

Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 24, 2015

1. Call to Order/Roll Call.

The meeting was called to order at 6:00 p.m.

Council Members Present:

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

Council Members Absent:

Mayor Pro-Tem Meigs Miller

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
John Webb, Director of Development Services
Alex Glushko, Senior Planner
Matt Richardson, Senior Engineer
Dan Heischman, Senior Engineer
Todd White, Building Official
Will Mitchell, Parks & Recreation Manager
Matt Furr, Parks Superintendent
Kim Galvin, Interim Finance Director
Doug Kowalski, Police Chief

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

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

3. Announcements of upcoming events.

Deputy Mayor Pro-Tem Dugger made the following announcements:

Trash pick-up has been delayed this week due to the inclement weather. Tuesday's pickup has been delayed until Wednesday, and Friday's pickup has been delayed until Saturday. Bulk trash pickup will remain on Saturday. This schedule is subject to change due to the weather. Updated information on pick-up schedules will be posted on the Town website and Facebook page as it becomes available.

The annual Trout Derby, newly branded as the Family Fishing Derby, will be held on Saturday, March 7 from 9:00 -11:00 a.m. Registration is also open for the "Party at the Park" Kickball Tournament to be held on April 18, and for the Spring Men's Softball League, which will begin on March 19. More information is available at www.prosperparksandrec.org.

The Centennial Celebration Committee "Prosper History With Bill Hays" at the Prosper History Museum, located at 605 E. 7th St., on February 26 from 6:00 - 7:30 p.m. Attendees are encouraged to browse through the museum following the program.

Also on Thursday, February 26, the City of McKinney will host a public meeting regarding the proposed widening of Custer Road from US 380 to Frontier Parkway. The meeting will take place at Lighthouse Christian Fellowship Church, 4331 E. Prosper Trail, from 6:00 – 8:00 p.m.

On Saturday, March 14, the library will hold a Dr. Seuss event at 11:00 a.m. Stories, crafts, and games will be offered, and Dr. Seuss, Thing 1 and Thing 2 will be in attendance.

The Town Council would like to welcome Kim Galvin as the Town's Interim Finance Director, and Todd White, the Town's new Building Official.

The Town Council would especially like to thank the Police Department and Fire Department for their outstanding efforts during the recent severe weather event. Public Safety employees responded to multiple accidents, pulled stranded vehicles from ditches, public safety employees ensured that essential dispatch personnel were provided with a safe ride to work, and several employees went above and beyond their normal duties to ensure the safety of our citizens and their property during the ice storm.

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.)

Deputy Mayor Pro-Tem Dugger removed Item 4e from the Consent Agenda.

Councilmember Korbuly removed Item 4h from the Consent Agenda.

Councilmember Davis removed Item 4a from the Consent Agenda.

4b. **Consider and act upon Resolution No. 15-13 ordering a General Election to be held on May 9, 2015, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, the Prosper Independent School District, and the Collin College District for joint election services. (RB)**

4c. **Consider and act upon canceling the March 10, 2015, Town Council meeting. (RB)**

- 4d. **Receive the January 2015 Financial Report. (KG)**
- 4f. **Consider and act upon authorizing the Town Manager to execute a Channel Maintenance Agreement between Two-J Partners, LLLP, and the Town of Prosper, Texas, related to the maintenance of offsite drainage improvements to serve the Parks at Legacy development. (HW)**
- 4g. **Consider and act upon authorizing the continued use of a Professional Services Agreement with Bureau Veritas North America, Inc., related to third-party building permit plan review and inspection services. (JW)**
- 4i. **Consider and act upon approving the purchase and installation of illuminated street name signs for various intersections on Preston Road and Coleman Street from Consolidated Traffic Controls, Inc., through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. (MR)**
- 4j. **Consider and act upon authorizing the Town Manager to execute a First Amendment to the Temporary Parking Lot Agreement between the Prosper Independent School District, and the Town of Prosper, Texas, related to overflow parking at Frontier Park. (WM)**
- 4k. **Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or preliminary site plan. (AG)**

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve Items 4b, 4c, 4d, 4f, 4g, 4i, 4j, and 4k on the Consent Agenda. The motion was approved by a vote of 6-0.

- 4e. **Consider and act upon approving the purchase and installation of a central irrigation controller system for the Parks and Recreation Department, from Interspec, LLC, through the Texas Local Government Purchasing Cooperative. (MF)**

Parks Superintendent Matt Furr responded to questions from Council regarding whether the irrigation was for medians or parkland. Mr. Furr responded that it was for both; the central irrigation controller will allow staff to quickly identify malfunctions in an irrigation line, saving time, money, and conserving water. Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve the purchase and installation of a central irrigation controller system for the Parks and Recreation Department, from Interspec, LLC, through the Texas Local Government Purchasing Cooperative. The motion was approved by a vote of 6-0.

- 4h. **Consider and act upon authorizing the Town Manager to execute a License Agreement between TVG Texas I, LLC, Windsong Ranch Community Association, Inc., and the Town of Prosper, Texas, related to the installation and maintenance obligations of improvements consisting of landscaping, trees, root barriers, irrigation, and/or**

drainage facilities within the right-of-ways of the public roads in Windsong Ranch, Phase 1A and Phase 1B. (DH)

Senior Engineer Dan Heischman responded to questions from Council regarding the location of the landscaping in the agreement, and the maintenance obligations. Mr. Heischman clarified that the property owner, TVG Texas I, LLC and/or Windsong Ranch Community Association, Inc., will be responsible for maintenance of the right-of-way in question. Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to execute the Street Tree License Agreement between TVG Texas I, LLC, Windsong Ranch Community Association, and the Town of Prosper, Texas, related to the installation obligations of improvements consisting of landscaping, trees, root barriers, irrigation and/or drainage facilities within the right-of-ways of the public roads in Windsong Ranch, Phase 1A and Phase 1B. The motion was approved by a vote of 6-0.

4a. Consider and act upon minutes from the following Town Council meeting. (RB)

- **Regular Meeting – February 10, 2015**

Town Secretary Robyn Battle responded to questions regarding the cancellation of the March 10, 2015, Town Council meeting. Councilmember Korbuly made a motion and Councilmember Davis seconded the motion to approve the minutes from the February 10, 2015, Town Council meeting. The motion was approved by a vote of 6-0.

5. CITIZEN COMMENTS:

(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.)

Other Comments by the Public -

There were no Citizen Comments.

REGULAR AGENDA:

(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)

PUBLIC HEARINGS:

- 6. Conduct a Public Hearing, and consider and act upon an ordinance amending Specific Use Permit-4 (SUP-4), to allow for Office/Showroom uses, on 5.4± acres, located on the east side of Prosper Commons Boulevard, 300± feet south of Richland Boulevard. (S15-0001). (JW)**

Development Services Director John Webb presented this item before the Town Council. The Town Council approved SUP-4 in 2008 to allow for Mini-Warehouse uses on the subject property. The proposed SUP amendment is to allow for Office/Showroom uses in the existing building, as was anticipated with the approval of the original SUP, as well as the location and maximum building area where Office/Showroom uses would be allowed in the building. Mr. Webb indicated that adequate parking would be provided.

Mayor Smith opened the Public Hearing.

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

Mr. Webb reviewed the list of permitted uses for the Town Council, and clarified that Office/Showroom would only be permitted on the first floor of the building. After discussion, Councilmember Davis made a motion and Councilmember Dixon seconded the motion to approve Ordinance No. 15-14 amending Specific Use Permit-4 (SUP-4), to allow for Office/Showroom uses, on 5.4± acres, located on the east side of Prosper Commons Boulevard, 300± feet south of Richland Boulevard. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

7. **Consider and act upon awarding Bid No. 2015-22-B to Tiseo Paving Co. related to construction services for the Coleman Street Improvements (Prosper Trail to Talon Lane) 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. He reviewed the timeline for construction, which is expected to be complete by the middle of August 2015. The project will require the full closure of Coleman Street from Preston Trail to Talon Lane from June 6 through August 14, 2015, in order for the project to be completed on time. Town staff will work with the postal service and the Public Works Department to ensure the impact on adjacent residents is minimized. Mr. Richardson reviewed the potential conflicts with utilities and efforts to mitigate them. The second phase of the project will require an additional contract, funding, and budget amendment to extend Coleman Street from Prosper High School through to Preston Road. Mr. Richardson responded to Council's questions regarding penalty clauses in the contract and liquidated damages. The contract has been reviewed by the Town's purchasing agent and Town Attorney, and contains all of the standard insurance requirements for Town contracts.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Vogelsang seconded the motion to award Bid No. 2015-22-B to Tiseo Paving Co. related to construction services for the Coleman Street Improvements (Prosper Trail to Talon Lane) project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-0.

8. **Consider and act upon authorizing the Town Manager to execute a Road Improvements and Construction Agreement ("West Prosper Roads") between TVG Texas I, LLC, M/I Homes of DFW, LLC, Prosper Economic Development Corporation, and the Town of Prosper, Texas, related to the design and construction of the West Prosper Roads project. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. As a result of ongoing development and population growth in eastern Denton County and the western portion of the Town of Prosper, there is an increased need to improve many of the existing roads on the western side of Town. The proposed agreement will provide the necessary funding to provide improvements to portions of Gee Road, Fishtrap Road, Teel Parkway, as well as a realignment of FM 1385 at the intersection of Gee Road. Mr. Webb reviewed the cost contributions for each participating party in the agreement, and the detailed improvements to each section of improvement. After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to execute a Road Improvements and Construction Agreement (“West Prosper Roads”) between TVG Texas I, LLC, M/I Homes of DFW, LLC, Prosper Economic Development Corporation, and the Town of Prosper, Texas, related to the design and construction of the West Prosper Roads project. The motion was approved by a vote of 6-0.

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

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The proposed agreement is to facilitate the development of the Preserve at Doe Creek by M/I Homes, which is requires to extend a 24” water line for the project. The Development Agreement outlines the terms and obligations of the Town of Prosper and M/I Homes of DFW, LLC, related to the design, construction, credit, and reimbursement of collected water impact fees to fund the project. The process for acquiring necessary easements and rights-of-way has already begun. After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to authorize 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. The motion was approved by a vote of 6-0.

10. **Discuss Residential Design and Development Standards. (JW)**

Development Services Director John Webb presented this item before the Town Council. On December 9, 2014, Town staff provided a list of possible amendments to various residential design and development standards. Staff was provided direction to prepare a list, which included 12 proposed recommendations. The next step is to refine the language of the proposed recommendations, present the recommendations for input to the Prosper Developers Council, then present them at a Planning & Zoning Commission meeting, and finally draft an ordinance to be presented for final approval by the Town Council. The Town Council expressed some concern with side yard setbacks, garage sizes, and required wet detention during a period of drought, but directed staff to move forward with the proposed recommendations.

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 551.071 – Consultation with Town Attorney regarding legal issues associated with easements, land use designations, and rezoning matters, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:31 p.m.

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

Mayor Smith left the Executive Session at 8:20 p.m.

The Town Council reconvened the Regular Session at 8:52 p.m. No action was taken as a result of Executive Session.

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

- **Update on Website Improvements (RB)**

Town Secretary Robyn Battle updated the Council on recent improvements to the Town's website which include:

- Development Services has begun posting the entire Planning & Zoning Commission packets on the website; not just the agenda.
- The Town Secretary's Office has codified Supplement No. 6 of the Code of Ordinances. Future Supplements will be codified on a regular basis to keep the Code current on the Town website.
- There is now a link to the Code of Ordinances on the Homepage, under the "I Want To" section, making it easier for the public to access the Code.
- The PowerPoint presentations for each Town Council meeting are now available via the Town's website.
- Audio of Town Council meetings will soon be available via the Town's website.

- **Update on Town Council Subcommittees (RB)**

Town Secretary Robyn Battle provided an update on the Town Council Subcommittees:

The Town Council Subcommittees are responsible for providing input and making recommendations to Town staff on behalf of the Town Council. There are currently three Town Council Subcommittees. The purpose and scope of each subcommittee is defined below.

Council Technology Subcommittee

- Shall periodically review the Town's existing technological capabilities, and make recommendations for improvements
- Shall periodically review and make recommendations on the Town's Vehicle and Equipment Replacement Fund (VERF) as it relates to the acquisition, implementation, maintenance, and upgrading of the Town's technology, software, and computer equipment
- Shall make recommendations for the continuous improvement of the Town's website and use of social media
- Shall make recommendations to promote the use of technology to increase efficiency of operations within the Town

The current subcommittee consists of three Council members (Meigs Miller, Kenneth Dugger, and Mike Davis), as well as staff support.

Council Finance Subcommittee

- Shall review the Town's annual Audit/CAFR prior to presentation to the Town Council
- Shall periodically review and make recommendations to the Town's employee compensation and classification plan
- Shall periodically review and make recommendations to the Town's Vehicle and Equipment Replacement Fund (VERF) as it relates to the acquisition, replacement and upgrading of the Town's vehicles and equipment
- Shall review and make recommendations to the investment policy annually
- Shall make recommendations on various Town-related financial matters

The current subcommittee consists of three Council members (Mayor Ray Smith, Curry Vogelsang, and Mike Davis), as well as staff support.

Council Benefits Subcommittee

- Shall review significant changes to employee benefits that may impact the Town's ability to attract and retain employees
- Shall periodically review and provide input on benefit plans offered to employees
- Shall periodically review and provide input on the employee wellness program
- Shall provide advice and direction to ensure Town benefits are cost-effective

The current subcommittee consists of three Council members (Curry Vogelsang, Jason Dixon, and Mike Davis), as well as staff support.

- **Update on Strategic Planning Session (HJ)**

Town Manager Harlan Jefferson provided an update on achievements since the Strategic Planning Session held in January. The truck parking ordinance has

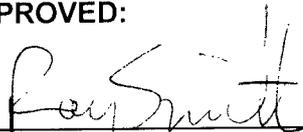
been adopted, Development Services is working on updating the residential development standards, a work session is scheduled on March 31 to discuss the Town Hall/Multi-Purpose Facility, and the subdivision ordinance is scheduled to be discussed sometime in April.

14. Adjourn.

The meeting was adjourned at 9:07 p.m.

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

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary