



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 10, 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

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
John Webb, Director of Development Services
Frank Jaromin, Director of Public Works
Will Mitchell, Parks and Recreation Manager
Paul Naughton, Landscape Architect
Matt Richardson, Senior Engineer
January Cook, Purchasing Agent
Doug Kowalski, Police Chief

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

Pastor John Herring of First Baptist Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

Deputy Mayor Pro-Tem Dugger made the following announcements:

This afternoon, the Town held a swearing-in ceremony for its two newest members, Officer Rafael Ramirez and Officer Azhar Ulhaq. We are proud to welcome these newest members to our Police Department. The Town Council is also happy to announce that Master Sgt. Erin Hubbard, a Prosper Police Officer, has returned from an eight-month deployment overseas with the Air Force Reserves. Welcome home, Officer Hubbard, and thank you for your service.

On Saturday, February 21, the Prosper Police Department will hold a Cops, Coffee, & Questions presentation at the Library from 10:00-11:30 a.m. This is an opportunity for the community to stop in with questions and chat with our police officers.

On Monday, February 23, the Town will host a Public Input Meeting on the Parks, Recreation, and Open Space Master Plan at Prosper High School beginning at 6:00 p.m. Residents are encouraged to attend to provide input into the development of the Town's Park Facilities.

The Centennial Celebration Committee will host a presentation at the Prosper Historical Society museum located at 605 East Seventh St., on February 26 from 6:00-7:30 p.m. The program will include a presentation by local historian Bill Hays, a video produced by students at Prosper High School, and members of the Prosper Historical Society will appear in period costumes. Attendees are encouraged to browse through the museum following the program. Please contact Town Secretary Robyn Battle for more information.

For the third time in four years, the Town of Prosper has been granted the Gold Member Award from the Texas Comptroller Leadership Circle. The Town was judged on the budget and annual financial report, transparency efforts, and public access to information on the Town's web page. Congratulations to Town Manager Harlan Jefferson, and the Finance Department staff for their commitment to keeping residents informed of the Town's financial status.

A meeting of the newly-formed Prosper Lions Club will be held at the Cotton Gin at 1:30 p.m. on Wednesday, February 11. The meeting is open to interested members of the public who wish to learn more about the Lions Club.

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 27, 2015**
 - **Town Council Strategic Planning Session – January 28, 2015**

- 4b. Consider and act upon approving the purchase of one backhoe loader for the Public Works Department, from RDO Equipment Company, through the Texas Local Government Purchasing Cooperative. (JC)**

- 4c. Consider and act upon approving the purchase of one sewer camera, from Green Equipment Company, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. (JC)**

- 4d. Consider and act upon approving the purchase of six pick-up trucks and one sport utility vehicle for the Public Works and Building Inspection Departments, from Silsbee Ford, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program; and one sport utility**

vehicle for the Public Works Department, from Sam Pack's Five Star Ford, through the State of Texas Cooperative Purchasing Program. (JC)

- 4e. Consider and act upon Ordinance No. 15-09 amending Article 12.05, "Parking, Stopping, and Standing," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the Town of Prosper, Texas, by adding a new section 12.05.003 "Parking of Commercial Motor Vehicles," and reserving sections 12.05.004 through 12.05.030. (DK)
- 4f. Consider and act upon Resolution No. 15-10 supporting the introduction and adoption of legislation in the Regular Session of the 84th Legislature of Texas that increases funding for the Texas Recreation and Parks Account and Large County and Municipality Recreation and Parks Account Local Park Grant Programs, and the Texas State Park System. (WM)
- 4g. Consider and act upon Resolution No. 15-11 authorizing the reduction and release of the Town of Prosper's extraterritorial jurisdiction and entering into a development agreement, as a result of the Interlocal Agreement Between the Town of Prosper and Denton County Fresh Water Supply District No. 10 for the Reduction and Release of Designated Portions of the Town of Prosper's Extraterritorial Jurisdiction, and Development Agreement Between the Town of Prosper and CHS Savannah, L.P., by removing 61.003± acres of land from the Town's extraterritorial jurisdiction, generally located west of FM 1385 and north of Fishtrap Road, and authorizing the Town Manager to execute the same. (HW)
- 4h. 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)

Mayor Pro-Tem Miller made a motion and Councilmember Korbuly 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.)

PUBLIC HEARINGS:

6. **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)**

Development Services Director John Webb presented this item before the Town Council. This item was tabled at the January 13, 2015, Town Council meeting to give the applicant the opportunity to reassess the request and determine if the lot layout and recommended density requirements could be achieved. The applicant has requested this item be tabled once again and the Public Hearing be continued to the March 24, 2015, Town Council meeting to allow additional time to make adjustments to lot configurations and floodplain reclamation.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Davis seconded the motion to continue the Public Hearing and table the item to the March 24, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

7. **Conduct a Public Hearing, and consider and act upon an ordinance to rezone 0.6± acres, located at the northwest corner of First Street and Church Street, from Single Family-15 (SF-15) to Downtown Office (DTO). (Z14-0018). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has indicated that a single office building, centered on the property, could be developed on the site. The proposed rezoning is in conformance with the Future Land Use Plan, the Planning & Zoning Commission recommended approval of the item, and Town staff recommended approval as well.

After discussion, Mayor Pro-Tem Meigs Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the request and adopt Ordinance No. 15-12 to rezone 0.6± acres, located at the northwest corner of First Street and Church Street, from Single Family-15 (SF-15) to Downtown Office (DTO). The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

Mayor Smith opened Items 8 and 9 concurrently.

8. **Update on the Parks, Recreation, and Open Space Master Plan. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. At the December 9, 2014, Town Council meeting, Dunaway Associates provided an overview of the Parks, Recreation, and Open Space Master Plan. The Town Council asked the consultants to return to a future meeting with a realistic timeline for implementation, and potential funding sources for park improvements. Mr. Naughton introduced Philip Neeley of Dunaway Associates who provided an update on the progress of the Master Plan. Dunaway has worked closely with the Parks and Recreation Board, and the Parks, Recreation, and Open Space Master Plan Advisory

Committee, BRS Consulting, and citizen input to update the Master Plan. Mr. Neeley presented a draft Parks Action Plan, identifying priority rankings for amenities, budget estimates, and potential funding sources. A Town Hall meeting is scheduled for February 23 for citizens to provide input on park facilities. Deputy Mayor Pro-Tem Dugger asked for a copy of the data from the citizen survey, and the Town Council discussed current and future options for increased accessibility to tennis courts.

9. Discussion on the Frontier Park North and Sexton Park Conceptual Master Plans. (PN)

Mr. Naughton introduced Elizabeth McIlrath of Dunaway Associates who presented an update on the Sexton Park project. Ms. McIlrath presented three scenarios for the development of Sexton Park, including options for a community center, diamond sports fields, multi-use sports fields, practice fields, trail systems, open space, tennis courts, an amphitheater, and parking. Deputy Mayor Pro-Tem mentioned that the Prosper Historical Society would consider Sexton Park an appropriate location for a Veterans Memorial, and to consider it as an option in the design process. Council consensus was that the community center should be located along First Street where it would be more visible and accessible, and the consultants should maximize the number of youth diamond fields and multi-use areas. Council would like to see options for different sizes for the community center, and whether the Town should seek to build one large community center to serve the entire community, or have two smaller facilities on the east and west sides of Town. The Council also asked the consultants to evaluate the use of grass versus artificial turf.

Ms. McIlrath presented two options for the development of Frontier Park, which included options for youth diamond fields, multi-use field sports, passive recreation, and parking in different configurations. The Town Council asked for consultants to consider artificial turf on practice and game fields, and indicated that they may be willing to forego some of the parking area and rely on shared parking with the future Prosper ISD stadium in order to provide more usable field space. The consultants were directed to revise the conceptual plan by maximizing the number of diamond sports fields, maximizing the area of multi-use field sports, and making use of artificial turf wherever possible. The Town Council also asked for data on future youth sports registration as the population grows, and potential partnerships for funding a recreation center.

10. Road Projects Update. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. He reviewed future plans for the continued development of the Dallas North Tollway, US 380, the intersections of US 380 and SH 289 (Preston Road), and the intersection of US 380 and Dallas Parkway. Mr. Webb then reviewed the road and street projects in the Capital Improvement Plan. He provided an overview of projects that have been recently completed, projects currently under construction, projects in the design process, and projects scheduled for the next three fiscal years.

11. Consider and act upon approving the purchase and installation of new turf irrigation within the medians on Preston Road, between US 380 to Frontier Parkway, from All Around Landscape & Construction, the TxDOT contracted vendor. (MR)

Senior Engineer Matt Richardson presented this item before the Town Council. The Texas Department of Transportation (TxDOT) awarded a contract to All Around Landscaping and Construction for irrigation and landscaping of SH 289 (Preston Road) between US 380 and FM 1461. The Town successfully negotiated an exception to TxDOT's policy that would include irrigation of turf in the median. Upon completion of the new design and scope of work, Town staff negotiated the price for the additional materials and labor associated with the modifications to the original scope of work.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve the purchase of new turf irrigation within the medians on Preston Road, between US 380 and Frontier Parkway, from All Around Landscape & Construction, the TxDOT contracted vendor. The motion was approved by a vote of 7-0.

12. Discussion on Commercial Building Permit Fees. (JW)

Development Services Director John Webb presented this item before the Town Council. The Town's commercial permit fees were last updated in 2002. Town staff conducted a survey of comparison cities, which indicated that the Town's commercial permit fees are significantly lower than the comparison cities. Additionally, the Town has recently engaged the services of Bureau Veritas, a third-party plan review and inspection company, to assist the Building Inspections staff to ensure that plans and facilities are reviewed and inspected in a timely manner. After discussion, the Town Council did not give specific direction regarding the raising of fees, but agreed to consider the matter during the budget process.

13. 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:

13a. *Section 551.087 – To discuss and consider economic development incentives.*

13b. *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.*

13c. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.*

13d. *Section 551.074 – To discuss and review the Town Manager's performance evaluation.*

The Town Council recessed into Executive Session at 8:51 p.m.

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

The Town Council reconvened the Regular Session at 9:27 p.m. No action was taken as a result of Executive Session.

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

- **Frontier Park Parking. (HW)**

Hulon Webb provided an update to Council, stating that staff would utilize temporary signage or message boards on game days in Frontier Park as needed, and continue to evaluate and make recommendations on the the parking and traffic flow issue by working with the sports leagues and other stakeholders.

- **Party at the Park, April 18, 2015. (RB)**

Town Secretary Robyn Battle updated the Town Council on the "Party at the Park," which is the final event to be hosted by the Centennial Celebration Committee on April 18, 2015, from 2:00-6:00 p.m. in Frontier Park. The event will begin with a ceremony at the Frontier Park Pavilion, followed by activities, food, live music, arts and crafts vendors, and a kickball tournament.

Due to the upcoming Spring Break holiday, the Town Council agreed to cancel the March 10, 2015, Town Council meeting.

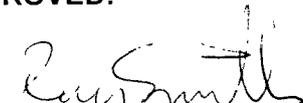
Town Manager Harlan Jefferson announced that CoServ is considering alternative properties for office space and a service center, other than First Street. The Town Council agreed to provide individual feedback to the Town Manager after reviewing the information.

16. Adjourn.

The meeting was adjourned at 9:56 p.m.

These minutes approved on the 24th day of February, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary