



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, June 9, 2015

1. Call to Order/Roll Call.

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

Council Members Present:

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

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
John Webb, Director of Development Services
Matt Richardson, Senior Engineer
Paul Naughton, Landscape Architect
Matt Furr, Parks Superintendent
Alex Glushko, Senior Planner
Cheryl Davenport, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief

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

Bishop Jon Scholl of the Church of Jesus Christ of Latter-Day Saints led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

On Saturday, June 6, the Town of Prosper began a summer-long project to improve Coleman Street. From Prosper Trail to Talon Lane, Coleman will be completely reconstructed, removing the asphalt and replacing it with concrete. Plus, the roadside ditches will be replaced by an underground drainage system. During the summer months, Coleman Street will be closed from Prosper trail north to Prosper High School, so motorists should access Prosper High School from Frontier Parkway via Preston Road.

Later in the summer, preliminary work will begin on extending Coleman Street east to Preston Road as it curves in front of Prosper High School. The extension project is expected to be complete by the end of 2015.

The Prosper Summer Series "Pride in the Sky" Event will take place on Friday, July 3, at Frontier Park. Come out and enjoy this Independence Day Event from 4:00-10:00 p.m. that will include a classic car and truck show, live music, a charity softball game, kid zone, vendors, and fireworks. For more information, visit www.prideinthesky.com.

The Prosper Eagles Baseball Team has advanced to the State Finals! A community-wide Pep Rally will be held tonight at 7:00 p.m. in the Prosper High School arena.

Congratulations to the Prosper High School Class of 2015. 403 seniors celebrated their graduation ceremony this past Saturday at Prestonwood Church in Plano. We wish all of the graduates of the Class of 2015 success in their future endeavors.

Councilmember Dugger announced that the Prosper Lions Club will hold its Charter Banquet on Saturday, June 13.

4. Presentations.

- **Presentation of a Certificate of Appreciation to a former member of the Planning & Zoning Commission.**

5. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

Mayor Smith removed Items 5b and 5c from the Consent Agenda.

Councilmember Dugger removed Item 5d from the Consent Agenda.

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

- **Minutes from Town Hall Tour – May 22, 2015**
- **Regular Meeting – May 26, 2015**

5e. 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)

Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve Items 5a and 5e on the Consent Agenda. The motion was approved by a vote of 7-0

Mayor Smith stepped down from the Council bench at this time and abstained from voting on items 5b and 5c due to a conflict of interest.

- 5b. Consider and act upon authorizing the Town Manager to execute a Real Estate Purchase and Sale Agreement between the Town of Prosper, Texas, and Prosper Falls Development, LLC, related to the real purchase of property for the Prosper Trail Elevated Storage Tank. (HW)**

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Vogelsang seconded the motion authorizing the Town Manager to execute a Real Estate Purchase and Sale Agreement between the Town of Prosper, Texas, and Prosper Falls Development, LLC, related to the real purchase of property for the Prosper Trail Elevated Storage Tank. The motion was approved by a vote of 6-0.

- 5c. Consider and act upon authorizing the Town Manager to execute a Right-of-Way Agreement between the Town of Prosper, Texas, and CADG Prosper Lakes North, LLC., related to providing escrow funds for the payment of the right-of-way needed for the future collector road adjacent to the Lakes of Prosper North development. (HW)**

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Vogelsang seconded the motion authorizing the Town Manager to execute a Right-of-Way Agreement between the Town of Prosper, Texas, and CADG Prosper Lakes North, LLC., related to providing escrow funds for the payment of the right-of-way needed for the future collector road adjacent to the Lakes of Prosper North development. The motion was approved by a vote of 6-0.

Mayor Smith returned to the Council bench.

- 5d. Consider and act upon authorizing the Town Manager to execute a Facility Utilization Agreement between the Town of Prosper, Texas, and Prosper Youth Sports Commission (PYSC), related to use of the Town's facilities and services to accomplish the organizations objective. (MF)**

Hulon Webb, Executive Director of Development and Community Services, responded to questions from Council regarding some of the terms of the agreement. In order to clarify some of the terms, staff recommended tabling the item to a future meeting.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to table Item 5d. The motion was approved by a vote of 7-0.

6. CITIZEN COMMENTS:

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

Other Comments by the Public –

Bill Hays, 2316 Creek Ridge Drive, McKinney, Texas, provided a short presentation on the proposed Veterans Memorial, and provided conceptual drawings for the Town Council to view. Mr. Hays explained that once a site is identified, there are several grant opportunities that the Veterans Committee can pursue to obtain funding for construction of the Memorial. The Veterans Memorial will require approximately one acre of land as it is currently designed. While the Veterans Committee would prefer the downtown area as its first choice in location, Sexton Park is an acceptable alternative.

Ann Lieber, 1190 Crooked Stick Drive, spoke in support of the Veterans Memorial, and provided PowerPoint slides of the conceptual drawings of the Memorial, similar to what Mr. Hays had provided.

REGULAR AGENDA:

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

PUBLIC HEARINGS:

- 7. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 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-15 (PD-SF-15). (Z14-0016) (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has revised the project so that all lots are now a minimum of 15,000 square feet.

Mayor Smith opened the Public Hearing.

Rob Baldwin spoke on behalf of the applicant, and further explained some of the details of the project.

Mayor Smith closed the Public Hearing.

Mr. Webb responded to questions related to garages, and the Town Council requested that the side yard setback be increased from 8 feet to 10 feet. The applicant agreed to the request.

Deputy Mayor Pro-Tem Vogelsang made a motion and Councilmember Dixon seconded the motion to approve Ordinance No. 15-36 rezoning 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-15, with the condition that Exhibit C, Section 1.4 (b) be amended to a minimum side yard setback of 10 feet. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

8. **Consider and act upon authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Randall Scott Architects, related to architectural and engineering design services for Town Hall/Multi-Purpose Facility; and authorizing use of the construction manager at risk contracting method for construction. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Upon direction from Council, the design parameters have been increased from a 36,000 square foot building to a 50,000 square foot building. Mr. Webb reviewed some of the terms of the agreement, as well as the tentative timeline for the project that starts with approval of agreement through completion of construction, which could be as early as April of 2017. Additional agreements for surveying, engineering, off-site utilities and other professional services related to the project are not included in this agreement, and will be brought before Council as the project progresses.

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Randall Scott Architects, related to architectural and engineering design services for Town Hall/Multi-Purpose Facility; and authorizing use of the construction manager at risk contracting method for construction. The motion was approved by a vote of 7-0.

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

Paul Naughton, Landscape Architect, introduced Elizabeth McIlrath with Dunaway Associates, who reviewed the revised conceptual plans for Frontier Park North and Sexton Park. Based on feedback received from the Town Council at previous meetings, Dunaway Associates provided updated conceptual plans and cost estimates for both parks. Beginning with Frontier Park, Ms. McIlrath presented two alternatives; one with a buffer zone in the youth field complex, and one with a buffer zone in the multi-use field sports area. She then reviewed the cost estimates and maintenance concerns associated with natural turf versus artificial turf. Direction from Council was to proceed with concept 1, with the buffer zone in the multi-use field sports area, to increase both areas in the multi-use field sports area to 360 feet, and to use artificial turf.

Ms. McIlrath continued her presentation with the revised conceptual plan of Sexton Park. Revisions include a large field complex in the center of the park, several multi-use field sports areas, and a community center at the corner of First Street and Coit Road. Ms. McIlrath confirmed that the cost of the Community Center was not included in the overall cost estimate. Mayor Smith stated that because Frontier Park and Town Hall are likely to be completed before Sexton Park, and because the Veterans Committee would prefer that the Veterans Memorial be located in the downtown area anyway, that the Memorial should be removed from the Sexton Park conceptual plan. Direction from Council was to proceed with the current conceptual plan, but to add a restroom near the playground on the west side, move the small parking lot on the east side further north, remove the Veterans Memorial from the plan, but keep the amphitheater.

Mayor Smith recognized the following individual who requested to speak:

Jack Dixon, 810 Long Valley Court, spoke in favor of a Veterans Memorial. He likes the Sexton Park concept plan, but would prefer a one-acre site for the Veterans Memorial in the downtown area.

10. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Brown & Gay Engineers, Inc., and the Town of Prosper, Texas, related to the Prosper Trail Elevated Storage Tank project. (MR)

Senior Engineer Matt Richardson presented this item before the Town Council. The 2011 Capital Improvement Plan recommends that a new water tower be constructed along Prosper Trail between Preston Road and Coit Road. Analysis of water demand requires that this elevated storage tank be in service by the summer of 2017 to meet the Town's demand. The elevated storage tank will consist of a concrete pedestal and steel tank that will be similar in appearance to the existing water tower at First Street and Craig Road.

Mr. Richardson responded to questions related to existing water storage tanks that are no longer being used. Some are being used for cell tower antennae, and some will need to be evaluated to see how costly it may be to remove them. Others may have historical value, or could be used to feed future lakes. Town staff will look into adding this topic to the Capital Improvement Plan to remove decommissioned water storage tanks that no longer serve a purpose.

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Dugger seconded the motion authorizing the Town Manager to execute a Professional Engineering Services Agreement between Brown & Gay Engineers, Inc., and the Town of Prosper, Texas, related to the Prosper Trail Elevated Storage Tank project. The motion was approved by a vote of 7-0.

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 551.074 – To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment/Construction Board of Appeals, Library Board, and Upper Trinity Regional Water District Board of Directors.*

11d. *Section 551.076 – To discuss the deployment, or specific occasions for implementation, of security personnel or devices.*

The Town Council recessed into Executive Session at 7:51 p.m.

Mayor Smith left the Executive Session at 9:25 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 9:55 p.m.

13. Consider and act upon the appointment of a Town of Prosper representative to the Board of Directors of the Upper Trinity Regional Water District. (RB)

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to appoint Frank Jaromin as the Town of Prosper representative to the Board of Directors of the Upper Trinity Regional Water District. The motion was approved by a vote of 5-2, with Mayor Pro-Tem Miller and Councilmember Davis casting the opposing votes.

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

- **Frontier Park Parking (HW)**

Hulon Webb, Executive Director of Development and Community Services, reviewed the cost of adding additional parking lots to Frontier Park. Council direction was to pursue the addition of parking now with current fiscal year funds.

- **Review recommendations from the Council Technology Committee (JC)**

January Cook, Purchasing Agent, reviewed the recommendations of the Technology Committee, which met on May 29. Recommendations included criteria by which staff computers would be replaced, upgrading the operating systems of all Town computers, and pursuing the development of an in-house Information Technology Division. Council direction was to provide NCC Data notice that the Town would be continuing to utilize their services, but will transition to hiring Town staff for Information Technology services in the next fiscal year.

- **CIP Projects (HW)**

- **SH 289 Median Lighting and Landscaping**

Matt Furr, Parks Superintendent, sought feedback from the Town Council on several options for drought resistant plantings for median landscaping. The Town Council preferred the Color Guard Yucca over the grass options.

- **Amend Garage Sale Ordinance (JW)**

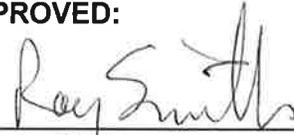
Development Services Director updated the Council on this item. A draft ordinance has already been presented to Council, and a formal item for consideration will be brought before Council for consideration at a future meeting.

15. Adjourn.

The meeting was adjourned at 10:43 p.m.

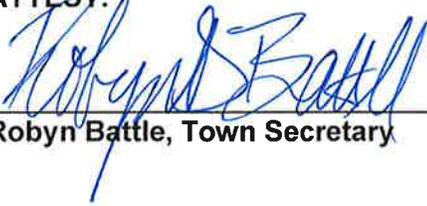
These minutes approved on the 23th day of June, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary