



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, December 8, 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 recent and upcoming events.
4. Presentations
 - Presentation of a Proclamation to Chris Buescher, winner of the NASCAR Xfinity Championship, proclaiming December 8, 2015, as *Chris Buescher Day*.
 - Presentation to Town Secretary Robyn Battle for achieving her certification through the Texas Municipal Clerk Certification Program.

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.)

- 5a. Consider and act upon minutes from the following Town Council meetings. **(RB)**
 - Regular Meeting – November 10, 2015
- 5b. Receive the Preliminary September 2015 Financial Report. **(CD)**
- 5c. Receive the October 2015 Financial Report. **(CD)**
- 5d. Consider and act upon a resolution appointing members to the Prosper Tax Increment Financing Reinvestment Zone No. 1 Board of Directors. **(RB)**
- 5e. Consider and act upon a resolution appointing members to the Prosper Tax Increment Financing Reinvestment Zone No. 2 Board of Directors. **(RB)**
- 5f. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement with Bureau Veritas North America, Inc., through FY 2015-2016, related to the continued use of third-party building permit plan review and inspection services and adding new services related to fire alarm and fire sprinkler system plan review and inspections and annual fire safety inspections. **(JW)**
- 5g. Consider and act upon an ordinance annexing a 0.5± acre tract of land, located on the north side of First Street, 1.2± miles east of Coit Road. (A15-0002). **(JW)**

- 5h. Consider and act upon an ordinance for a Special Purpose Sign District for Lowe's on 12.3± acres, located on the northwest corner of US 380 and Custer Road. (MD15-0004). **(JW)**
- 5i. Consider and act upon an ordinance amending the Town's Zoning Ordinance, Ordinance No. 05-20, as amended, by amending Subsection 3.3, of Section 3, of Chapter 2; Subsection 4.3, of Section 4, of Chapter 2; Subsection 5.3, of Section 5, of Chapter 2; Subsection 6.3, of Section 6, of Chapter 2; Subsection 7.3, of Section 7, of Chapter 2; Subsection 8.3, of Section 8, of Chapter 2; Subsection 9.3, of Section 9, of Chapter 2; Subsection 10.3, of Section 10, of Chapter 2; Subsection 11.3, of Section 11 of Chapter 2; Subsection 12.3, of Section 12, of Chapter 2; Subsection 13.3, of Section 13, of Chapter 2; Subsection 14.3, of Section 14, of Chapter 2; Subsection 15.3, of Section 15, of Chapter 2; Subsection 16.3, of Section 16, of Chapter 2; Subsection 17.3, of Section 17, of Chapter 2; Subsection 18.3, of Section 18, of Chapter 2; Subsection 19.3, of Section 19, of Chapter 2; Subsection 20.3, of Section 20, of Chapter 2; Subsection 21.3, of Section 21, of Chapter 2; Subsection 22.3, of Section 22, of Chapter 2; Subsection 23.3, of Section 23, of Chapter 2; Subsection 1.3, of Section 1, of Chapter 3; Subsection 1.4, of Section 1, of Chapter 3; and Section 2, of Chapter 3. (Z15-0007). **(JW)**
- 5j. Consider and act upon a resolution concerning the construction of a grade separated crossing on Frontier Parkway over the BNSF Railroad, the reconstruction of FM 1461 from Preston Road to Custer Road, and the two southbound Dallas North Tollway service lanes along with the Dallas North Tollway overpass at US Highway 380. **(HW)**
- 5k. Consider and act upon authorizing the Town Manager to execute an Encroachment Agreement between Oncor Electric Delivery Company and the Town of Prosper, Texas, within the limits of Whitley Place, Phase 9. **(PN)**
- 5l. Consider and act upon authorizing the Town Manager to execute an Encroachment Agreement between Oncor Electric Delivery Company and the Town of Prosper, Texas, within the limits of Lakes of La Cima, Phase 7B. **(DH)**
- 5m. 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)**

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.)

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 a request to rezone 15.7± acres, from Commercial (C) and Planned Development-25 (PD-25) to Planned Development-Retail (PD-R), located on north side of US 380, 580± feet west of Custer Road. (Z15-0011). **(JW)**
8. Conduct a Public Hearing, and consider and act upon a request for a Special Purpose Sign District for Kroger, on 23.4± acres, located on the northwest corner of US 380 and Custer Road. (MD15-0004). **(JW)**
9. Presentation of service plan and first Public Hearing to consider the voluntary annexation of 100.0± acres generally located on the south side of Prosper Road, 2,500± feet west of Legacy Drive. (A15-0003). **(JW)**
10. Conduct a Public Hearing, and consider and act upon an ordinance amending Specific Use Permit-8 (SUP-8) for a Child Day Care Center, on 2.0± acres, located on the north side of Richland Boulevard, 300± feet west of Coit Road. The property is zoned Office (O) and Specific Use Permit-8 (SUP-8). (S15-0006). **(JW)**

DEPARTMENT ITEMS:

11. Consider and act upon an ordinance amending the FY 2014-2015 budget. **(CD)**
12. Consider and act upon an ordinance amending the FY 2015-2016 budget. **(CD)**
13. Consider and act upon an ordinance amending Section 12.08.003, "Unlawful Act/Exemptions," of Article 12.08, "Truck Routes," of Chapter 12, "Traffic," of the Code of Ordinances, clarifying provisions related to commercial truck traffic origination and destination. **(DK)**
14. Consider and act upon awarding Bid No. 2016-05-B to Landmark Structures I, L.P., related to construction services for the Prosper Trail Elevated Storage Tank project; and authorizing the Town Manager to execute a construction agreement for same. **(MR)**
15. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Huitt-Zollars, Inc., related to the Public Works Wastewater Interceptor Project. **(MR)**
16. Discussion on Town Hall / Multi-Purpose Facility. **(HW)**

17. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Water Improvement Development Agreement between Prosper Partners, LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Parks at Legacy development. **(HW)**
18. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Thoroughfare Improvement Development Agreement between Prosper Partners, LP, and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Parks at Legacy development. **(HW)**
19. **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:
 - 19a. *Section 551.087 – To discuss and consider economic development incentives.*
 - 19b. *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.*
 - 19c. *Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with annexation agreements in Town ETJ areas, development issues associated with areas subject to annexation agreements, and all matters incident and related thereto.*
20. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
21. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
22. 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 December 4, 2015, by 5:30 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.