responded to questions from the Town Council regarding reducing the number of lighting assemblies, and Mr. Richardson and Mr. Webb responded to questions related to the lighting design and spacing.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2015-19-B to Groves Electrical

Service, Inc., related to construction services for the SH 289 Median Lighting project; and authorizing the Town Manager to execute a construction agreement for same.

10. Discussion on Park Development and Open Space opportunities. (HW)

Hulon Webb presented this item before the Town Council. At the December 9, 2014, Town Council meeting to discuss potential improvements to Cockrell Park, the Town Council asked staff to look at existing park areas that may be improved to provide additional practice space. Mr. Webb reviewed a list of existing park areas that could be improved. He then listed existing park areas that have recently been constructed that will provide additional practice space, and other park areas that are in various stages of development. Funding sources would need to be identified to pursue any of the suggested improvements. The Town Council discussed various options for park improvement.

Mayor Smith recognized the following individual who requested to speak on this item:

Jack Dixon, 810 Long Valley Court, Prosper, encouraged the Council to focus on Town facilities as well as Park facilities.

Mr. Webb continued to respond to questions on various options for park development, and received feedback from the Town Council.

Richard McGrath, 731 Buffalo Springs Drive, Prosper, encouraged the Town Council to follow the Parks & Recreation Master Plan and utilize community feedback to determine the Town priorities. He also encouraged the Town to develop a cooperative relationship with the City of Frisco when planning for Parks & Recreation facilities.

11. 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:

11a. *Section 551.087 – To discuss and consider economic development incentives.*

11b. *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.*

11c. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.*

11d. *Section 551.074 – To discuss and review the Town Manager's performance evaluation.*

The Town Council recessed into Executive Session at 7:28 p.m.

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

The Town Council reconvened the Regular Session at 8:11 p.m.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve a contract for the Town Manager as discussed in Executive Session. The motion was approved by a vote of 7-0.

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

• **Illuminated Street Name Signs. (HW)**

Mr. Hulon Webb updated the Town Council on the proposed street name signs. An item for the purchase of the signs will be brought forward at the February 24, 2015, Town Council meeting for consideration.

• **Zoning Improvement Process. (JW)**

Development Services Director John Webb updated the Council on proposed changes to the zoning process, including holding the public hearing and adopting the zoning ordinance at the same meeting, particularly for non-controversial items.

Councilmember Korbuly expressed concern regarding the traffic flow at Frontier Park. Staff is considering options that include installing directional signage, and utilizing Town staff to direct traffic, as needed. Town staff will provide a recommendation at a future meeting.

Deputy Mayor Pro-Tem asked for an update on the development of the intersection of US 380 and the Dallas North Tollway, particularly related to the southbound access road and a potential overpass.

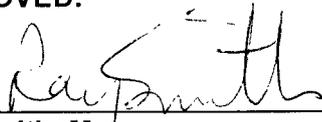
Councilmember Dixon requested that staff provide a report on the amount the Town has paid to Freese and Nichols from 2013 to present.

14. Adjourn.

The meeting was adjourned at 8:27 p.m.

These minutes approved on the 10th day of February, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary