



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 9, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:01 p.m.

Council Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Mike Davis (arrived at 6:06 p.m.)
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 Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Matt Richardson, Senior Engineer
Leslie Scott, Library Director
Julie Shivers, Recreation Services Coordinator
Betty Pamplin, Accounting Manager
Celia O'Dell, Court Administrator
Doug Kowalski, Chief of Police
Ronnie Tucker, Fire Chief

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

Councilmember Korbuly led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Prosper is in a competition with communities across the state to show who has the greatest commitment to a healthy lifestyle. Mayor Smith is challenging businesses, schools, organizations, churches and residents to participate in the "It's Time Texas Community Challenge" by earning points for Prosper. To show your support and earn points for Prosper, please register at www.ITTCCommunityChallenge.com. The community that wins the contest will receive a \$1,200 grant for healthy school initiatives, and a banner and trophy for the Town to display. The contest ends March 31. Prosper is currently in fourth

place, but we are moving up quickly. For questions, please contact Julie Shivers, Recreation Services Coordinator.

Early Voting for the republican and democratic primary election will begin on Tuesday, February 16. Collin County voters may vote in the Prosper Municipal Chambers during early voting and at the Prosper ISD Central Administration Building on Election Day, which is March 1. Denton County voters can find polling locations and hours at www.votedenton.com. More information about the upcoming election is available on the Town website.

The seventh annual Fishing Derby is set for Saturday, February 27, at Frontier Park from 9:00 a.m.-11:00 a.m. Prizes in a variety of categories and age groups will be awarded at the conclusion of the event. To register for this free family event, please visit www.prosperparksandrec.org

Mayor Smith skipped to Item 5.

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 – January 26, 2016**
 - Strategic Planning Session – January 27, 2016**
- 5b. Receive the December 2015 Financial Report. (BP)**
- 5c. Consider and act upon accepting the 2015 Racial Profiling Report as required by state law. (DK)**
- 5d. Consider and act upon Resolution No. 16-10 ordering a General Election to be held on May 7, 2016, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, and the Prosper Independent School District for joint election services. (RB)**
- 5f. Consider and act upon the appointment of members to the Capital Improvements Advisory Committee. (MR)**
- 5g. Consider and act upon Ordinance No. 16-12 rezoning 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)**
- 5h. Consider and act upon Ordinance No. 16-13 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)**

- 5i. Consider and act upon Ordinance No. 16-14 annexing 100.0± acres generally located on the south side of Prosper Road, 2,500± feet west of Legacy Drive. (A15-0003). (JW)
- 5j. Consider and act upon Resolution No. 16-15 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the Town to enter into a contract for electricity; and authorizing the Town Manager of the Town of Prosper, Texas, to execute an electric supply agreement for deliveries of electricity effective January 1, 2018, committing to budget for energy purchases in 2018 through 2022 and to honor the Town's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. (HJ)

Councilmember Vogelsang removed Item 5e from the Consent Agenda.

- 5e. Consider and act upon Ordinance No. 16-11 amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets. (MR)

Matt Richardson responded to questions from the Town Council on the state's process for designating speed limits, as well as programs the Town can use to promote speed limits among residents, neighborhoods and homeowners associations. Councilmember Vogelsang made a motion and Councilmember Dugger seconded the motion to approve Item 5e. The motion was approved by a vote of 6-0.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 6-0.

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.)

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:

7. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Wier & Associates, Inc., related to the Church & Parvin Drainage Improvements project. (MR)**

Matt Richardson presented this item before the Town Council. The Old Town Drainage Study, which was presented to Council on April 8, 2014, outlined various improvements to be made over time to improve drainage conditions in the downtown area. Several projects were incorporated into the FY 2015-2016 CIP, including the Church & Parvin Drainage Improvements, and land acquisition for regional detention ponds. The proposed agreement includes evaluation, design and land acquisition documents for two detention ponds, and engineering, bid and construction phase services for the underground storm sewer system.

After discussion, Councilmember Korbuly made a motion and Councilmember Vogelsang seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Wier & Associates, Inc., related to the Church & Parvin Drainage Improvements project. The motion was approved by a vote of 6-0.

8. **Consider and act upon authorizing the Town Manager to execute a Contract Amendment between the Town of Prosper, Texas, and Freese & Nichols, Inc., related to the Lower Pressure Plane Pump Station and Transmission Line project. (MR)**

Matt Richardson, Senior Engineer, presented this item before the Town Council. Freese & Nichols, Inc., is nearing completion of an alignment study for the pipeline and siting analysis for the Lower Pressure Plane Pump Station and Transmission Line Project. Blue Star Land has recently submitted plans for the construction of four lanes of Lovers Lane between US 380 and Preston Road. The alignment study for the pipeline includes a segment of 42-inch water line that will run within the right-of-way for this segment of Lovers Lane. To mitigate future construction impacts and increased costs associated with traffic control and pavement removals, Town staff has requested a proposal from Freese & Nichols to design this segment of 42-inch water line immediately for the purpose of bidding construction by May 2016.

Councilmember Korbuly made a motion and Councilmember Davis seconded the motion to authorize the Town Manager to execute a Contract Amendment between the Town of Prosper, Texas, and Freese & Nichols, Inc., related to the Lower Pressure Plane Pump Station & Transmission Line project. The motion was approved by a vote of 6-0.

9. **Consider and act upon Ordinance No. 16-16 amending Subsection III, "All Weapons Banned," of Section 8.06, "Weapons Ban and Violence Prevention," of Chapter 8, "Work Environment," of the Town of Prosper Personnel Policies and Procedures Manual. (TW)**

Town Attorney Terrence Welch presented this item before the Town Council. The purpose of the proposed ordinance is to make the Town's personnel policies consistent with state law. In response to questions by the Town Council, Mr. Welch stated that employees would be prohibited from possessing weapons in Town facilities and Town vehicles.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-16 amending Subsection III, "All Weapons Banned," of

Section 8.06, "Weapons Ban and Violence Prevention," of Chapter 8, "Work Environment," of the Town of Prosper Personnel Policies and Procedures Manual. The motion was approved by a vote of 6-0.

10. 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:

10a. Section 551.087 – To discuss and consider economic development incentives.

10b. 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.

10c. 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.

10d. Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with the Texas Department of Housing and Community Affairs HTC Program, including requirements under Title 10, Chapter 10 of the Texas Administrative Code, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 6:29 p.m.

The Town Council reconvened the Regular Meeting briefly to present the following Proclamation:

4. Presentations

- **Presentation of a Proclamation declaring February 2016 as *Congenital Heart Defect Awareness Month*. (RB)**

Melissa Hansen of Mended Little Hearts of Dallas was present to receive the Proclamation.

After the presentation, the Town Council recessed once again into Executive Session.

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

The Town Council reconvened the Regular Session at 7:14 p.m. No action was taken as a result of Executive Session.

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

Frontier Park North

Hulon Webb, Executive Director of Development and Community Services discussed the option of having one 300-foot field. He presented three concept plans. The Town Council provided direction to move forward with Concept 1.

Town Secretary Robyn Battle presented the Town Council with the option to cancel the March 8 Regular Meeting, due to Spring Break. The Council agreed to cancel the meeting.

Development Services Director John Webb discussed the Nelson Brothers batch plant SUP, which will expire next year. They have requested an expansion, which will require an amendment to the current SUP. The Town Council discussed the option of extending the SUP, and provided direction for staff to work with the company on an SUP amendment now.

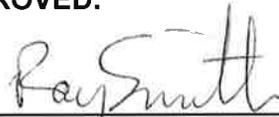
The Town Council discussed the Village at Prosper Trail storm drainage issue and the financial responsibilities of the various parties involved. Terrence Welch, the Town Attorney stated that the issue is under review.

13. Adjourn.

The meeting was adjourned at 7:32 p.m. on Tuesday, February 9, 2016.

These minutes approved on the 23rd day of February, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary