



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 10, 2015
6:00 p.m.

1. Call to Order/Roll Call.
2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
3. Announcements of upcoming events.
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 an ordinance 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 a resolution 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 a resolution 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)**

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 -

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

DEPARTMENT ITEMS:

- 8.** Update on the Parks, Recreation, and Open Space Master Plan. **(PN)**
- 9.** Discussion on the Frontier Park North and Sexton Park Conceptual Master Plans. **(PN)**
- 10.** Road Projects Update. **(HW)**

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)**
12. Discussion on Commercial Building Permit Fees. **(JW)**
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.*
14. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
15. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
 - Frontier Park Parking. **(HW)**
 - Party at the Park, April 18,2015. **(RB)**
16. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 121 W. Broadway Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted on February 6, 2015, at 5:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



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



Prosper is a place where everyone matters.

MINUTES
Special Meeting of the
Prosper Town Council
 Prosper Municipal Chambers
 108 W. Broadway, Prosper, Texas
 Wednesday, January 28, 2015

1. Call to Order/Roll Call.

The meeting was called to order at 9:01 a.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 Mike Davis
 Councilmember Jason Dixon

Staff Members Present:

Harlan Jefferson, Town Manager
 Carol Myers, Executive Assistant/Deputy Town Secretary
 Hulon T. Webb, Jr., Executive Director of Development and Community Services
 John Webb, Director of Development Services
 Frank Jaromin, Public Works Director
 Leslie Scott, Library Director
 Baby Raley, Human Resources Director
 Kent Austin, Finance Director
 Robert Winningham, Executive Director, Prosper Economic Development Corporation
 Ronnie Tucker, Fire Chief
 Doug Kowalski, Police Chief

Facilitator:

Rob Franke

2. The Town Council will hold a strategic planning work session to discuss successes and accomplishments since the last planning work session and to prioritize future strategic goals.

Town Manager Harlan Jefferson introduced Mr. Franke, who reviewed his background and reviewed the agenda for the day. He reviewed the highlights from the Council interviews, including communication among Council and staff, information management on social media, and communication with the public. Mr. Franke stressed the importance of Council members balancing their individual passions with the sharing of information, and keeping policy governance vs. task management in balance. Council discussed leadership, both in the short term to deal with immediate issues and provide direction to staff, and long term leadership to shape the future of the Town. Mr. Franke led a discussion about teamwork, building trust, and building consensus. Council indicated that trust comes from experience, knowledge, and motives, all of which take time to develop.

Council has spent time on policies and procedures, missions and values, and wants to begin the process of implementation. Mr. Franke encouraged the Council to examine the “why” whenever they make a decision.

The Town Council discussed reinstating the Executive Development Team, and discussed the role of some of the other Council Subcommittees. Deputy Mayor Pro-Tem Dugger indicated that he would like Councilmember Davis to take his position on the Council Finance Subcommittee.

Review of Vision Statement

Mr. Franke reviewed the Town’s Vision Statement, particularly the tag line “Prosper is a Place Where Everyone Matters,” and what that means to the Council and to the community.

Accomplishments and Progress toward 2014 Objectives

Mr. Jefferson reviewed the list of Major Initiatives, and the existing Strategic Goals. Staff will continue to provide Council the “Top 10” items that are priorities, or upcoming items on which the Council will need to take action.

Strategic Goals

- Goal 1 - Recruit Targeted and Maintainable Economic Development
- Goal 2 - Ensure Quality Residential Development
- Goal 3 - Maintain Safety and Security
- Goal 4 - Provide First Rate Utilities
- Goal 5 - Provide Efficient and Effective Roads and Infrastructure
- Goal 6 - Maximize Recreation and Leisure Opportunities
- Goal 7 - Maintain Community Character
- Goal 8 - Ensure Fiscal Stewardship
- Goal 9 - Maintain A Quality Workforce
- Goal 10 - Improve Town Facilities

For each Strategic Goal, Town staff and Council discussed the following:

- Major accomplishments from 2014 that were not part of the Strategic Goals
- New action items

Discussion on Town Hall/Multi-Purpose Facility

Hal Sargent and Gina Irwin with Brinkley Sargent Architects provided a brief update on the plans for the Town Hall/Multipurpose Building, including multiple options for construction, and proposed budgets for each option.

Council continued the conversation on the Town Hall/Multipurpose building, and then Mr. Franke asked Council to narrow the ten Strategic Goals down to their top five. Council’s consensus was to focus on the following Strategic Goals:

- **Development standards**

Council discussed their definitions of “quality” and provided some direction to Town staff regarding updating the Town’s residential, commercial, zoning, and land use standards.

A Town Council Work Session, or Joint Work Session with the Planning & Zoning Commission may be utilized on a case by case basis for non-traditional or high-profile projects.

- **Town Facilities**

The Town Council discussed the future of the Town Library, and requested information on what standards would be needed to build a “Library of the Future.” Discussion also took place on maintenance costs of new facilities.

Mr. Jefferson led the discussion on the acquisition of land needed for future Town facilities, specifically regarding an 11-acre area of the Blue Star tract, which is a time-sensitive issue. Council gave direction to acquire the site, and determine the ultimate use for the land at a later date.

The Town Council continued discussion on facilities, including a possible bond election to fund new facilities. They also re-evaluated the location of the new Town Hall/Multi-Purpose Facility, and whether the Main Street site would be an interim facility or the ultimate location for Town Hall. Council indicated that more information and financial models were needed on both a phased-in approach to building the Town Hall/Multi-Purpose Facility, versus a campus approach. Funding options and the effect on the tax rate would also need to be explored. The Town Council requested that Town staff research and report back on whether bond funds could be used for immediate needs for Parks, Town Hall, and the Fire Station. Council will continue to work on an ultimate vision for Town facilities.

The following items were identified as priorities, and were discussed briefly. Additional information will be provided to Council, or brought forward at future Council meetings.

- **Roads & Infrastructure**
- **Parks Planning**
- **Tax Rates/Fiscal Stewardship**
- **Customer Service**

Presentations by Town Staff

Hulon Webb, Executive Director of Development and Community Services, gave a presentation on Water Distribution Peaking Factor resulting from the continuing drought. Town staff recommended continuing water conservation efforts, updating the impact fee and Capital Improvement Plan (CIP) with a suitable peaking factor, and implementing a policy of education and enforcement to control peaking factor.

Finance Director Kent Austin gave a presentation on the Effective Tax Rate, the Rollback Tax Rate, and Tax Increment Reinvestment Zones (TIRZ). He compared the tax rates with surrounding cities and towns, and explained options for additional sales tax alternatives, such as a Community Development Corporation, Fire Control, Prevention, and EMS District, or Crime Control and Prevention District, among others. Council discussed the merits of each option, particularly on the Fire Control and Crime Control options. Council requested additional information on how the funds for each of the sales tax alternatives may be used.

In conclusion, Town staff was directed to provide Council with the following information on the Town Hall/Multi-Purpose Facility:

- A timetable for Council action items
- Financial models and additional options for a phased approach

- Financial models for a campus approach
- Operations and maintenance (O&M) cost estimates

An ultimate decision will still need to be determined for the final plans for the Town Hall/Multi-Purpose Facility, and the ultimate location for Town Hall. Town staff was directed to return to Council within one month with the requested information.

In closing, Mr. Franke explained that the discussion items and suggestions would be compiled into a report for the Town Council that would be finalized in approximately two weeks.

3. 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:

3a. *Section 551.087 – To discuss and consider economic development incentives.*

3b. *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.

- 4. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.**
- 5. Adjourn.**

The meeting was adjourned at 5:06 p.m. on Wednesday, January 28, 2015.

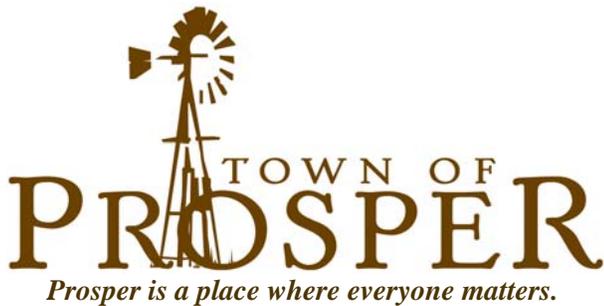
These minutes approved on the 10th day of February, 2015.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary



FINANCE

To: Mayor and Town Council

From: January Cook, CPPO, CPPB, Purchasing Agent

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

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.

Description of Agenda Item:

This backhoe loader is on the list of approved replacements for the FY 2014-2015 Vehicle Equipment Replacement Program. The new equipment will allow Public Works to work with more efficiency, and shorten repair times.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper entered into an interlocal participation agreement in June 2005, providing the Town's participation in the Texas Local Government Purchasing Cooperative. Participation in the cooperative purchasing program allows our local government to purchase goods and services from the cooperative's online purchasing system, BuyBoard, while satisfying all competitive bidding requirements.

Budget Impact:

The price of the backhoe loader is \$85,425, and will be funded by the Vehicle Equipment Replacement Fund (VERF) (41-6140-50). The total budget for this item is \$95,000. The savings realized will be used to offset overages on other replacement units.

Attached Documents:

1. Quote

Town Staff Recommendation:

Town staff recommends approval of the purchase of one backhoe loader for the Public Works Department, from RDO Equipment Company, through the Texas Local Government Purchasing Cooperative.

Proposed Motion:

I move to approve the purchase of one backhoe loader for the Public Works Department, from RDO Equipment Company, through the Texas Local Government Purchasing Cooperative.



Investment Proposal (Quote)

RDO Equipment Co.
3230 East Airport Freeway
Irving TX, 75062
Phone: 972-438-4699 - Fax: 972-438-6789

Proposal for:
TOWN OF PROSPER
121 W BROADWAY
PO BOX 307
PROSPER, TX, 75078
Collin
(972) 346-2640

Investment Proposal Date: 1/20/2015
Pricing Valid Until: 4/30/2015
Deal Number: 744974
Customer Account#: 8880663
Sales Professional: Brandon Aldridge
Phone: (972) 438-4699
Fax: (972) 554-2132
Email: BAldridge@rdoequipment.com

Comments

BUYBOARD QUOTE 424-13

Equipment Information

Quantity	Serial Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD	0	New 2015 JOHN DEERE 310L	\$85,425.00
Equipment Subtotal:				\$85,425.00

Purchase Order Totals

Balance:	\$85,425.00
Total Taxable Amount:	\$85,425.00
Sales Tax Total:	\$0.00
Sub Total:	\$85,425.00
Cash with Order:	\$0.00
Balance Due:	\$85,425.00

Equipment Options

Quantity	Serial Number	Year / Make / Model	Description
1	TBD	2015 JOHN DEERE 310L	0A60T - 310L BACKHOE LOADER 1065 - ENGINE FT4 1700 - JDLINK ULT W/850/1900MHZ 3YR 2035 - CAB STANDARD 2401 - DECAL ENG W/ENG PACKET 3075 - AXLE MFWD 4WD OPEN DIFF 4462 - TIRE GAL 19.5L24 16.5XD2010 5285 - CONTROL PILOT 5400 - COUPLER LESS 5626 - BUCKET HDUTY 18" 5.1CU FT 6020 - DIPPER EXTENDABLE 7025 - LDR CPLR 1 LEVER HYD NO AUX 7635 - LDR BKT 1.12CY LG LIP BUCKET 8485 - COUNTERWEIGHT 1250LB 8685 - BATTERY DUAL W/JUMP POST 9045 - EXHAUST CHROME EXTENSION 9060 - MIRROR INTERIOR FRONT VIEW 9210 - CONSOLE LEFT HAND W/CUP HOLD 9505 - GUARD FULL MFWD 9919 - SUN VISOR



FINANCE

To: Mayor and Town Council

From: January Cook, CPPO, CPPB, Purchasing Agent

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

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.

Description of Agenda Item:

This sewer camera is on the list of approved replacements for the FY 2014-2015 Vehicle Equipment Replacement Program for the Public Works Department.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper and HGAC entered into an interlocal agreement, effective January 4, 2001, which allows our local government to purchase certain goods or services through HGAC. The agreement renews automatically each fiscal year, unless cancelled by either party.

Budget Impact:

The price of the sewer camera is \$68,790.42, and will be funded by the Vehicle Equipment Replacement Fund (VERF) (41-6140-55). The total budget for this item is \$70,000.00. The savings realized will be used to offset overages on other replacement units.

Attached Documents:

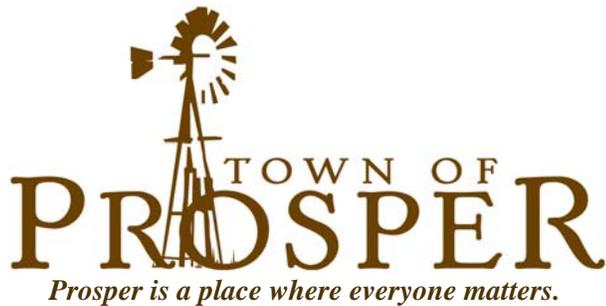
1. Quote

Town Staff Recommendation:

Town staff recommends approval of the purchase of one sewer camera, from Green Equipment Company, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program.

Proposed Motion:

I move to approve the purchase of one sewer camera, from Green Equipment Company, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program.



PURCHASING

To: Mayor and Town Council

From: January Cook, CPPO, CPPB, Purchasing Agent

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

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.

Description of Agenda Item:

The following items are on the list of approved replacements for the FY 2014-2015 Vehicle Equipment Replacement Program:

- Two 2015 Ford F150 Regular Cab Pick-Up Trucks (Replacing Units PW-24 and PW-1103)
- One 2015 Ford F150 Super Cab Pick-Up Truck (Replacing Unit PW-1104)
- One 2015 Ford Expedition (Replacing Unit PW-86)

The following items are approved FY 2014-2015 supplemental requests for additional positions:

- One 2015 Ford F150 Regular Cab Pick-Up Truck (Plumbing Inspector)
- One 2015 Ford F150 Super Cab Pick-Up Truck (Backflow Inspector)
- One 2015 Ford Explorer (Storm Water Utility Administrator)
- One 2015 Ford F350 Chassis with Flat Bed (Utility Crew Leader)

The 2015 Ford Expedition will be purchased from Sam Pack's Five Star Ford, through the State of Texas Cooperative Purchasing Program. All other items will be purchased from Silsbee Ford, through the HGAC Cooperative Purchasing Program.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper entered into an interlocal participation agreement, providing the Town's participation in the State of Texas Cooperative Purchasing Program. Participation in the program allows our local government to purchase goods and services through the cooperative contract, while satisfying all competitive bidding requirements.

Additionally, the Town of Prosper and HGAC entered into an interlocal agreement, effective January 4, 2001, which allows our local government to purchase certain goods or services through HGAC. The agreement renews automatically each fiscal year, unless cancelled by either party.

Budget Impact:

The total price for the purchase of six pick-up trucks and two sport utility vehicles is \$336,912.71 and will be funded as follows:

Public Works	Budget	Purchase Price	Difference
Approved Supplemental Requests	\$ 79,000.00	\$ 81,390.25	\$ (2,390.25)
Approved Replacements (VERF)	\$ 241,000.00	\$ 238,086.71	\$ 2,913.29
Total Public Works	\$ 320,000.00	\$ 319,476.96	\$ 523.04
Building Inspection	Budget	Purchase Price	Difference
Approved Supplemental Requests	\$ 14,560.00	\$ 17,435.75	\$ (2,875.75)
Transfer Salary Savings to Offset	\$ 2,875.75		\$ 2,875.75
Total Building Inspection	\$ 17,435.75	\$ 17,435.75	\$ -
Grand Total	\$ 337,435.75	\$ 336,912.71	\$ 523.04

The savings realized from the approved replacement units for Public Works will offset the shortage of \$2,390.25 for the approved supplemental requests. Additionally, salary savings realized from vacant positions in Building Inspection will offset the shortage of \$2,875.75 for the approved supplemental request.

Attached Documents:

1. Silsbee Ford Quote - Three 2015 Ford F150 Regular Cab Pick-Up Trucks
2. Silsbee Ford Quote - Two 2015 Ford F150 Super Cab Pick-Up Trucks
3. Silsbee Ford Quote - One 2015 Ford F350 Chassis with Flat Bed
4. Silsbee Ford Quote - One 2015 Ford Explorer
5. Sam Pack's Five Star Ford Quote - One 2015 Ford Expedition

Town Staff Recommendation:

Town staff recommends approval of 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 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.

Proposed Motion:

I move to approve 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 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.


CONTRACT PRICING WORKSHEET
 For MOTOR VEHICLES Only

Contract No.:

VE11-13

Date Prepared:

1/30/2015

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	TOWN OF PROSPER	Contractor:	SILSBEE FORD
Contact Person:	FRANK JAROMIN	Prepared By:	RICHARD HYDER
Phone:	(214) 585-6136	Phone:	(409) 300-1385
Fax:		Fax:	(409) 985-3884
Email:	FRANK.JAROMIN@PROSPERTX.GOV	Email:	RHYDER.COWBOYFLEET@GMAIL.COM

Product Code:	D31	Description:	2015 FORD F350 CHASSIS DRW
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: \$ 21,654.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.

(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
F3G F350 4X2 DRW	\$ -		
99T 6.7L V8 DIESEL	\$ 7,972.00		
Z1 EXTERIOR WHITE	\$ -		
AS INTERIOR VINYL 40/20/40	\$ -		
52B TRAILER BRAKE CONTROLLER	\$ 254.00		
X4N 4.10 LIMITED SLIP AXLE	\$ 339.00		
512 SPARE TIRE AND WHEEL	\$ 329.00		
39 FLAT BED WITH GOOSENECK BODY AND TWO UNDERBODY TOOLBOXES	\$ 5,121.00		
FLOOR PLAN INTEREST	\$ 216.00		
LOT INSURANCE	\$ 86.00		
		Subtotal From Additional Sheet(s):	\$ -
		Subtotal B:	\$ 14,317.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.

(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	
		Subtotal C:	\$ -

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

0%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	\$ 35,971.00	=	Subtotal D:	\$ 35,971.00
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E. H-GAC Order Processing Charge (Amount Per Current Policy)

Subtotal E: \$ 600.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
DELIVERY 313 MILES	\$ 547.75		
		Subtotal F:	\$ 547.75

Delivery Date: ~90 DAYS ARO

G. Total Purchase Price (D+E+F):

\$ 37,118.75



POLICE

To: Mayor and Town Council

From: Douglas Kowalski, Chief of Police

Through: Harlan Jefferson, Town Manager

Re: Town Council, Meeting February 10, 2015

Agenda Item:

Consider and act upon an ordinance 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.

Description of Agenda Item:

The Town has serious concerns about the safety of its residents and the traveling public due to the truck and other commercial vehicle traffic and parking on certain public and residentially zoned areas within the Town, and wishes to provide additional safety for its residents and the traveling public by amending Section 12.05, "Parking, Stopping, and Standing," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the Town of Prosper, Texas, by the addition of section 12.05.003, "Parking of Commercial Motor Vehicles," making it unlawful for commercial motor vehicles to park in residentially zoned areas and certain public places including, but not limited to roadways, alleys, and public right-of-ways.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., prepared the attached Ordinance.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

Staff recommends that the Town Council approve the ordinance by amending Section 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.

Proposed Motion:

I make a motion to approve the ordinance 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.

TOWN OF PROSPER, TEXAS**ORDINANCE NO. 15-__**

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, 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; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, the Texas Transportation Code, as amended, provides that the governing body of a municipality may adopt parking regulations; and

WHEREAS, the Town has investigated and determined that additional parking regulations relative to commercial motor vehicles are both warranted and prudent, and it is the desire of the Town to adopt the following regulations related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Article 12.05, "Parking, Stopping and Standing," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances is hereby amended by adding a new Section 12.05.003, "Parking of Commercial Motor Vehicles," and reserving sections 12.05.004 through 12.05.030, to read as follows:

"ARTICLE 12.05 PARKING, STOPPING AND STANDING

* * *

Sec. 12.05.003 Parking of Commercial Motor Vehicles

Parking of commercial motor vehicles shall comply with the following provisions:

(a) It shall be unlawful for any person to park or store, or allow to be parked or stored, any commercial motor vehicle upon any public street, alley, parkway, boulevard, public place, public right-of-way or railroad right-of-way within the corporate limits of the Town. This subsection shall not apply to street construction equipment, maintenance and repair equipment or trucks, rollers and implements, equipment trailers or vehicles used by public service utility companies

engaged in repairing or extending public service utilities when used, or intended for use, in the general vicinity; motor buses when taking on or discharging passengers at the customary bus stops; vehicles parked in a designated loading zone while in the act of accepting from the immediate shipper or delivering to a consignee or addressee any transportable thing; or vehicles with mechanical defects during the time it takes to make emergency repairs.

(b) It shall be unlawful for any person to park or store, or allow to be parked or stored, any commercial motor vehicle upon property within any residentially zoned district or any property used for residential purposes, within the corporate limits of the Town. This subsection shall not prevent the parking or standing of the above-described vehicles in such zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise.

(c) For subsections (a) and (b) of this section, the court may take judicial notice of an owner's manual, dealer brochure and other such similar informational literature, which may constitute a prima facie presumption of the size and weight of the vehicle. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05.

Secs. 12.05.004—12.05.030 Reserved"

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6

This Ordinance shall become effective after its passage and publication, as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF FEBRUARY, 2015.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



PARKS & RECREATION

To: Mayor and Town Council

From: Will Mitchell, Parks and Recreation Manager

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

Consider and act upon a resolution 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.

Description of Agenda Item:

The Texas Parks and Wildlife Department (“TPWD”) administers the Texas Recreation and Parks Account Local Park Grant Program (“TRPA”) and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 94 state parks and historical sites in Texas.

TPWD has separate accounts in their general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to introduce new populations to outdoor experiences. The matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation, and open space areas to be owned and maintained by political subdivisions.

Funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1,629 projects over 30 years delivering over \$800 million to the local Texas economy. Political subdivisions throughout the State of Texas depend on grants from the TPWD through the TRPA to stimulate the acquisition and development of parks and recreation areas for the benefit and enjoyment of their citizenry. The TRPA, Urban Account, and state parks receive funding from sales tax on sporting goods, and the development of new parks stimulates the purchase of sporting goods. The TRPA, Urban Account, and state parks also receive funding from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails.

The development of parks encourages and promotes public health, economic development, job creation, education, corporate relocations, as well as improved quality of life, and juvenile crime prevention. Funds are needed for major repairs at local and state parks and for the acquisition of parks and facilities.

The purpose of this resolution is to request that members of the 84th Legislature of Texas seek passage of legislation maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both local and state parks

and that all TRPA and Urban Account funded park projects be subject to the established TPWD competitive scoring system; and that members of the 84th Legislature of Texas restore funding to the TRPA and Urban Accounts in the amount of at least \$15.5 million per year.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the resolution as to form and legality.

Attached Documents:

1. Resolution

Town Staff Recommendation:

Town staff recommends that the Town Council adopt a resolution in support of the introduction and adoption of legislation in the Regular Session of the 84th Legislature of Texas that increase 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.

Proposed Motion:

I move to adopt a resolution in support of 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 Grant Programs, and the Texas State Park System.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 15-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, REQUESTING THAT MEMBERS OF THE 84th LEGISLATIVE SESSION OF THE STATE OF TEXAS SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION & PARKS ACCOUNT AND LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAMS, AND THE TEXAS STATE PARK SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Parks & Wildlife Department (“TPWD”) administers the Texas Recreation & Parks Account Local Park Grant Program (“TRPA”) and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 94 state parks and historical sites in Texas; and

WHEREAS, TPWD has separate accounts in its general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to political subdivisions for parks and recreation projects, and for outreach grants to introduce new populations to outdoor experiences; and

WHEREAS, the matching grants provided by TPWD are utilized for the planning, acquisition, and development of local park, recreation, and open space areas to be owned and maintained by political subdivisions; and

WHEREAS, funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1629 projects of the 3,470 submitted over 30 years delivering over \$800 million to the local Texas economy; and

WHEREAS, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry; and

WHEREAS, the TRPA, Urban Account, and state parks are funded from sales tax on sporting goods and the development of new parks stimulates the purchase of sporting goods; and

WHEREAS, the TRPA, Urban Account, and state parks are partially funded from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails; and

WHEREAS, the maintenance and improvements of state park and historic sites and the addition of new parks is a priority to Texans due to the state’s expanding population and extensive tourism industry; and

WHEREAS, the development of parks encourages and promotes public health, economic development, job creation, education; corporate relocations, an improved quality of life, and juvenile crime prevention; and

WHEREAS, funds are needed for major repairs at local and state parks and for the acquisition and development of parks and facilities; and

WHEREAS, it is the desire of the Town Council that a copy of this resolution with appropriate names affixed thereto be presented to the Governor of Texas and the leadership of the 84th Texas Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town hereby resolves that members of the 84th Legislature of Texas seek passage of legislation maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both local and State parks and that all TRPA and Urban Account funded park projects be subject to the established TPWD competitive scoring system. The Town hereby further resolves that the members of the 84th Legislature of Texas restore funding to the TRPA and Urban accounts in the amount of at least \$15.5 million per year.

SECTION 3

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THIS 10TH DAY OF FEBRUARY, 2015.

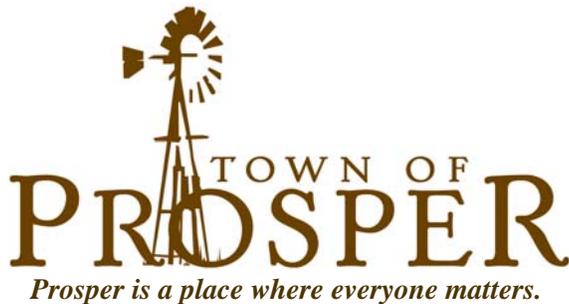
Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



DEVELOPMENT AND COMMUNITY SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Executive Director of Development and Community Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

Consider and act upon a resolution 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.

Description of Agenda Item:

Denton County Fresh Water Supply District No. 10, owns approximately 61.003 acres of land west of FM 1385 and north of Fishtrap Road which is located in the Town of Prosper's Extraterritorial Jurisdiction (ETJ). They have requested that the Town of Prosper enter into an agreement to remove the property from its ETJ.

The agreement attached clarifies the terms of the agreement to reduce the ETJ of the Town of Prosper and contains the following requirements:

- Development Building Restrictions
- Transaction Fee
- Common Area and Open Space Dedication Requirement

Budget Impact:

In accordance with the agreement, the Denton County Fresh Water Supply District No. 10, will pay a transaction fee to the Town of Prosper, Texas, in the amount of \$79,304 (\$1,300/acre), for the reduction of the 61.003 acres of land from the Town of Prosper's ETJ. The Denton County Fresh Water Supply District No. 10, will contribute \$5,000 towards the legal preparation fees.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed and approved the attached resolution and Interlocal Agreement as to form and legality.

Attached Documents:

1. Resolution
2. Interlocal Agreement

Town Staff Recommendation:

Town staff recommends that the Town Council approve a resolution 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.

Proposed Motion:

I move to approve a resolution 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.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 15-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AUTHORIZING THE TOWN MANAGER OF THE TOWN OF PROSPER, TEXAS, TO EXECUTE 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., AS MORE FULLY DESCRIBED HEREIN, AND TAKE ANY AND ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE SAME, INCLUDING THE TOWN COUNCIL'S CONSENT TO SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CHS Savannah, L.P., is a real estate development company that is developing a portion of the property contained in Denton County Fresh Water Supply District No. 10, consisting of 61.003 acres, more or less, in the extraterritorial jurisdiction ("ETJ") of the Town of Prosper, Texas ("Prosper"), which property is more particularly described in 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. ("Agreement"), attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes Prosper to enter into an agreement to reduce its ETJ; and

WHEREAS, Prosper, Denton County Fresh Water Supply District No. 10 and CHS Savannah, L.P., have negotiated the attached Agreement and all pertinent matters related thereto have been fully addressed by each of them.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town Manager of the Town of Prosper, Texas, is hereby authorized to execute 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.," and take any and all other actions necessary to effectuate the same. This Resolution shall constitute consent to the terms and conditions contained in said Agreement.

SECTION 3

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THIS 10TH DAY OF FEBRUARY, 2015.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

(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.)

After Recording Return to:

Town Secretary
Town of Prosper, Texas
P.O. Box 307
Prosper, Texas 75078

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.

THIS 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. ("Agreement") is entered into to be effective on the date that the last approving Party executes the Agreement, (1) under and in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, by and between the **TOWN OF PROSPER, TEXAS**, a home-rule municipality ("Prosper" or the "Town") and **DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10** (the "District"), a political subdivision of the State of Texas operating under the provisions of Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution and Chapters 49, 51, and, for limited purposes, 53, Texas Water Code, as amended, and (2) under and in accordance with the provisions of Section 212.172 of the Texas Local Government Code, by and between the Town and CHS Savannah, L.P. ("Developer"). Prosper, the District and Developer are sometimes referred to collectively as the "Parties" or individually as a "Party."

ARTICLE ONE

RECITALS

- 1.1 **WHEREAS**, the Interlocal Cooperation Act authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and
- 1.2 **WHEREAS**, Texas Local Government Code section 42.023 authorizes Prosper to reduce its extraterritorial jurisdiction ("ETJ") by ordinance or resolution; and Texas Local Government Code section 212.172 authorizes Prosper to make a written contract with an owner of land that is located in the Prosper ETJ to guarantee the continuation of the extraterritorial jurisdiction of the land and its immunity from annexation; authorize enforcement by Prosper of certain development and land use regulations; and address other lawful terms and considerations Prosper and Developer consider appropriate; and

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- 1.3 **WHEREAS**, Developer is the owner of an approximate 61.003 acre tract of land located north of Fishtrap Road, west of FM 1385 and north of, and contiguous to, District territory, said tract more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes (the "Tract"), and which is located in Prosper's ETJ; and
- 1.4 **WHEREAS**, Prosper has determined that it is in the best interests of Prosper to release a portion of the Tract under the terms and conditions set forth in this Agreement; and
- 1.5 **WHEREAS**, it is anticipated that Developer shall develop the lots in the Tract which is the subject of this Agreement; and
- 1.6 **WHEREAS**, Developer agrees to be subject to the terms and conditions of this Agreement, and that such terms and conditions shall run with the land and be binding on any future successors or assigns of Developer.

NOW, THEREFORE, this Agreement is made and entered into by Prosper, the District and Developer, upon and for the mutual consideration hereinafter stated, which entities hereby agree and understand as follows:

ARTICLE TWO

REPRESENTATIONS/CONSIDERATIONS

2.1 Representations.

- (A) The Parties believe that the Recitals set forth above are true and correct in all material respects and are hereby incorporated into the body of this Agreement as though fully set forth in their entirety herein.
- (B) Each of the Parties acknowledges and agrees that it has the requisite power and authority to enter into this Agreement; that this Agreement has been duly authorized and approved by its respective governing body; and that the person executing the Agreement on its behalf has been duly authorized to do so.

2.2 Consideration. The Parties acknowledge and agree that the obligations, rights and benefits provided herein are mutual and supported by adequate consideration.

ARTICLE THREE

SPECIFIC TERMS

- 3.1 Prosper's Attorney Fees.** The Developer agrees to pay to Prosper any attorney's fees charged to Prosper by Prosper's legal counsel for, among other things, legal review and revision of this Agreement and all further agreements, ordinances or resolutions contemplated by this Agreement, negotiations and discussions with the Developer's attorney, the District's attorney and the provision of advice to applicable Prosper Town Staff and the Prosper Town Council, in an amount not to exceed \$5,000.00 within ten (10) days upon receipt of an invoice of same from Prosper.
- 3.2 Transaction Fee.** The Developer agrees to pay to Prosper a transaction fee of \$1,300.00 per acre, as consideration for Prosper's release of the Tract, for a total amount of \$79,304.00. This fee shall be paid contemporaneously with or before the release of the Tract from Prosper's ETJ.
- 3.3 Development Building Restrictions.** Developer agrees to restrict Developer's use and development of the Tract in accordance with the provisions of this Section 3.3. Prosper agrees that it will require the District, and the District, to the extent permissible under Texas law, and Developer so agree, to restrict the District's/Developer's use and development of the Tract as follows:
- (A) The average density within the Tract shall not exceed 4.25 single family dwelling units per gross acre.
 - (B) Multifamily residential dwelling units shall not be permitted within the Tract.
 - (C) Within the Tract, the exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of ninety percent (90%) masonry (as defined below). For purposes of this Paragraph, "masonry" shall mean clay fired brick, natural and manufactured stone, granite, marble, stucco and architectural concrete block. Masonry shall also include cementitious fiber board; however, cementitious fiber board used as the primary façade cladding material will be limited to a maximum of sixty percent (60%) of the homes constructed. Cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story, if other masonry material is used on the first story (i.e., brick or stone on first story, and cementitious fiber board on upper stories in same plane will not be allowed). Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, room dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features. The remaining ten percent (10%) of the exterior

facades of a main building or structure, excluding glass windows and doors, shall not be wood, vinyl or EIFS.

- (D) At least ten percent (10%) of the total acreage of the Tract (6.1 acres) shall be provided for Common Areas and Open Space.
- (E) Utility and paving design specifications shall comply with the requirements and guidelines of the North Central Texas Council of Governments, Texas Commission on Environmental Quality, Texas Department of State Health Services, Upper Trinity Regional Water District, Denton County and Mustang Water Supply Corporation as they exist at the time of construction of any buildings on the Tract.
- (F) All drainage facilities shall be designed and constructed with capacity sufficient to carry storm water flows for a 100-year storm, as required by Denton County regulations, as they now exist or may be amended.
- (G) Fire hydrants and fire lanes shall be installed in all developments on the Tract, in accordance with all State of Texas requirements. Water service shall meet minimum State fire flow requirements for residential and commercial development, as applicable.
- (H) The District shall maintain plans and drawings of utilities, streets and drainage facilities for all District operating systems. The District agrees to allow the Town, or its designated engineer, reasonable access to the drawings, as requested by the Town.

ARTICLE FOUR

RELEASE OF ETJ TO THE DISTRICT; ETJ STRIP TO REMAIN

- 4.1 Release of ETJ.** Prosper agrees that, upon the Effective Date of this Agreement, concurrent with the adoption of a Town Resolution authorizing the execution of this Agreement, with the exception of the ETJ Strip (hereinafter defined), the Tract is released from Prosper's ETJ, thereby reducing Prosper's ETJ. Notwithstanding any matter in this Agreement, this Agreement shall not affect or otherwise change any Prosper corporate limits or Prosper ETJ except as specifically set forth herein. This Agreement shall not inure to the benefit of any party not a signatory to this Agreement.
- 4.2 ETJ Strip.** The Town, Developer and District specifically acknowledge and agree that Prosper shall retain a one-foot (1') strip of its ETJ along, inside and adjacent to the perimeter of the Tract ("ETJ Strip"), and that Prosper shall have no obligation to maintain or provide any municipal services to or in said ETJ Strip.

- 4.3 **Jurisdictional Status.** The ETJ Strip shall remain in the Prosper ETJ and shall be immune from full purpose annexation by Prosper until January 1, 2040, unless otherwise agreed by the parties.

ARTICLE FIVE

REMEDIES UPON DEFAULT

It is not intended hereby to specify (and this Agreement shall not be considered as specifying) an exclusive remedy for any default, but all such other remedies (other than termination) existing at law or in equity may be availed of by either Party hereto and shall be cumulative. However, recognizing that each Party's undertakings hereunder are obligations, failure in the performance of which cannot be adequately compensated in money damages alone, each Party agrees, in the event of any default on its part, that the other Party shall have available to them the equitable remedy of mandamus and specific performance in addition to any other legal and equitable remedies (other than termination) which may also be available. No waiver or waivers of any breach or default (or any breaches or defaults) by either Party hereto or of performance by the other Party of any duty or obligation hereunder shall be deemed a waiver thereof in the future, nor shall any such waiver or waivers be deemed or construed to be a waiver of subsequent breaches, defaults of any kind, character or description, under any circumstances.

ARTICLE SIX

INDEMNIFICATION

- 6.1 **TO THE EXTENT ALLOWED BY LAW, EACH PARTY AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMANDS, SUITS, JUDGMENTS, AND COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, OR RELATED TO, OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.**
- 6.2 **THIS ARTICLE SIX SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.**

ARTICLE SEVEN

GENERAL PROVISIONS

- 7.1 Term of Agreement.** This Agreement shall be deemed effective on and from the date that this Agreement is approved by the Prosper Town Council, the District's Board of Directors and Developer ("Effective Date"), whichever approval occurring last being deemed the Effective Date.
- 7.2 Modification.** No change, amendment or modification of this Agreement shall be made or be effective except by means of written agreement executed by the Parties hereto.
- 7.3 Addresses and Notice.** Unless otherwise provided herein, any notice, communication, request, reply or advise (herein severally and collectively, for convenience, called "Notice") herein provided or permitted to be given, made or accepted by either Party to any other Party must be in writing and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the Party to be notified, with return receipt requested, or by delivering the same to an officer of such Party, or by prepaid telegram when appropriate, addressed to the Party to be notified. Notice deposited in the mail in the manner described above shall be conclusively deemed to be effective, unless otherwise stated herein, from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the Party to be notified. For any purposes of notice, the addresses of the Parties shall, until changed as hereinafter provided, be as follows:

If to Prosper, to: Town of Prosper
 P.O. Box 307
 Prosper, Texas 75078
 Attention: Town Manager

If to the District, to: Denton County Fresh Water Supply District No. 10
 Attn: President
 c/o Crawford & Jordan LLP
 19 Briar Hollow Lane, Suite 245
 Houston, Texas 77027

If to the Developer, to: CHS Savannah, L.P.
 Attn: Phillip W. Huffines
 8200 Douglas Avenue, Suite 300
 Dallas, Texas 75225

The Parties hereto shall have the right from time to time and at any time to change their respective addresses and each shall have the right to specify as its

address any other address by at least fifteen (15) days' written notice to the other Party hereto.

- 7.4 **Representations**. Each signatory represents this Agreement has been read by the Party for which this Agreement is executed and that each Party has had an opportunity to confer with its counsel.
- 7.5 **No Third Party Beneficiaries**. Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the Parties do not intend to create any third party beneficiaries by entering into this Agreement.
- 7.6 **State or Federal Laws, Rules, Orders or Regulations**. This Agreement is subject to all applicable Federal and State law, as they exist, may be amended or in the future arising, and any applicable permits, ordinances, rules, orders and regulations of any local, State or Federal governmental authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.
- 7.7 **Savings/Severability**. The Parties hereto specifically agree that in case any one or more of the sections, subsections, provisions, clauses or words of this Agreement or the application of such sections, subsections, provisions, clauses or words to any situation or circumstance shall be, or should be held to be, for any reason, invalid or unconstitutional, under the laws or constitutions of the State of Texas or the United States of America, or in contravention of any such laws or constitutions, such invalidity, unconstitutionality or contravention shall not affect any other sections, subsections, provisions, clauses or words of this Agreement or the application of such sections, subsections, provisions, clauses or words to any other situation or circumstances, and it is intended that this Agreement shall be severable and shall be construed and applied as if any such invalid or unconstitutional sections, subsection, provision, clause or word had not been included herein, and the rights and obligations of the Parties hereto shall be construed and remain in force accordingly.
- 7.8 **Venue**. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Denton County, Texas, which is the County in which the Tract is located. It is specifically agreed between the Parties to this Agreement that Denton County, Texas, is the place of performance of this Agreement; and in the event that any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought and exclusive venue shall lie in Denton County, Texas.
- 7.9 **Sovereign Immunity**. By entering into and executing this Agreement, the Parties agree neither Prosper nor the District waives, limits or surrenders its sovereign immunity, except as specifically provided for herein.

- 7.10 Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by the Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and the presumption or principle that the language herein is to be construed against either Party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this Agreement.
- 7.11 Assignment.** Except as provided in Section 7.12 below, this Agreement may not be assigned, in whole or in part, without the prior written approval of all Parties.
- 7.12 Conveyance of Tract.** In the event that Developer sells, conveys or otherwise transfers ownership of any portion of the Tract (a "Sale Tract") to any person or entity (a "New Owner") other than a homebuilder or an end-user homeowner, prior to such conveyance Developer shall require New Owner to execute a joinder to this Agreement pursuant to which it assumes all of Developer's obligations hereunder with respect to the Sale Tract (whereupon New Owner shall be the "Developer" under this Agreement with respect to the Sale Tract, and, provided it is not in default hereunder, Developer shall be released from any further obligations under this Agreement with respect to the Sale Tract). Neither Prosper nor District shall be bound to such joinder unless and until it receives written notice and a fully executed copy thereof.
- 7.13 Recordation.** Pursuant to the requirements of section 212.172(f) of the Texas Local Government Code, this Agreement, all amendments and joinders thereto, and assignments thereof, shall be recorded in the deed records of Denton County.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed in several counterparts, each of which shall constitute an original.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF PROSPER, TEXAS, in its meeting held on the ____ day of _____, 2015, and executed by its authorized representative.

TOWN OF PROSPER, TEXAS

By: _____
Harlan Jefferson
Title: Town Manager, Town of Prosper

ATTEST:

Name: Robyn Battle
Title: Town Secretary

APPROVED AS TO FORM:

Name: Terrence S. Welch
Title: Town Attorney

STATE OF TEXAS)
)
COUNTY OF COLLIN)

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared Harlan Jefferson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2015.

Notary public in and for the State of Texas
My commission expires: _____

APPROVED BY THE DEVELOPER, on the 8 day of JANUARY, 2015, and executed by its authorized representative.

CHS SAVANNAH, L.P., a Delaware limited partnership

By: HC Operating Savannah, LLC, a Texas limited liability company, its general partner

By: HC Operating, L.P., a Texas limited partnership, its sole member

By: HC Operating GP, LLC, a Texas limited liability company, its general partner

By: *Phillip W. Huffines*
Name: Phillip W. Huffines
Title: Managing Director

STATE OF TEXAS)
COUNTY OF Dallas)

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared Phillip W. Huffines, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration expressed, and in the capacity therein stated.

Given under my hand and seal of office this 8 day of January, 2015.



Julianne E Prudhomme
Notary public in and for the State of Texas
My commission expires: November 19, 2016

EXHIBIT A**The Tract's Legal Description
61.003 ACRE TRACT**

BEING that certain tract of land situated in the WILLIAM LUMPKIN SURVEY, ABSTRACT NO. 730, in Denton County, Texas, and being all of a called 20.264 acre tract of land described as Tract 9 in deed to CHS Savannah, L.P. recorded in Document No. 2006-40724, of the Real Property Records of Denton County, Texas (RPRDCT), and all of a called 40.739 acre tract of land described as Tract 8 in said deed to CHS Savannah, L.P. and being more particularly described as follows;

BEGINNING at a 1/2-inch iron rod found for the most easterly southeast corner of said Tract 9, and also being located on the west line of that certain tract of land described in deed to Richard J. Handley, recorded in County Clerk's Document Number 97-R0083816, RPRDCT;

THENCE North 87 degrees 35 minutes 06 seconds West, with the most easterly south line of Tract 9, a distance of 102.58 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found for corner;

THENCE South 02 degrees 24 minutes 54 seconds West, continuing with said southerly line of Tract 9, a distance of 23.40 feet to a "PK" nail found for corner in the approximate center of Fish Trap Road (undedicated public road), said nail also being located on the north line of that certain tract of land described in deed to Kyo Yoo Lee and Chong S. Lee recorded in County Clerk's Document Number 96-R0032397, RPRDCT;

THENCE North 88 degrees 11 minutes 08 seconds West, generally with the center of Fish Trap Road, the south line of Tract 9, and the north line of said Kyo Yoo Lee and Chong S. Lee tract, passing at a distance of 377.80 feet a "PK" nail found at the southwest corner of Tract 9, and the southeast corner of the aforementioned Tract 8 in deed to CHS Savannah, L.P. recorded in Document No. 2006-40724, RPRDCT, continuing with the most easterly south line of said Tract 8, the north line of the Lee tract, and generally along the center of Fish Trap Road, in all, a distance of 712.26 feet to a 1/2 inch iron rod found at the northwest corner of the Lee tract, and the northeast corner of Savannah Phase 2, an addition to Denton County, Texas, according to the plat thereof recorded in Cabinet V, Page 382, of the Plat Records of Denton County, Texas;

THENCE North 87 degrees 58 minutes 44 seconds West, continuing with the most easterly south line of Tract 8, the north line of said Savannah Phase 2, and generally along the center of Fish Trap Road, a distance of 149.75 feet to a "PK" nail found for corner at the southeast corner of that certain tract of land described in deed to Wisteria Storage, L.C.C. recorded in Instrument No. 2005-157713, RPRDCT;

THENCE North 01 degree 20 minutes 54 seconds East, with the east line of said Wisteria Storage, L.C.C. tract, a distance of 200.77 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found for corner at the northeast corner of the Wisteria Storage, L.C.C. tract, and an "ell" corner of Tract 8;

THENCE North 88 degrees 46 minutes 25 seconds West, with the north line of the Wisteria Storage, L.C.C. tract, and the most westerly south line of Tract 8, a distance of 457.57 feet to a 1 inch pipe found for corner at the northwest corner of the Wisteria Storage, L.C.C. tract, and the most westerly southwest corner of Tract 9;

THENCE North 02 degrees 07 minutes 54 seconds East, with the west line of Tract 8, and the east line of that certain tract of land described in deed to H4 Little Elm, L.P. recorded in Instrument No. 2013-48961, RPRDCT, and generally with a meandering fence, a distance of 1789.23 feet to a nail in corner post found for corner at the northwest corner of Tract 9, and an "ell" corner of said H4 Little Elm, L.P. tract;

THENCE South 87 degrees 45 minutes 53 seconds East, with the north line of Tract 8, a south line of the H4 Little Elm, L.P. tract, and generally along a fence, passing at a distance of 938.05 feet a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found at the northeast corner of Tract 8, and the northwest corner of the aforementioned Tract 9 in deed to CHS Savannah, L.P. recorded in Document No. 2006-40724, continuing with the north line of said Tract 9, and generally along a fence, in all, a distance of 1351.96 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found for corner at the northeast corner of Tract 9;

THENCE South 00 degrees 00 minutes 30 seconds East, with the east line of Tract 9, a distance of 1954.54 feet to the POINT OF BEGINNING and containing a calculated area of 61.003 acres of land.



ENGINEERING

To: Mayor and Town Council

From: Hulon T. Webb, Jr, P.E., Executive Director of Development and Community Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

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.

Description of Agenda Item:

At the January 13, 2015, Town Council meeting, staff requested that this item be tabled to the February 10, 2015, Town Council meeting. The item was tabled in order to allow staff time to complete the West Prosper Roads Agreement with M/I Homes of DFW, LLC., and Terra Verde for consideration by the Town Council at the same meeting. At this time, the West Prosper Roads Agreement has not been executed by all parties. Once complete, both the 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, and the West Prosper Roads Agreement will be scheduled for consideration at the next available Town Council meeting.

Town Staff Recommendation:

Town staff recommends that the Town Council table this item to a future Town Council meeting.

Proposed Motion:

I move to table the item to a future Town Council meeting.



PLANNING

To: Mayor and Town Council
From: John Webb, AICP, Director of Development Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – February 10, 2015

Agenda Item:

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).

History:

At the January 13, 2015, Town Council meeting, this item was tabled and the public hearing was continued to the February 10, 2015, Town Council meeting. The item was tabled in order to give the applicant an opportunity to reassess the request and determine if the lot layout and the recommendations of the Low Density Residential District of the Future Land Use Plan, with regard to lot size (15,000 square feet) and density (1.6 dwelling units per acre) could be achieved.

Description of Agenda Item:

The applicant has requested this item be tabled and the public hearing be continued to the March 24, 2015, Town Council meeting, to allow additional time for reassessing the request to determine if the recommendations of the Future Land Use Plan are achievable.

Attached Documents:

1. Tabling request letter

Town Staff Recommendation:

Town staff recommends the Town Council continue the public hearing and table the item to the March 24, 2015, Town Council meeting.

Proposed Motion:

I move to continue the public hearing and table the item to the March 24, 2015, Town Council meeting.

Baldwin
Associates

January 29, 2015

Alex Glushko, AICP
Senior Planner
Development Services
Town of Prosper
P.O. Box 307
Prosper, TX 75078

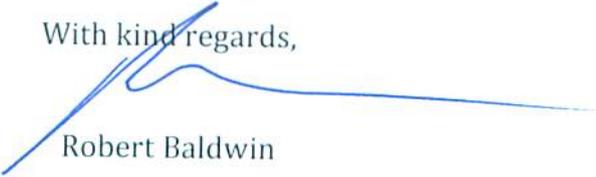
Re: Case Z14-0016

Dear Alex,

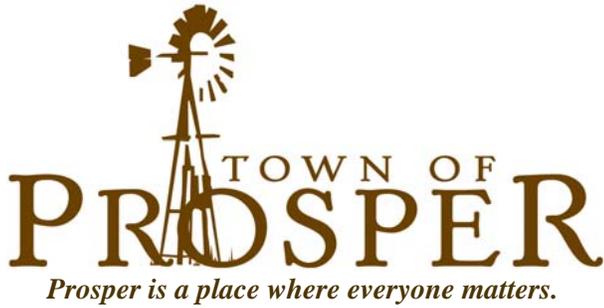
As you are aware, the Town Council asked me to revisit the proposed design of the property we are proposing to rezone to see if we can increase the lot area of the lots. I am working with my engineer on preparing this analysis. Due to the requirement that we have to prepare an analysis of the flood plain and determine how much property can be reclaimed. This analysis has taken longer than I anticipated and I would like to request that this case be held over until the March 24th meeting.

Thank you very much for your help with this matter. If you have any questions or require any additional information, please do not hesitate to contact me.

With kind regards,



Robert Baldwin



PLANNING

To: Mayor and Town Council
From: John Webb, AICP, Director of Development Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – February 10, 2015

Agenda Item:

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

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Single Family-15	Undeveloped	Old Town Core District - Office
North	Single Family-15	Single Family	Old Town Core District - Office
East	Downtown Office	Public Park/Municipal Facility	Old Town Core District - Office
South	Single Family-15	Undeveloped	Old Town Core District - Office
West	Single Family-15	Single Family	Old Town Core District - Office

Requested Zoning – Z14-0018 is a request to rezone 0.6± acre, located at the northwest corner of First Street and Church Street from Single Family-15 (SF-15) to Downtown Office (DTO).

At the time of an application for “straight” zoning, the applicant is not required to submit an exhibit depicting how the property will be developed. But the applicant indicated that a single office building, centered on the property, could be developed.

Future Land Use Plan – The Future Land Use Plan recommends Old Town Core District – Office. The Comprehensive Plan notes that this area along First Street will gradually transition to boutique, cottage-style office uses. The proposed rezoning request is in conformance with the Future Land Use Plan.

Thoroughfare Plan – First Street is within the “Old Town District/Section E” on the Thoroughfare Plan. This segment of First Street is anticipated to be a two-lane, undivided roadway with on-street parallel parking. Church Street and Second Street are not on the Thoroughfare Plan.

Water and Sanitary Sewer Services – Water and sanitary sewer service are available at the site.

Access – Access to the property is provided from First Street, Church Street and Second Street.

Schools – This property is located within the Prosper Independent School District (PISD).

Parks – It is not anticipated that this property will be needed for the development of a park. There is a small public park immediately east of the site.

Environmental Considerations – There is no 100-year floodplain on the property.

Legal Obligations and Review:

Notification was provided to neighboring property owners as required by state law. To date, staff has received two public hearing notice reply forms; not in opposition to the request.

The attached ordinance is a standard format that was previously approved by the Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P.

Attached Documents:

1. Zoning map of the surrounding area
2. Public Hearing Notice Reply Forms
3. Ordinance

Planning & Zoning Commission Recommendation:

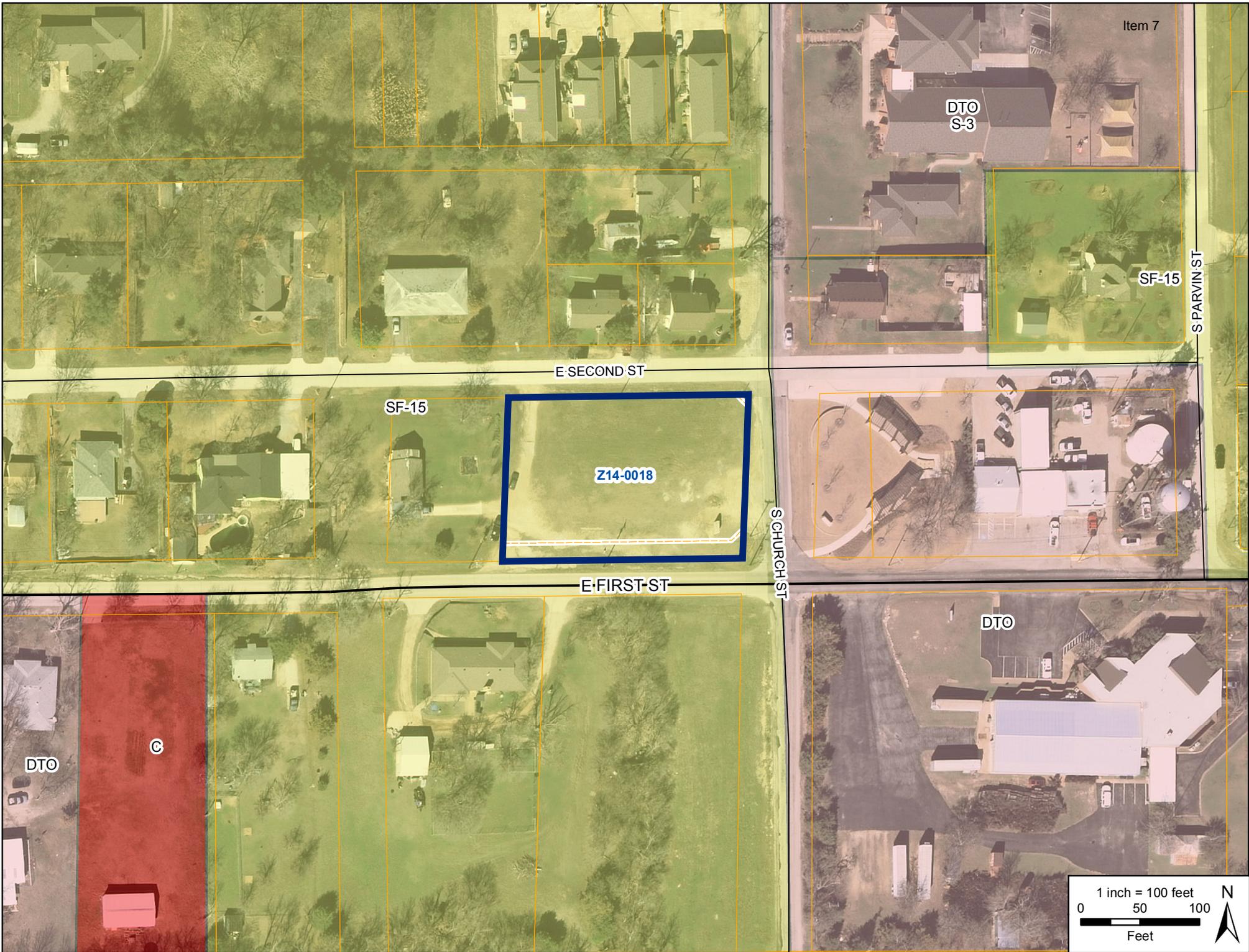
At the January 20, 2015, meeting, the Planning & Zoning Commission recommended the Town Council approve the request to rezone 0.6± acre, located at the northwest corner of First Street and Church Street, from Single Family-15 (SF-15) to Downtown Office (DTO), by a vote of 6-0.

Town Staff Recommendation:

Town staff recommends that the Town Council approve the request and adopt an ordinance to rezone 0.6± acre, located at the northwest corner of First Street and Church Street, from Single Family-15 (SF-15) to Downtown Office (DTO).

Proposed Motion:

I move to approve the request and adopt an ordinance to rezone 0.6± acre, located at the northwest corner of First Street and Church Street, from Single Family-15 (SF-15) to Downtown Office (DTO).



Item 7

DTO
S-3

SF-15

S PARVIN ST

E SECOND ST

SF-15

Z14-0018

S CHURCH ST

E FIRST ST

DTO

C

DTO

1 inch = 100 feet
0 50 100
Feet





**DEVELOPMENT SERVICES
 DEPARTMENT
 P.O. Box 307
 Prosper, TX 75078
 Phone: 972-346-3502
 Fax: 972-347-2842**

REPLY FORM

SUBJECT:

Zoning Case Z14-0018: The Town of Prosper has received a request to rezone 0.6± acre, from Single Family-15 (SF-15) to Downtown Office (DTO).

LOCATION OF SUBJECT PROPERTY:

The property is located on the northwest corner of First Street and Church Street.

DESCRIPTION OF THE REQUEST:

The Downtown Office District is established to maintain existing and encourage additional office development in the original downtown portion of the Town. Standards for vehicle parking, building set-backs, and building height are similar to those existing on developed properties in this section of the Town. This district will accommodate a variety of office developments providing for professional, financial, medical, and similar services for local residents and service uses necessary to support such office uses.

I **OPPOSE** the request as described in the notice of public hearing.
 I **DO NOT OPPOSE** the request as described in the notice of public hearing.

COMMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY): _____

Andy MAHARD
Name (please print)

[Signature]
Signature

410 E 1st Street
Address

1-14-15
Date

Prosper TX 75078
City, State, and Zip Code

MAHARD@MAHARD.com
E-mail Address



**DEVELOPMENT SERVICES
 DEPARTMENT**
 P.O. Box 307
 Prosper, TX 75078
 Phone: 972-346-3502
 Fax: 972-347-2842

REPLY FORM

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- I **OPPOSE** the request as described in the notice of public hearing.
- I **DO NOT OPPOSE** the request as described in the notice of public hearing.

COMMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY): _____

Good idea ☺

Jose Antonio Garibay
Name (please print)

Jose Antonio Garibay
Signature

206 S. Church St.
Address

01/13/15
Date

Prosper, TX 75078
City, State, and Zip Code

Betty.cullen67@gmail.com
E-mail Address

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 15-__

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 0.64 ACRE, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED SINGLE FAMILY-15 (SF-15) IS HEREBY AMENDED AND PLACED IN THE ZONING CLASSIFICATION OF DOWNTOWN OFFICE (DTO); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Pettis Under Construction ("Applicant") to rezone 0.64 acre of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendments to Zoning Ordinance No. 05-20. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the property containing 0.64 acre of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Downtown Office (DTO). The Property as a whole and for this zoning classification is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

Three (3) original, official, and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District to be amended.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF FEBRUARY, 2015.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

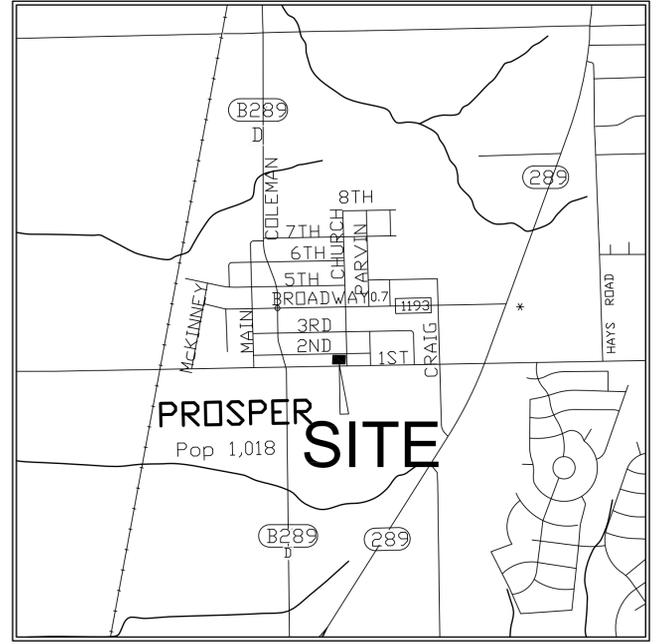
APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

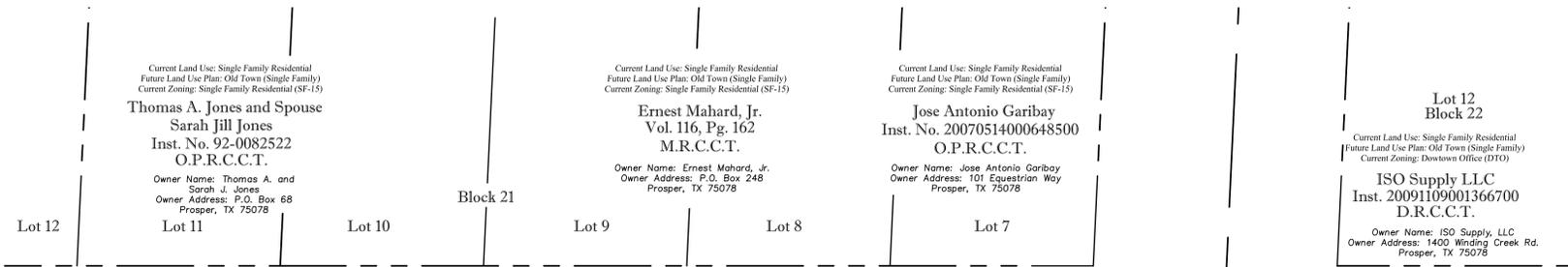
State of Texas
County of Collin Owner's Certificate and Dedication

WHEREAS Marcia Ann Pettis is the owner of a 0.640 acre tract of land situated in the Collin County School Land Survey, Abstract Number 147, Town of Prosper, Collin County, Texas, being all of Lots 3, 4, 5, and 6, in Block 23, of Bryant's Addition to Prosper, an addition to the Town of Prosper, Collin County, Texas, according to the Plat thereof recorded in Volume 116, Page 162, of the Map Records of Collin County, Texas, and being more particularly described as follows:

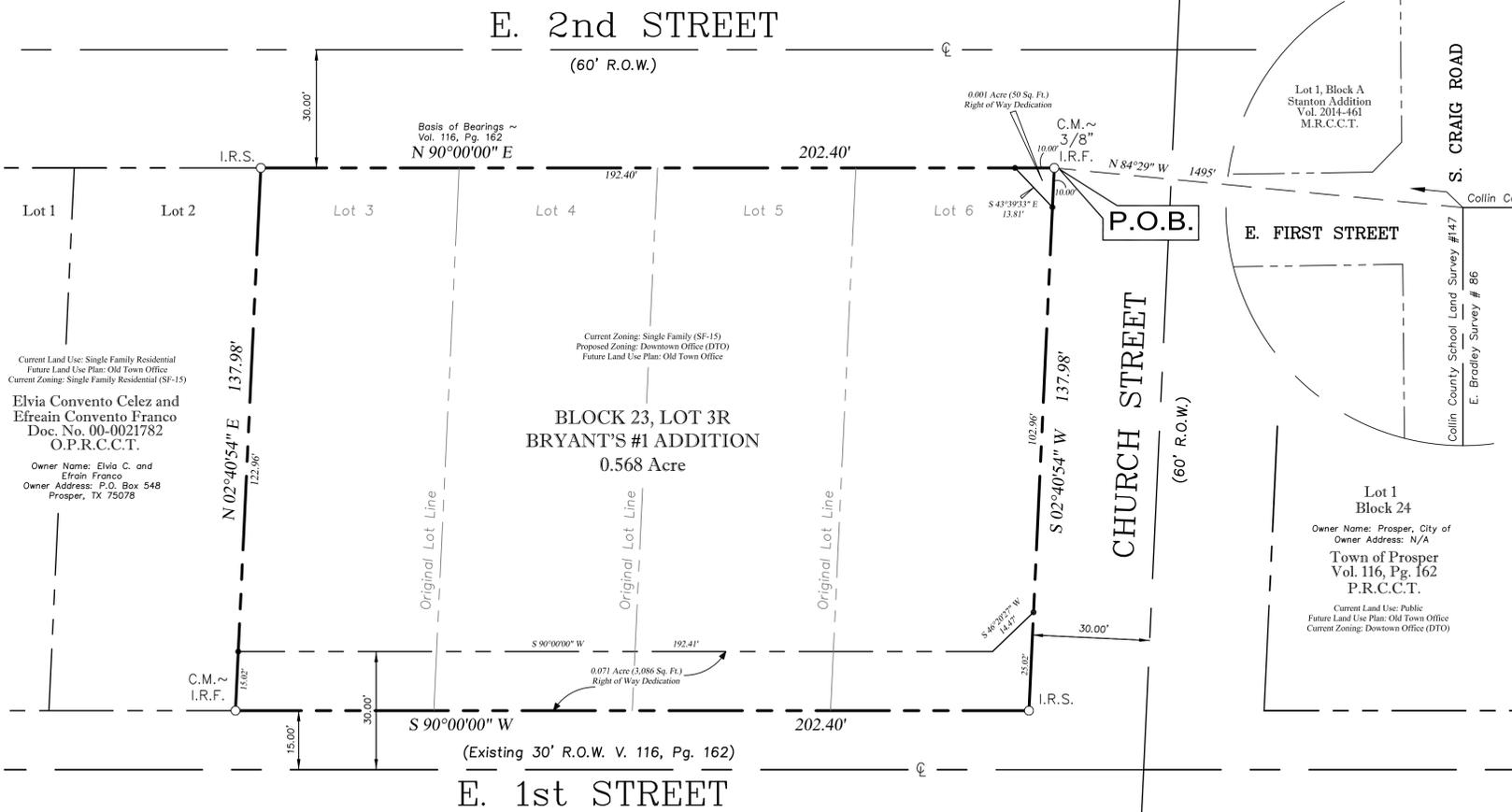
BEGINNING at a 3/8 inch iron rod found for the northeast corner of the herein described tract, same being at the intersection of the south line of East 2nd Street and the west line of Church Street, same being the northeast corner of said Lot 6;
THENCE South 02 degrees 40 minutes 54 seconds West, with the east line of said Lot 6 and the west line of said Church Street, a distance of 137.98 feet to a 1/2 inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the southeast corner of said Lot 6, also being in the north line of East 1st Street;
THENCE South 90 degrees 00 minutes 00 seconds West, with the south line of said Block 23 and the north line of said East 1st Street, a distance of 202.40 feet to a 1/2 inch iron rod found for corner, same being the southwest corner of said Lot 2, in said Block 23;
THENCE North 02 degrees 40 minutes 54 seconds East, with the west line of said Lot 3 and the east line of said Lot 2, a distance of 137.98 feet to a 1/2 inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the northwest corner of said Lot 3, also being the northeast corner of said Lot 2;
THENCE North 90 degrees 00 minutes 00 seconds East, a distance of 202.40 feet to the **POINT OF BEGINNING** and containing 0.640 acre of land, more or less, and being subject to any and all encumbrances that may affect.



VICINITY MAP (not to scale)



Douglas L. Arthur
Douglas L. Arthur R.P.L.S. No. 4357



Current Land Use: Single Family Residential
Future Land Use Plan: Old Town Office
Current Zoning: Single Family Residential (SF-15)
Elvia Convento Celez and Efreain Convento Franco
Doc. No. 00-0021782
O.P.R.C.C.T.
Owner Name: Elvia C. and Efreain Franco
Owner Address: P.O. Box 548
Prosper, TX 75078

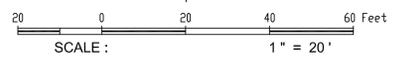
Current Zoning: Single Family (SF-15)
Proposed Zoning: Downtown Office (DTO)
Future Land Use Plan: Old Town Office
BLOCK 23, LOT 3R
BRYANT'S #1 ADDITION
0.568 Acre

Lot 1, Block 24
Owner Name: Prosper, City of
Owner Address: N/A
Town of Prosper
Vol. 116, Pg. 162
P.R.C.C.T.
Current Land Use: Public
Future Land Use Plan: Old Town Office
Current Zoning: Downtown Office (DTO)

Current Land Use: Commercial
Future Land Use Plan: Old Town Office
Current Zoning: Downtown Office (DTO)
Mahard Egg Farm Inc.
Vol. 3356, Pg. 348
D.R.C.C.T.
Owner Name: Mahard Egg Farm, Inc.
Owner Address: P.O. Box 248
Prosper, TX 75078

Current Land Use: Single Family Residential
Future Land Use Plan: Old Town Office
Current Zoning: Single Family Residential (SF-15)
First Baptist Church of Prosper
Doc. No. 2001-0130186
O.P.R.C.C.T.
Owner Name: First Baptist Church Prosper
Owner Address: 601 S. Church St.
Prosper, TX 75078

Current Land Use: Vacant
Future Land Use Plan: Old Town Office
Current Zoning: Single Family Residential (SF-15)
Ernest Mahard, Jr.
Vol. 637, Pg. 229
O.P.R.C.C.T.
Owner Name: Ernest Mahard, Jr.
Owner Address: P.O. Box 248
Prosper, TX 75078



LEGEND

C.M.	CONTROLLING MONUMENT
I.R.F.	IRON ROD FOUND
I.R.S.	IRON ROD SET
A.S.C.	ARTHUR SURVEYING CO.
SQ. FT.	SQUARE FEET

- NOTES:
- All iron rods found are 1/2 inch unless otherwise noted. All iron rods set are 1/2 inch with a yellow cap stamped "Arthur Surveying Company".
 - Bearings are based on the north line of Block 23, Bryant's Addition to Prosper (Vol. 116, Pg. 162, M.R.C.C.T.).
 - No portion of the subject property appears to lie within a Special Flood Hazard Area according to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 480141 0235 J, present effective date of map June 2, 2009, herein property is situated within Zone "X" (unshaded). No floodplain exists on the site.
 - One Lot: 0.640 Acre (Gross) Less 0.072 acre (3136 Sq. Ft.) ROW dedication = 0.568 Acre (Net)
 - The thoroughfare alignments shown on this exhibit are for illustrative purposes and do not set the alignment. The alignment is determined at time of final plat.
 - Location of abstract lines shown hereon are approximate.

ZONING EXHIBIT "A"
BRYANT'S #1 ADDITION
Block 23, Lot 3R
BRYANT'S #1 ADDITION TO PROSPER
Block 23, Lots 3, 4, 5, and 6
0.640 Acre (Gross) less 0.072 Acre
in Right of Way Dedication being 0.568 Acre (Net)
Collin County School Land Survey, Abst. No. 147
Town of Prosper, Collin County, Texas

Arthur Surveying Co.
Professional Land Surveyors
220 Elm St., # 200 - Lewisville, TX 75057
509 E. First Street
Prosper, Texas 75078
arthursurveying.com Established 1986

OWNER / DEVELOPER
Marcia Ann Pettis
509 E. First Street
Prosper, Texas 75078
(972) 979-9700



PARKS & RECREATION

To: Mayor and Town Council
From: Paul Naughton, RLA, Landscape Architect
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – February 10, 2015

Agenda Item:

Update on the Parks, Recreation, and Open Space Master Plan.

Description of Agenda Item:

At the December 9, 2014, Town Council meeting, Mr. Neeley presented to Council an overview of what has been accomplished. He presented the first two phases of the master planning process which included preparing base maps and an inventory of the Town's park system, demographic and standards analysis, and a needs assessment. Mr. Neeley discussed the results of the online survey of Town of Prosper residents that was conducted in July of 2014 regarding needed facilities and amenities, and potential funding options. Elizabeth McIlrath of Dunaway Associates continued the presentation by reviewing in more detail the top fifteen high-priority rankings that were identified in the survey. The Town Council encouraged the master plan to include a realistic timeline for implementation, and to identify potential funding sources utilizing public/private partnerships and other strategies to fund park improvements. The master plan will include a five to ten-year implementation plan, cost information, and amendments to park development standards.

Since the December 9, 2014, Town Council meeting, staff and Dunaway Associates have reviewed the feedback and attended the Parks Master Plan Advisory Committee meeting on January 26, 2015, to discuss what was said at Town Council, funding options, and the priority rankings. They also set a date to have the next Parks Master Plan Public Input meeting on February 23, 2015, at the Prosper High School.

The purpose of this agenda item is to present the information that will be discussed at the Parks Master Plan Public Input meeting.

Attached Documents

1. Priority ranking presentation from Action Plan

Town Staff Recommendation:

Town staff requests that the Town Council provide feedback on the Parks, Recreation, and Open Space Master Plan update.

Draft Parks Action Plan





Parks Action Plan



 DUNAWAY

Priority Rankings

FACILITY	HIGH	MODERATE	LOW
1. Community/Recreation Center	•		
2. Picnic Areas/Pavilions	•		
3. Shade to Playgrounds	•		
4. Hike/Bike/Walk Trails	•		
5. Tennis Courts	•		
6. Practice Athletic Fields	•		
7. Softball Fields	•		
8. Gymnasium	•		
9. Baseball Fields	•		
10. Shade in Parks	•		
11. Basketball Courts	•		
12. Lighting in Parks	•		
13. Soccer Fields	•		
14. Spraygrounds/Splash Pads	•		
15. Playgrounds	•		
16. Large Nature Area/Preserve		•	
17. Bike Lanes		•	
18. Open Spaces/Natural Areas		•	
19. Aquatic Center		•	
20. Water Features		•	
21. Football Fields		•	
22. Leisure Outdoor Swim		•	
23. Amphitheater		•	
24. Dog Park		•	
25. Natural Surface Trails/Tracks		•	
26. Sand Volleyball Courts		•	
27. Disc Golf			•
28. Veterans Memorial			•
29. Outdoor Exercise Equipment			•
30. Lacrosse Fields			•
31. Nature Center			•
32. Equestrian Center			•
33. Community Garden			•
34. Skatepark			•
35. Racquetball Courts			•
36. Rugby Fields			•
37. Roller Hockey			•



**Parks
Action
Plan**

**High
Priority
Items**



RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
1	Community/ Recreation Center	Future Park Site Joint-use facilities w PISD	\$15,000,000	General Fund General Obligation Bonds
2	Picnic Areas/ Pavilions	Cockrell Park Folsom Park Frontier Park Hays Park Town Lake Park Pecan Grove Park Whitley Park Sexton Park Future Park Sites	\$15,000 - 20,000 <i>Small</i> \$50,000 - 80,000 <i>Medium</i> \$150,000 - 200,000 <i>Large</i>	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
3	Shade to Playgrounds	Cockrell Park Folsom Park Pecan Grove Park	\$50,000 Range	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
4	Hike/Bike/Walk Trails	Cockrell Park Frontier Park Hays Park Town Lake Park Pecan Grove Park Sexton Park Future Park Sites Along Greenbelt & Utility Corridors	\$1,000,000 per mile	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Grants - TPWD Recreational Trails Program Grants - Transportation Enhancement (NCTCOG/TxDOT) Grants - Collin County



**Parks
Action
Plan**

**High
Priority
Items**



RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
5	Tennis Courts	Pecan Grove Park Future Community Park Joint-use w PISD	\$125,000 per Court	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Partnerships Park Dedication Fee
6	Practice Athletic Fields	Cockrell Park Eagles Landing Park Sexton Park Future Park Sites	\$100,000 Range	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Interlocal Agreements Partnerships Park Dedication Fee
7	Softball Fields	Future Community Park Frontier Park	\$500,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
8	Gymnasium	Future Recreation Center Joint-use with PISD	Inclusive in Item 1	


**Parks
Action
Plan**


High Priority Items

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
9	Baseball Fields	Frontier Park Future Community Park	\$500,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
10	Shade in Parks	Folsom Park Pecan Grove Park	\$30,000 - 40,000 Range	General Fund Park Improvement Fees Private Donations Volunteerism/In-Kind Donations
11	Basketball Courts	Cockrell Park Pecan Grove Park Future Park Sites	\$75,000 - 100,000 per court	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
12	Lighting in Parks	Frontier Park Pecan Grove Park Sexton Park Future Community Parks	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee



**Parks
Action
Plan**

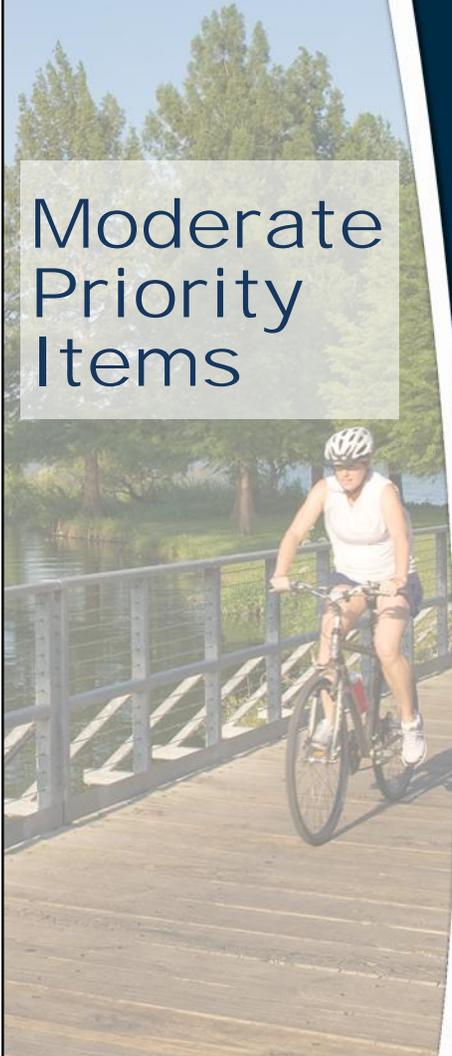
**High
Priority
Items**



RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
13	Soccer Fields	Sexton Park Future Community Park	\$400,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
14	Spraygrounds/ Splash Pads	Future Community Park	\$250,000 Range	
15	Playgrounds	Cockrell Park Hays Park Sexton Park Future Park Sites Joint-use with PISD Joint-use with Churches	\$200,000 Range	General Fund Park Improvement Fees Friends Associations General Obligation Bonds Grants - TPWD Outdoor Program Interlocal Agreements Park Dedication Fee

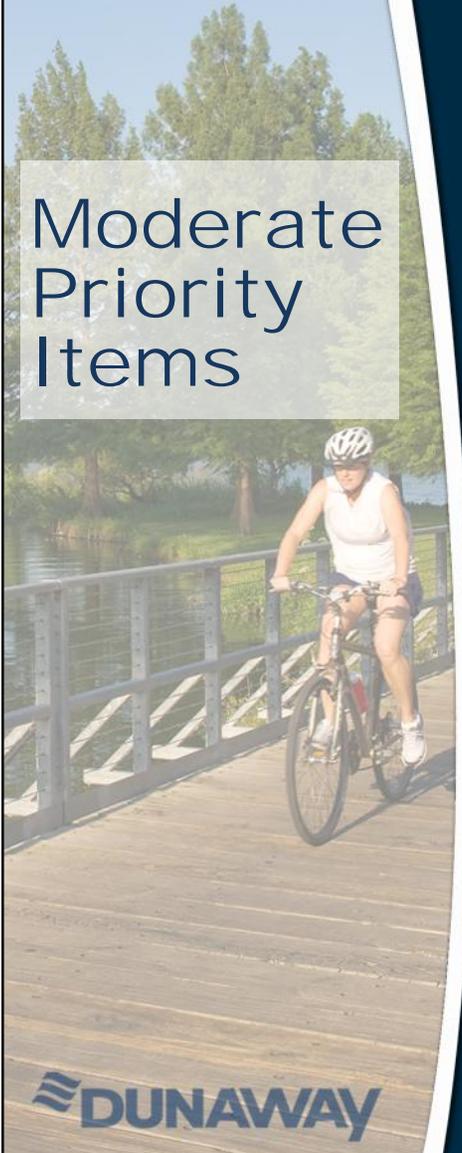


**Parks
Action
Plan**



**Moderate
Priority
Items**

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
16	Large Nature Area/Preserve	Town Lake Park Cedar Grove Park Future Park/Preserve Site	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
17	Bike Lanes	Selectively along major roadways	TBD	
18	Open Spaces/ Natural Areas	Cockrell Park Town Lake Park Pecan Grove Park Cedar Grove Park Future Park Sites	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
19	Aquatic Center	Part of Future Recreation Center Joint-use with PISD	\$3 - 5 million	General Fund Corporate Sponsorships General Obligation Bonds Interlocal Agreements Partnerships


**Parks
Action
Plan**

**Moderate
Priority
Items**

DUNAWAY

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
20	Water Features	Whitley Park Future Park Sites	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
21	Football Fields	Sexton Park Joint-use with PISD Future Community Park	\$400,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
22	Leisure Outdoor Swim	Part of Future Recreation Center	\$3 million Range	General Fund Corporate Sponsorships General Obligation Bonds Interlocal Agreements Partnerships
23	Amphitheater	Future Community Park	\$200,000 - 300,000 Range	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee Private Donations



**Parks
Action
Plan**

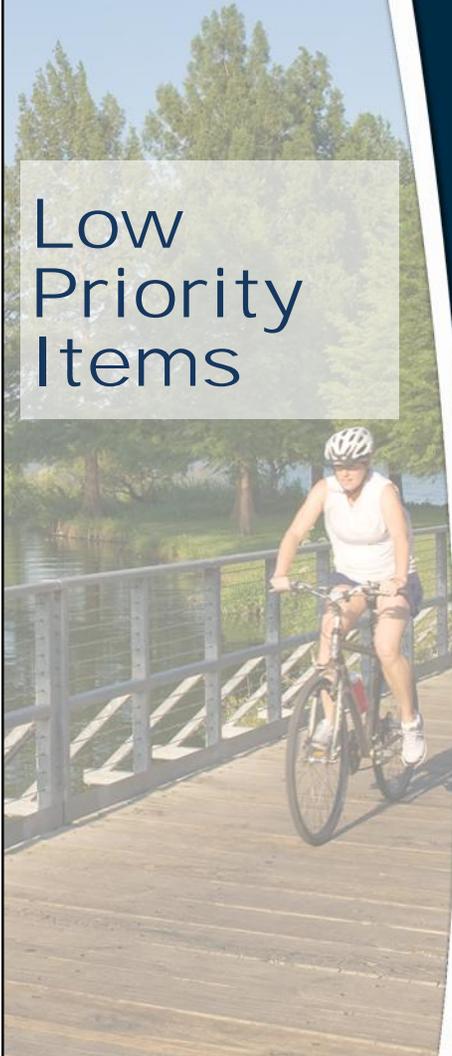
Moderate
Priority
Items



RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
24	Dog Park	Future Community Park	\$500,000 Range	General Fund Park Improvement Fees Friends Associations General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee Volunteerism/In-Kind Donations
25	Natural Surface Trails/Tracks/ BMX/ Mountain Bikes	Future Nature Area/Preserve	\$1 million per mile	General Fund Park Improvement Fees Friends Associations General Obligation Bonds Grants - TPWD Outdoor Program Volunteerism/In-Kind Donations
26	Sand Volleyball Courts	Frontier Park Future Park Sites	\$15,000 - 20,000 Range	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee



**Parks
Action
Plan**



**Low
Priority
Items**

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
27	Disc Golf	Along Greenbelt Corridors	\$20,000	General Fund Park Improvement Fees Friends Associations General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee Volunteerism/In-Kind Donations
28	Veterans Memorial	Frontier Park Future Town Hall Future Community Park	Varies	General Fund Foundations/Gifts Friends Associations Private Donations Special Fundraisers Volunteerism/In-Kind Donations
29	Outdoor Exercise Equipment	Along Trail Corridors	\$25,000 - 30,000	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee



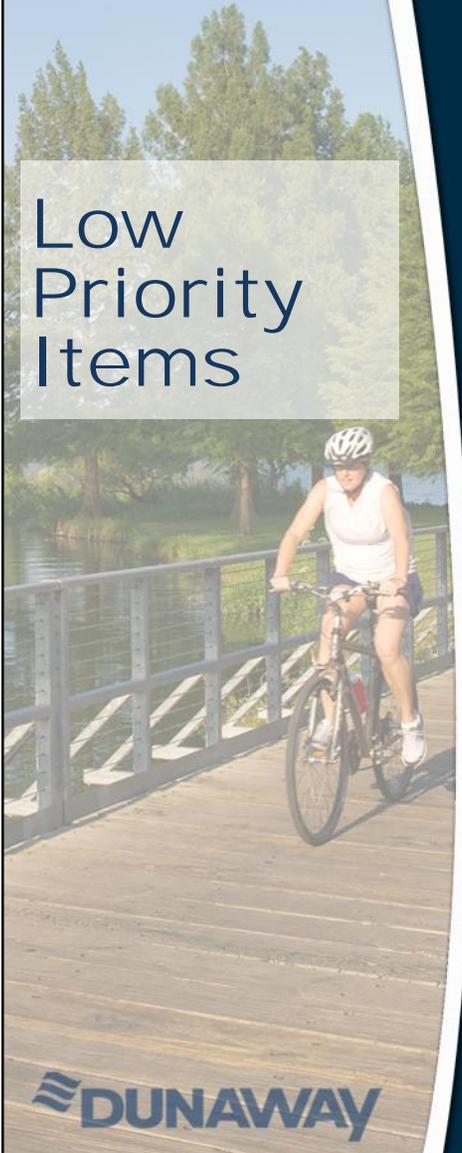
**Parks
Action
Plan**

**Low
Priority
Items**

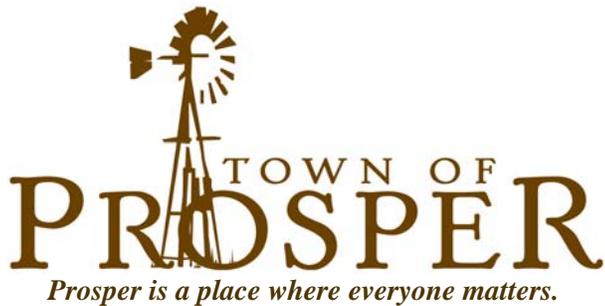


 **DUNAWAY**

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
30	Lacrosse Fields	Future Community Park	\$400,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
31	Nature Center	Future Nature Area/Preserve	\$3 million Range	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
32	Equestrian Center	Future Joint-use w Private Operator	TBD	Partnerships
33	Community Garden	Future Community Park	Varies	General Fund Foundations/Gifts Friends Associations Private Donations Special Fundraisers Volunteerism/In-Kind Donations


**Parks
Action
Plan**

**Low
Priority
Items**

RANK	ACTION PLAN	LOCATION	BUDGET	FUNDING SOURCE
34	Skatepark	Future Community Park	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
35	Racquetball Courts	Future Recreation Center	N/A	
36	Rugby Fields	Future Community Park	\$400,000 per Field	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee
37	Roller Hockey	Future Community Park	Varies	General Fund Park Improvement Fees General Obligation Bonds Grants - TPWD Outdoor Program Park Dedication Fee



PARKS & RECREATION

To: Mayor and Town Council
From: Paul Naughton, RLA, Landscape Architect
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – February 10, 2015

Agenda Item:

Discussion on the Frontier Park North and Sexton Park Conceptual Master Plans.

Description of Agenda Item:

At the September 23, 2014, Town Council meeting, the Town Council approved an agreement with Dunaway Associates for the Frontier Park North and Sexton Park Conceptual Master Plans project. As part of the discussion on the agreement, the Town Council requested the scope of services include Council in the process.

At the December 9, 2014, Town Council meeting, Elizabeth McIlrath of Dunaway Associates presented the on-site assessment of Frontier Park North and Sexton Park. Ms. McIlrath reviewed the existing conditions of Frontier Park and Sexton Park, and received initial ideas for program and facility improvements to the sites.

Dunaway Associates has incorporated the feedback received from the Town Council and developed different concept plans for Frontier Park and Sexton Park with costs associated. The concepts, along with the feedback received from the Town Council, will be presented to the Parks and Recreation Board for input at their February 12, 2015, meeting.

Town Staff Recommendation:

Town staff requests that the Town Council provide feedback on the Frontier Park North and Sexton Park Conceptual Master Plans.



ENGINEERING

To: Mayor and Town Council

From: Hulon T. Webb, Jr, P.E., Executive Director of Development and Community Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

Road Projects Update.

Description of Agenda Item:

At the January 27, 2015, Town Council meeting, the Town Council requested an update on the Dallas North Tollway (DNT) extension north of US 380 and the DNT southbound service road within the limits of Prosper. Also, at the January 28, 2015, Strategic Planning Session, the Town Council requested a timeline for a couple of road projects. Based on the comments received, Town staff will be providing the Town Council with an update on the following road projects planned by the NTTA and Collin County, road projects recently completed, Town projects currently under construction or design, and the status of remaining approved CIP road projects.

- Projects planned by the NTTA and Collin County:
 - DNT extension north of US 380
 - DNT southbound service road
- Projects recently completed:
 - Preston Road (US 380 - Frontier) – TxDOT Paving
 - Prosper Road Improvement Projects (Asphalt)
 - Coit Road (First - Frontier)
 - Coleman Street (Broadway - Prosper Trail)
 - First Street (DNT - Coleman)
 - Prosper Road Improvement Projects (Concrete)
 - First Street (Church - Craig)
 - Rhea Mills
- Projects currently under construction:
 - Preston Road (US 380 - Frontier)
 - Median Landscaping / Irrigation
 - Median Lighting
 - Illuminated Street Name Signs
 - Seventh Street (Coleman - PISD Admin)
 - Teel Parkway (DCFWS #10)
 - US 380 (Lovers - Custer) - TxDOT
 - US 380 (Denton CL - Lovers) - TxDOT

- Projects currently under design:
 - Coleman Street (Prosper Trail - High School)
 - Coleman Street (High School - Preston Road)
 - Downtown Enhancements
 - First Street (DNT - Coleman): 4 lane divided design being negotiated
 - Prosper Trail (Kroger - Coit): 4 lane divided design being negotiated
 - Prosper Trail (Preston Road - Kroger)
 - West Prosper Roads:
 - Gee Road (US 380 - FM 1385)
 - Fishtrap (Gee Road - Teel Parkway)
 - Teel Parkway (US 380 - Fishtrap)

- Remaining approved CIP Road Projects:
 - FY 2014-2015
 - Broadway (McKinley - Main)
 - Custer Road Turn Lanes at Prosper Trail - TxDOT
 - Fifth Street (BNSF Railroad - Coleman)
 - McKinley Street (First - Fifth)

 - FY 2015-2016
 - Church Street (First - Broadway)
 - First Street (Townlake - Custer)
 - Fishtrap Road (Artesia - Dallas Parkway)
 - Frontier Parkway (DNT - Preston)

 - FY 2016-2017
 - Church Street (Broadway - PISD)
 - Eighth Street (Church – PISD Admin)
 - Field Street (Third - Broadway)
 - Main Street (Broadway - First)
 - Parvin Road (Good Hope - FM 1385)
 - Pasewark (Preston - End)

 - FY 2017-2018
 - Coleman Street (at Prosper High School)

Attached Documents:

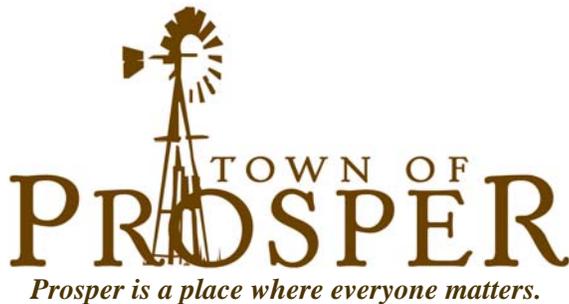
- Summary of Five-Year CIP Plan (Street Projects)

Town Staff Recommendation:

Town staff requests that the Town Council provide feedback on the Road Projects Update.

**Summary of Five-Year Capital Improvement Program - 02/10/2015
General Fund Projects**

INDEX	STREET PROJECTS	PROJECT SCHEDULE								TOTAL PROJECT COSTS	FUNDING SOURCES					UNISSUED DEBT SCHEDULE								
		Prior Yrs	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2024		OTHER SOURCES	ISSUED DEBT	REIMB. RES. UNISSUED DEBT	AUTHORIZED UNISSUED DEBT	NEW UNISSUED DEBT	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2024		
01	0803-ST First Street and Coit Rd Widening	8,250,000	(75,000)							8,175,000	6,594,300	0,1,2,3	1,580,700											
02	1205-ST Asphalt Roads 2014: Coit, Coleman, First		1,390,796	(136,622)						1,254,174			1,254,174											
03	1207-ST Concrete Roads 2014: Rhea Mills, First		1,000,000							1,000,000			304,000	696,000										
04	1418-ST SH 289 Median Paving & Conduit		125,000	(67,000)						58,000	58,000	4												
05	1405-ST Coleman Street (Prosper Trail - HS)		319,100	1,560,900						1,880,000	1,380,000	0	500,000											
06	1412-ST Downtown Enhancements (Broadway - Main)		60,000	490,000						550,000	550,000	4												
07	Broadway (McKinley - Main)			113,000						113,000			113,000											
08	Custer Road Turn Lanes @ Prosper Trail			100,000						100,000	100,000	0												
09	Fifth Street (BNSF Railroad - Coleman)			216,000						216,000					216,000									216,000
10	Gates of Prosper Road Improvements, Phase 1			2,000,000						2,000,000	2,000,000	8												
11	McKinley Street (First - Fifth)			275,000						275,000					275,000									275,000
12	1416-ST Seventh Street (Coleman - PISD Admin)		11,000	979,000						990,000	431,723	5,7	558,277											
13	1415-ST Teel Parkway (DCFWSO #10)			2,600,000						2,600,000	2,600,000	0,X												
14	West Prosper Road Improvements			12,531,000						12,531,000	8,266,000	1,3			3,065,000	1,200,000								4,265,000
15	Church Street (First - Broadway)				170,000					170,000					170,000									
16	Coleman Street (HS - Preston Road)				1,412,500					1,412,500	1,412,500	1												
17	First Street (Townlake - Custer)				420,000					420,000					420,000									
18	Fishtrap Road (Artesia - Dallas Parkway)				820,000					820,000					378,000	442,000								
19	Frontier Parkway (DNT - Preston)				3,650,000					3,650,000	1,635,000	0		365,000	1,650,000									2,015,000
20	DNT Southbound Frontage Road				1,200,000	8,300,000				9,500,000	3,300,000	9				6,200,000								6,200,000
21	Church Street (Broadway - PISD)					375,000				375,000					375,000									
22	Eighth Street (Church - PISD Admin)					160,000				160,000					160,000									
23	Field Street (Third - Broadway)					41,000				41,000					41,000									
24	Main Street (Broadway - First)					181,000				181,000					181,000									
25	Parvin Road (Good Hope - FM 1385)					270,000				270,000					270,000									
26	Pasewark (Preston - End)					280,000				280,000					280,000									
27	1414-ST Prosper Trail (Preston - Coit)				1,034,900	950,000	2,665,100			4,650,000	3,359,900	0,1,3				1,290,100								
28	Coleman Street (at Prosper HS)						850,000			850,000	425,000	1				425,000								
29	DNT Southbound Braided Ramp							4,000,000		4,000,000	4,000,000	9												
30	Gates of Prosper Road Improvements, Phase 2							500,000		500,000	500,000	8												
31	Gates of Prosper Road Improvements, Phase 3							15,200,000		15,200,000	15,200,000	8												
32	Gates of Prosper Road Improvements, Phase 4							7,500,000		7,500,000	7,500,000	8												
SUBTOTAL		8,250,000	2,830,896	20,661,278	8,707,400	10,557,000	3,515,100	0	27,200,000	81,721,674	59,312,423		4,310,151	1,061,000	7,481,000	9,557,100	0	5,452,000	3,425,000	7,982,000	1,240,100	0	0	0



ENGINEERING

To: Mayor and Town Council

From: Matt Richardson, P. E., Senior Engineer

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

Consider and act upon approving the purchase and installation 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.

Description of Agenda Item:

The Texas Department of Transportation (TxDOT) competitively bid the installation of landscaping and irrigation on SH 289 between US 380 and FM 1461 and awarded a contract to All Around Landscape & Construction (AALC). The original scope of work included irrigation of landscape beds and trees but did not include irrigation of turf in accordance with standard TxDOT policy. Town staff negotiated with TxDOT for an exception to this policy to provide turf irrigation in conformance with other Town medians. This exception was approved by TxDOT in November 2014, after the contract was awarded to AALC.

Following approval of the exception by TxDOT, Town staff began working with AALC and a landscape architect to determine the scope of necessary modifications to the original irrigation design to support the addition of turf irrigation. Upon completion of this design, Town staff began negotiating pricing with AALC for the materials and labor associated with the modifications. The negotiated pricing totals \$125,544.13. Town staff has reviewed the pricing and found it to be consistent with industry standards.

Budget Impact:

The budget for this project is \$135,000. Funding in the amount of \$68,000 is already allocated to the SH 289 Median Landscaping project. Additional funding in the amount of \$67,000 will be reallocated from the SH 289 Median Paving and Conduit project. This will have a net zero impact on the overall CIP.

Staff has previously purchased irrigation meters in the amount of \$1,498 leaving available funding of \$133,502. This purchase in the amount of \$125,544.13 leaves a contingency budget of \$7,958.87.

Attached Documents:

1. Location Map
2. Quote

Town Staff Recommendation:

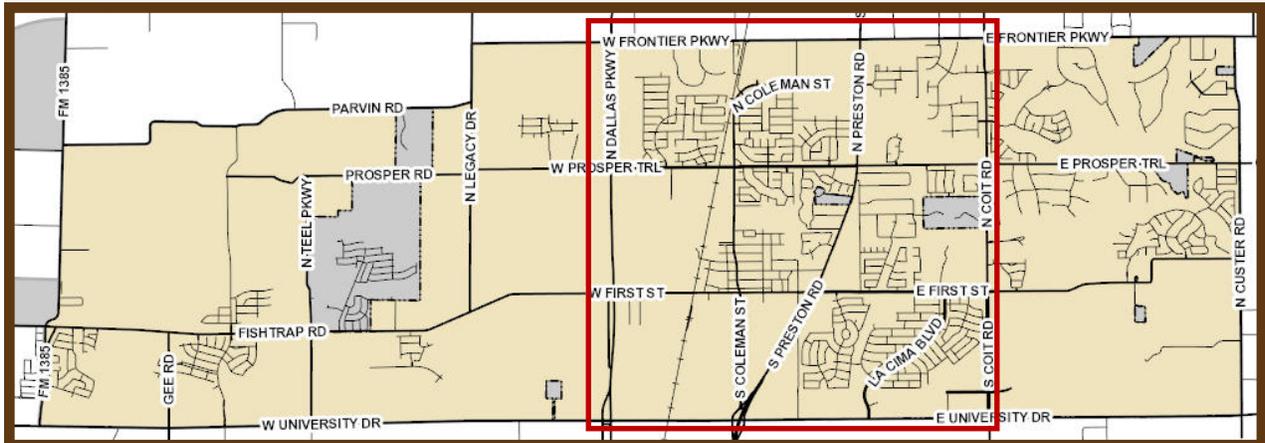
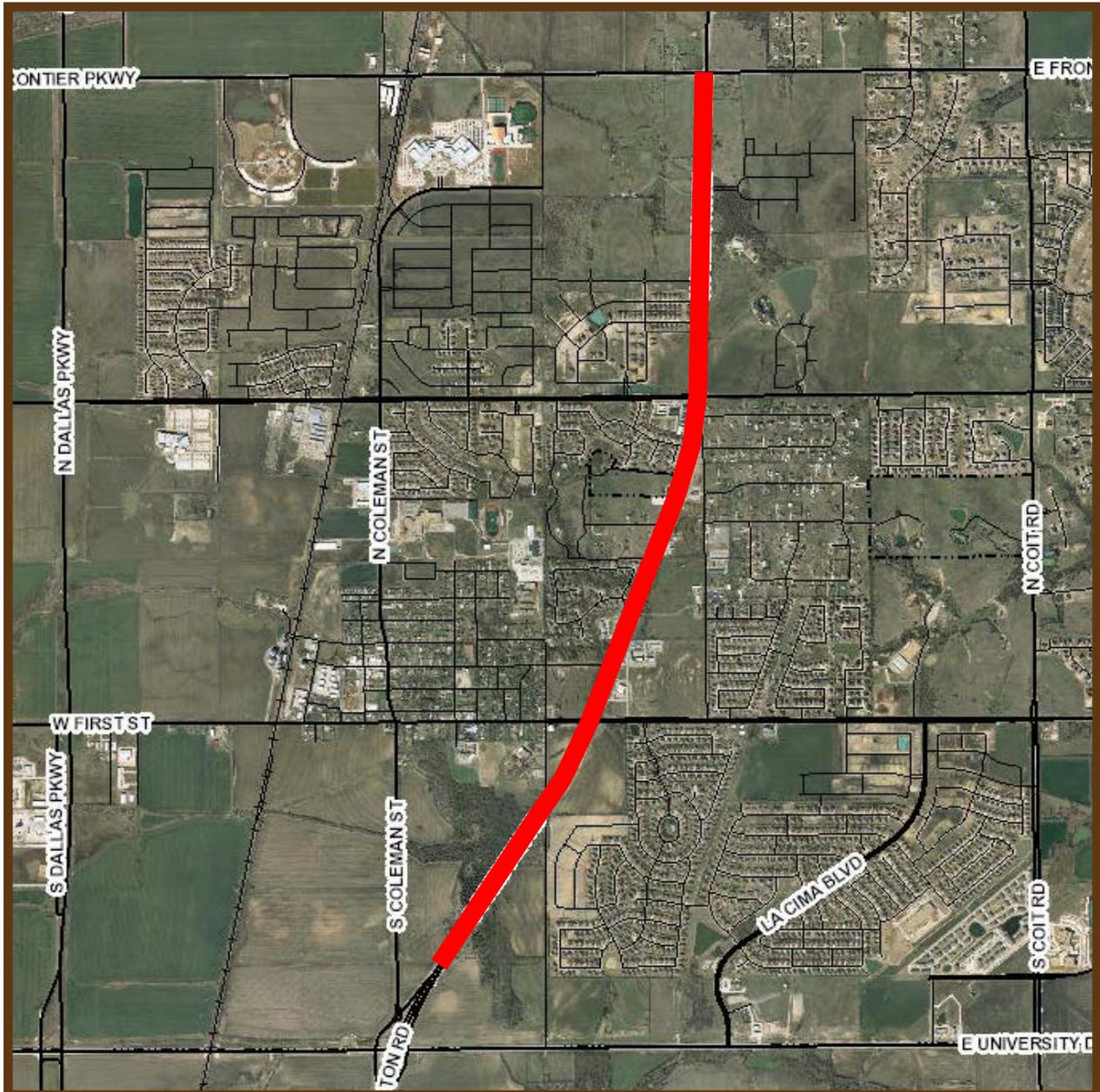
Town staff recommends that the Town Council approve the purchase and installation of new turf irrigation within the medians on Preston Road, between US 380 and Frontier Parkway, from All Around Landscape & Construction, the TxDOT contracted vendor.

Proposed Motion:

I move to approve the purchase and installation 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.



SH 289 Median Landscaping (US 380 to FM 1461)



Quote



Date	Quote #
1/14/2015	1434

Name / Address
Town of Prosper Michael Bulla

Rep	Project

Description	Qty	Total
Install Turf irrigation per plans on Preston Road. Includes 5 additional sleeves, Mainline increases, controller size increase, and turf heads	1	133,067.83
Remove Irrigation from median between Sta. 588 & Sta 592	1	-12,023.70
Irrigation design fee	1	4,500.00
~~~~~ CHANGE ORDER ~~~~~		
January 30, 2015		
> Added Irrigation Removal (-\$12,023.70)		
> Added Irrigation Design (+\$4,500.00)		
Total change to estimate -\$7,523.70		
~~~~~		
Sales Tax		0.00
Total		\$125,544.13



DEVELOPMENT SERVICES

To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – February 10, 2015

Agenda Item:

Discussion on Commercial Building Permit Fees.

Description of Agenda Item:

When the Town updated its residential permit fees in 2011, it did not update its commercial building permit fees from 2002. After gathering information from ten (10) benchmark cities on our list, Prosper's commercial building permit fees are approximately 30% of the average of the fees of the surveyed cities. Evaluation of our commercial fee schedule was also initiated after input from Prosper ISD that our fees are higher than other communities.

The survey indicates that the Town would collect \$1,394 in permit fees for a typical restaurant with a drive-thru. The average permit fee of the surveyed cities is \$5,211. Similarly, the permit fee for a medical office building would be \$5,039.00 in Prosper; while the average fee of the survey cities would be \$16,064.00.

As of this date, six (6) of the survey cities responded that they charge their ISD's building permit fees; three (3) cities indicated that they do not charge their ISDs' permit fees. Celina, which is not on our survey list, charges the permit fees for schools. Attached are several charts depicting the range of permit fees being charged by the benchmark cities.

The attachments also note the total fee when impact fees are included. Impact fees are charged to new development to offset its impact on the Town's water, wastewater facilities, and thoroughfares. Impact fees help pay the cost of building or expanding infrastructure in order to provide the adequate service that new development requires. Towns and cities such as Prosper and Frisco have significantly higher impact fee rates due to being in an environment of high growth and the need to build a significant amount of infrastructure to accommodate the growth. School districts are not required to pay impact fees.

With the increase in residential permits and the resulting demand on the resources of our inspections staff, the Town recently contracted with Bureau Veritas (BV), a professional third party plan review and inspection company for commercial building permit applications. The action was necessary to ensure the plans of the facilities are reviewed in a timely manner, and the numerous inspections are also performed in a timely manner. Since the cost for this third

party service is similar to the average of the fees charged by the benchmark cities, the Town is currently paying significantly more than what is being collected.

Budget Impact:

The current budget did not initially include funding for the third party plan review and inspection company. When the agreement with BV was executed in November, 2014, Town staff was able to amend the Building Inspection's budget by transferring \$25,000 from Salaries to Professional Services. Funding was available in the Salaries account due to the numerous vacancies in that division.

While staff is hopeful that the vacancies in Building Inspections can be filled in the near future, the demand for service continues to outpace the current staffing capabilities. Therefore, BV's service will be needed for an indefinite period of time, and additional budget amendments will be necessary. The current commercial permit fees charged are not enough to cover the cost of BV's services. An amendment to the commercial fee schedule will ensure that adequate funding is available and will bring Prosper's permit fees in line with those of the area cities.

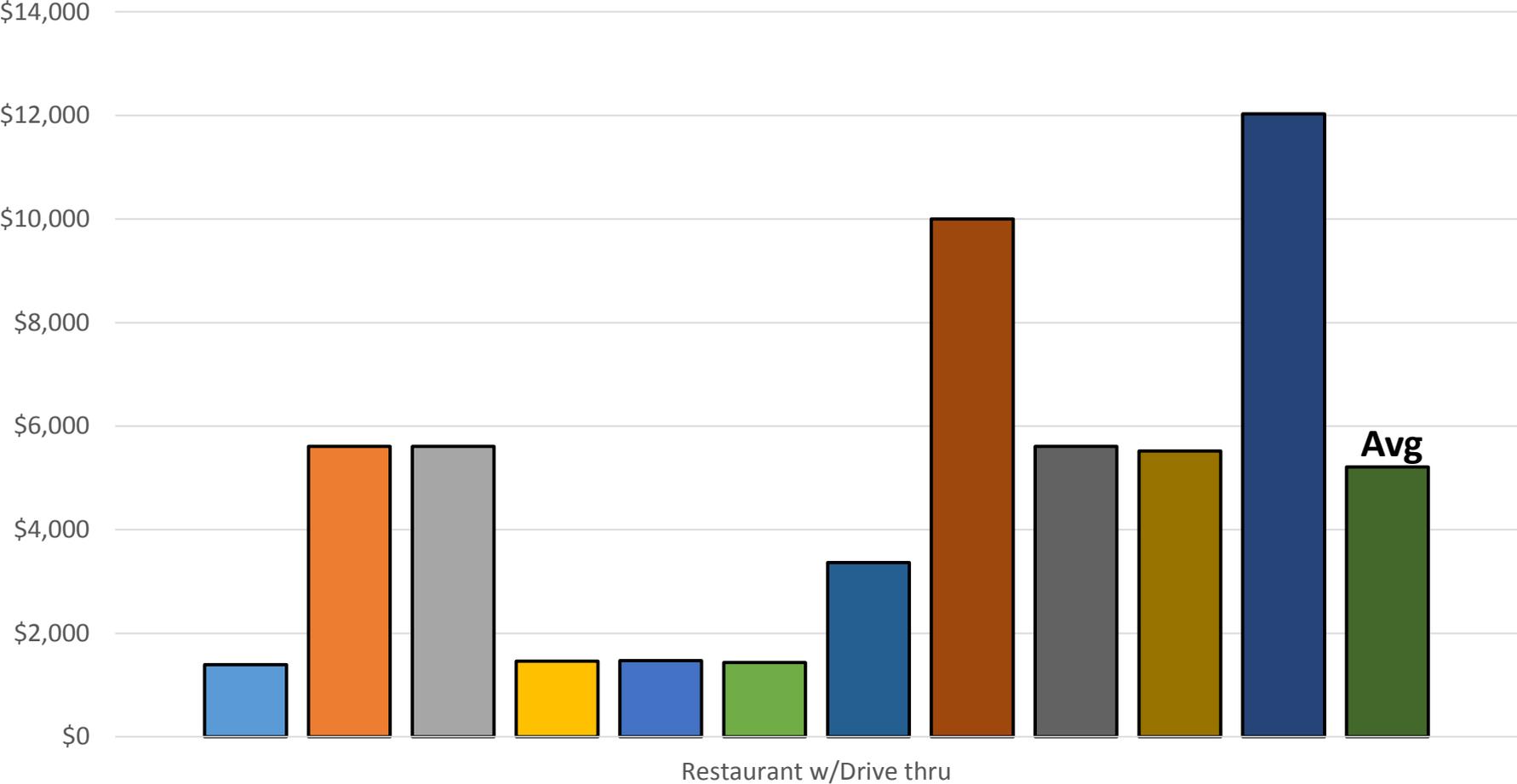
Attached Documents:

1. Exhibit A – Restaurant with Drive-Thru Permit Fees
2. Exhibit B – Medical Office Permit Fees
3. Exhibit C – Big Box Grocery Store Permit Fees
4. Exhibit D – Elementary School Permit Fees
5. Exhibit E – Restaurant with Drive-Thru Permit & Impact Fees
6. Exhibit F – Medical Office Permit & Impact Fees
7. Exhibit G – Big Box Grocery Store Permit & Impact Fees

Town Staff Recommendation:

Town staff requests that the Town Council provide direction on whether to initiate a formal amendment to the commercial building permit fee schedule.

Restaurant w/Drive Thru Permit Fees



Prosper Allen Colleyville Coppell Fairview Flower Mound Frisco HP McKinney Plano Southlake Avg

Medical Office Permit Fees

Item 12

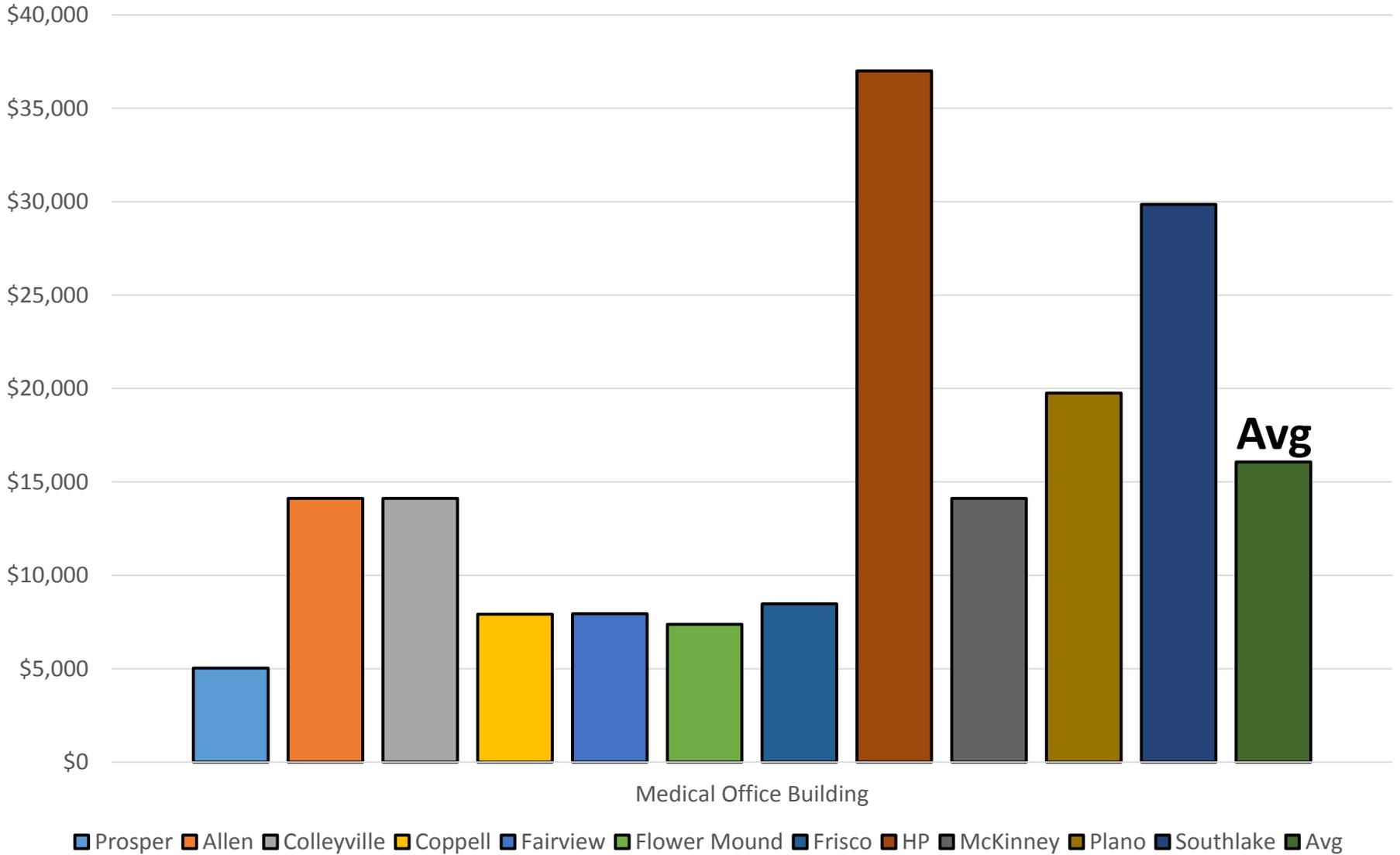


Exhibit B

Big Box Grocery Store Permit Fees

Item 12

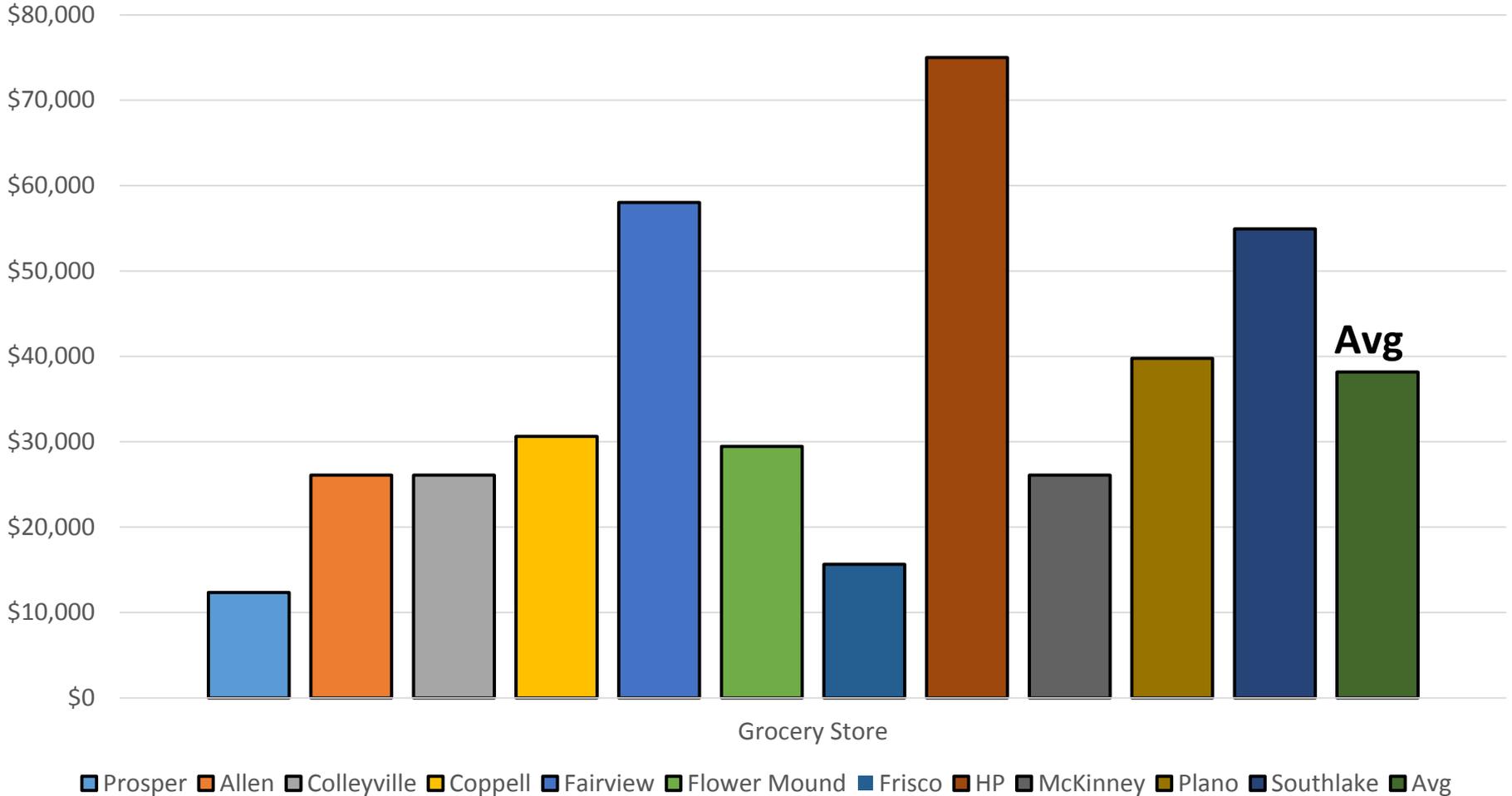
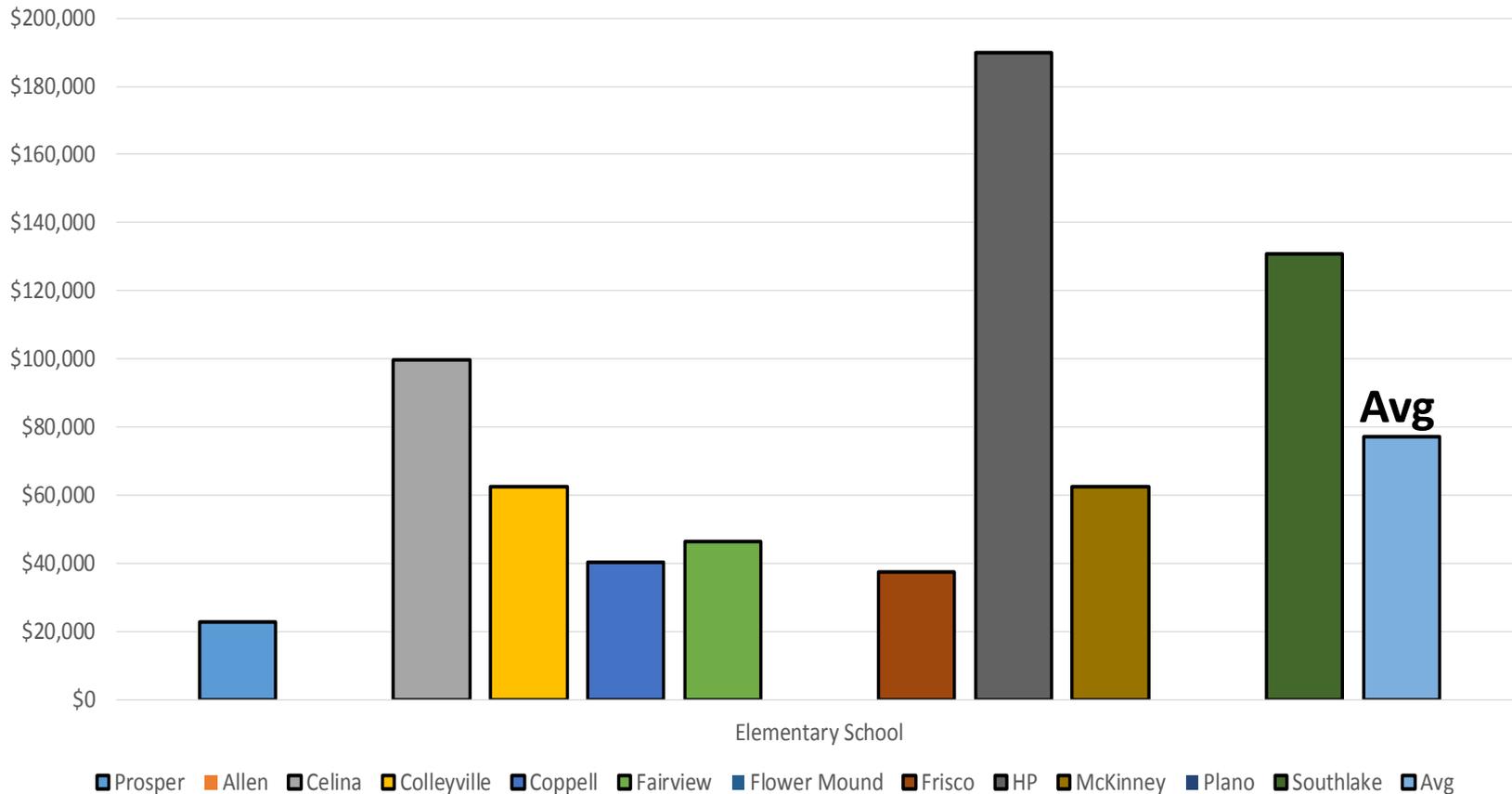


Exhibit C

Elementary School Permit Fees



Restaurant w/Drive Thru Permit & Impact Fees

Item 12

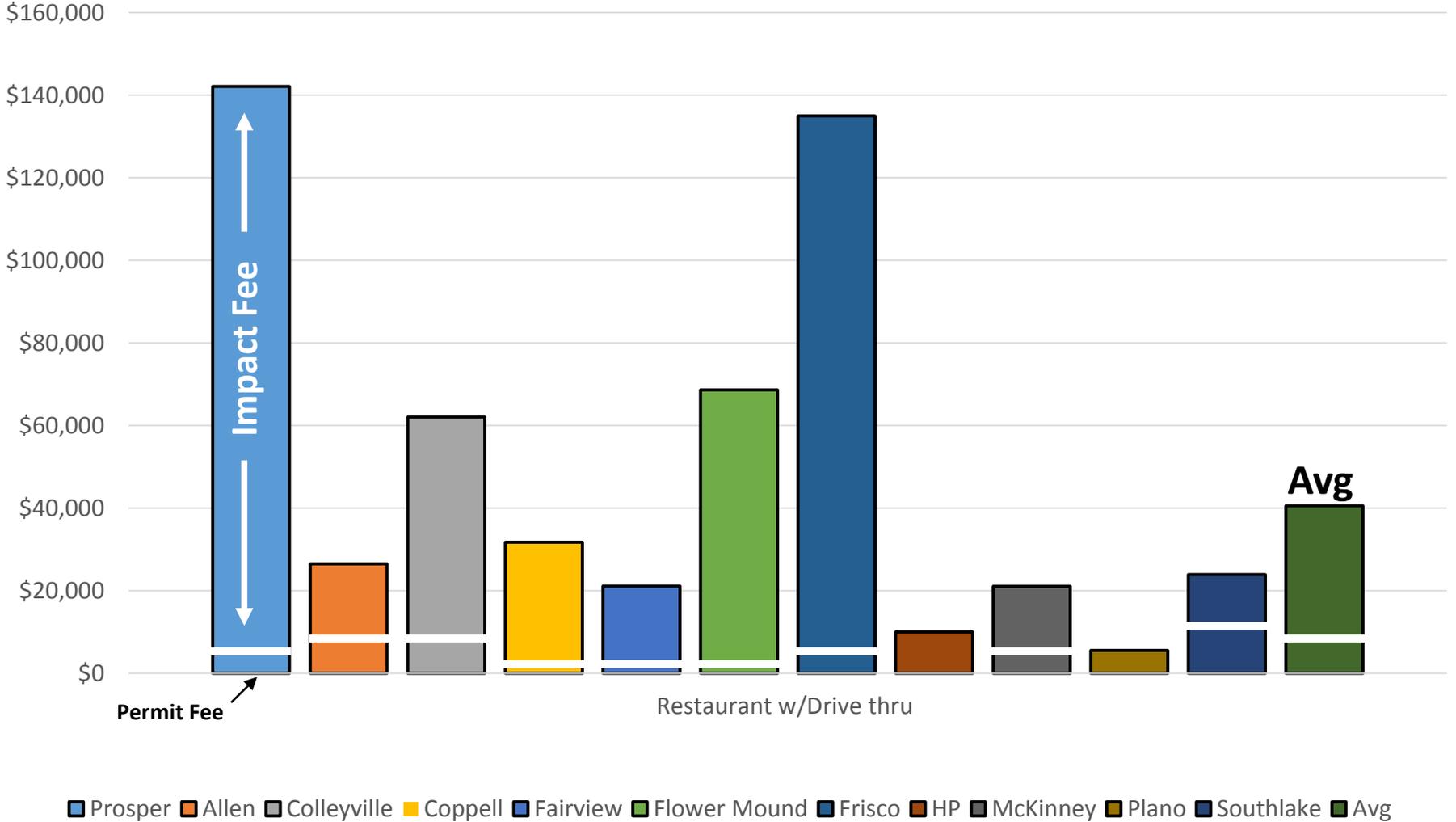
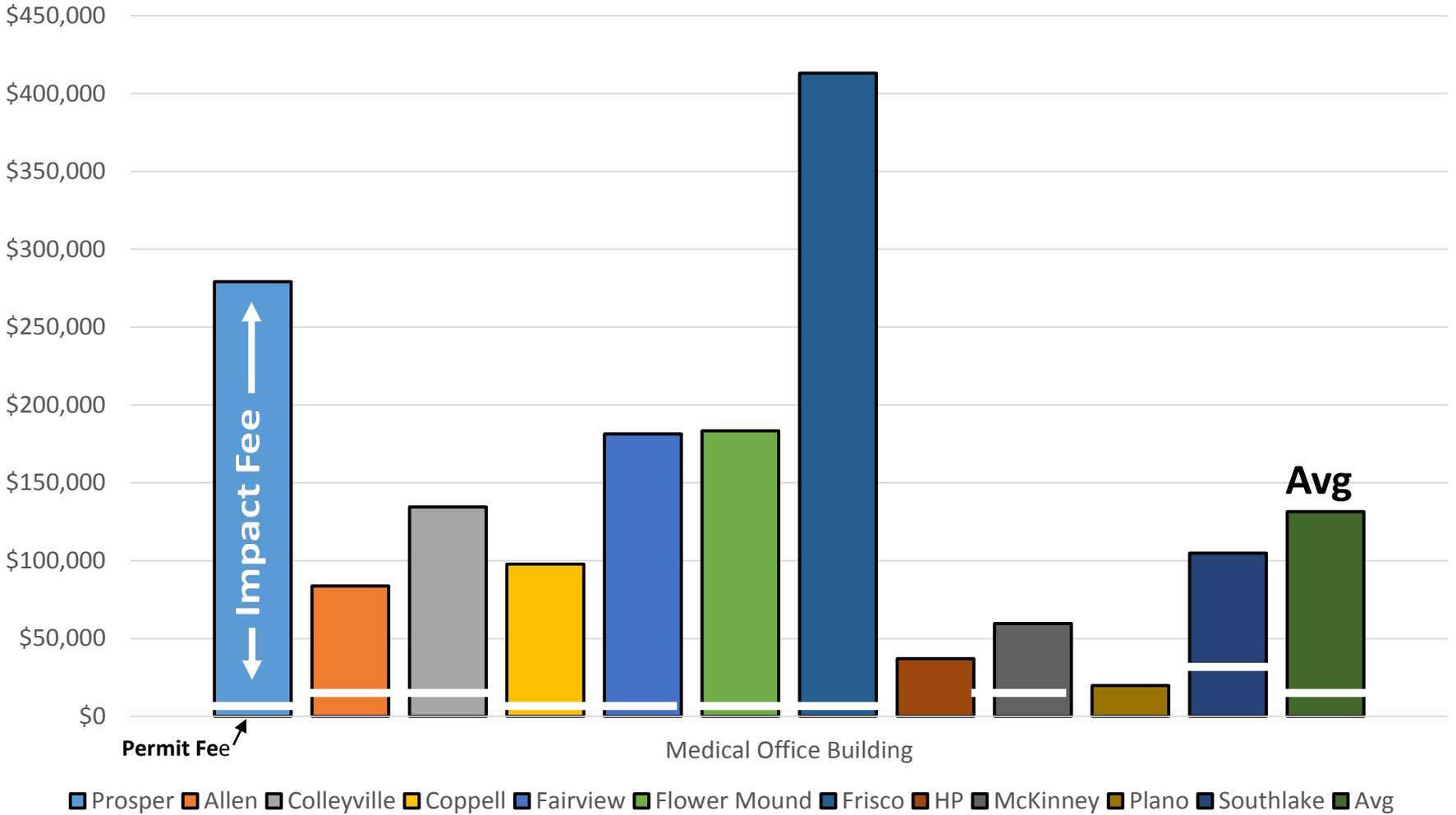


Exhibit E

Medical Office Permit & Impact Fees



Big Box Grocery Store Permit & Impact Fees

