



*Prosper is a place where everyone matters.*

**MINUTES**  
**Meeting of the Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway Street  
Prosper, TX 75078  
Tuesday, August 9, 2016

**1. Call to Order/Roll Call.**

The meeting was called to order at 6:02 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Deputy Mayor Pro-Tem Jason Dixon  
Councilmember Michael Korbuly  
Councilmember Kenneth Dugger (arrived at 6:10 p.m.)  
Councilmember Meigs Miller  
Councilmember Mike Davis

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary/Public Information Officer  
Terrence Welch, Town Attorney  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Michael Bulla, CIP Project Manager  
Frank Jaromin, Public Works Director  
Betty Pamplin, Accounting Manager  
January Cook, Purchasing Agent  
Doug Kowalski, Chief of Police  
Gary McHone, Assistant Police Chief  
Ronnie Tucker, Fire Chief

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

Pastor Jim Lugar of Life Journey Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

**3. Announcements of recent and upcoming events.**

Councilmember Korbuly read the following announcements:

The second phase of the Fishtrap Road Improvement Project is now complete. Phase one from the Dallas North Tollway to Teel Parkway was completed two weeks ago, and the section from Teel Parkway to Gee Road was recently finished. The traffic signal at Fishtrap and the Dallas North Tollway will be operational prior to the first day of school, and will complete phase three of the project.

Registration is open for several youth and adult Parks & Recreation Programs. Visit [www.prosperparksandrec.org](http://www.prosperparksandrec.org) for more information, and to register. Several local youth sports leagues are also open for registration.

The annual Back to School Safety Bash will be held at Folsom Elementary on Friday, August 12, from 5:00-8:00 p.m. Members of the Prosper Police and Fire Departments will be on hand with safety information. Other activities include a 911 simulator, snow cones, and safety seat installation.

The Library will host its "Summer Grand Finale" event on Saturday, August 13 from 11:00 a.m.-3:00 p.m. Activities will include crafts, guest story-time readers, snacks, face painting and prizes for the Summer Reading Program.

On August 15, 25, and 28, the Library will host book discussions on this year's "One Book, One Town" selection, "A Man Called Ove." Discussions will continue through the end of the year, and light refreshments will be served. More information is available on the Town website, or by contacting the Library Director, Leslie Scott.

Make plans to attend the 5<sup>th</sup> Annual Town of Prosper Community Picnic on Saturday, September 10, from 3:00-6:00 p.m. in Frontier Park. Activities will include a rock wall, laser tag, inflatables, music from a local DJ, and refreshments. Bethlehem Place will collect nonperishable food, and Cornerstone will collect new socks as part of their Cornerstone Christmas Drive. Free hot dogs will be served by members of the Town Council. Families are encouraged to bring lawn chairs, blankets, and picnic supplies to this annual community 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 – July 26, 2016**
- 4b. Receive the June 2016 Financial Report. (BP)**
- 4c. Receive the Quarterly Investment Report ending June 30, 2016. (BP)**
- 4d. Consider accepting the submission of the certified collection rate of 100 percent for FY 2016-2017. (BP)**
- 4e. Consider and act upon an ordinance establishing the 2016 certified appraisal roll. (BP)**
- 4f. Consider accepting submission of the 2016 effective tax rate of \$0.442223 per \$100 taxable value and the rollback tax rate of \$0.621838 per \$100 taxable value. (BP)**
- 4g. Consider and act upon an ordinance amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)**
- 4h. Consider and act upon authorizing the Town Manager to execute an Advance Funding Agreement for a Project Using Funds Held in the State Highway 121 Subaccount for the Off-System Improvements between the Texas Department**

of Transportation and the Town of Prosper, Texas, related to the West Prosper Roads project. (HW)

- 4i. Consider and act upon an ordinance for a Specific Use Permit (SUP) for a retail building with a flat roof, parapet wall and cornice, in the Shops at Prosper Trail, Block A, Lot 3, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail. (S16-0007). (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)

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

Councilmember Dugger arrived at 6:10 p.m. and took his place at the Council bench.

**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.**

Allan Rutter, 4561 Acacia Parkway, Prosper, expressed his appreciation to the Town Council and staff for the recent improvements to Fishtrap Road, and is looking forward to the traffic light installation at Windsong Parkway and US 380.

**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. Consider a Public Hearing and consider and act upon a request for a Special Purpose Sign District for Windsong Ranch Marketplace, on 46.6± acres, located on the northeast corner of US 380 and Gee Road. (MD16-0002). (JW)

The applicants for Items 6 and 7 have requested that the items be tabled to the September 13, Town Council meeting. Due to a scheduled absence, Councilmember Dixon requested the items be tabled to either August 23 or September 27. Development Services Director John Webb will follow up with both applicants.

Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to table Items 6 and 7 to the August 23, 2016, Town Council meeting. The motion was approved by a vote of 7-0.

7. **Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-65 (PD-65) and a portion of Planned Development-48 (PD-48), on 198.4± acres, located on the southeast and southwest corners of existing and future Prairie Drive and Legacy Drive, to allow for the development of a single family detached, senior living development and to modify lot type requirements. (Z16-0011). (JW)**

Item 7 was tabled to the August 23, 2016, Town Council meeting, as stated in the motion above.

**DEPARTMENT ITEMS:**

8. **Submission of the FY 2016-2017 Proposed Budget and Budget Message by the Town Manager. (BP)**

Town Manager Harlan Jefferson presented this item before the Town Council. In accordance with the Town Charter and state law, the FY 2016-2017 Proposed Budget was submitted to the Town Council. A detailed presentation of the Proposed Budget will be provided to the Town Council at the August 23, 2016, Town Council meeting. No further action was taken.

9. **Consider and act upon a proposed FY 2016-2017 property tax rate. (BP)**

Town Manager Harlan Jefferson presented this item before the Town Council. The Texas Property Tax Code requires the Town Council to adopt a tax rate every year. The Town is required to hold two public hearings and publish a newspaper ad if proposing to consider a tax rate that exceeds the effective rate or rollback rate, whichever is lower. Town staff recommends that the Town Council propose a rate of \$0.52 per \$100 in valuation.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to place a proposal to adopt a FY 2016-2017 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 19, 2016, Town Council Agenda. The record vote was as follows:

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

The motion was approved by a vote of 7-0.

10. **Consider and act upon scheduling Public Hearings on the FY 2016-2017 Proposed Budget. (BP)**

Town Manager Harlan Jefferson presented this item before the Town Council. The Texas Local Government Code requires the Town to hold a public hearing on the proposed budget

and publish the notice for this meeting in addition to the notice required under Truth in Taxation guidelines. The budget hearings are recommended to be scheduled on the same days as the public hearings on the proposed tax rate. August 23 and September 13 are regular meeting dates of the Town Council. These dates meet the Public Hearing requirements of the Local Government Code.

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to schedule Public Hearings on the FY 2016-2017 Proposed Budget for August 23, 2016, at 6:00 p.m., and September 13, 2016, at 6:00 p.m., with each meeting taking place at the Prosper Municipal Chambers at 108 W. Broadway Street, Prosper, TX. The motion was approved by a vote of 7-0.

**11. Consider and act upon scheduling Public Hearings for the FY 2016-2017 proposed tax rate. (BP)**

Town Manager Harlan Jefferson presented this item before the Town Council. The Texas Property Tax Code requires taxing entities to hold two public hearings and publish newspaper ads before adopting a tax rate that exceeds the effective rate or rollback rate, whichever is lower. Because the Town Council has voted to propose the recommended tax rate of \$0.52 per \$100 of valuation, the Town is required to hold two public hearings and publish notice in the local newspaper.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to set the Public Hearings on the proposal to increase total tax revenues and the proposed tax rate of \$0.52 per \$100 in valuation for August 23, 2016, at 6:00 p.m. and September 13, 2016, at 6:00 p.m., with each meeting taking place at the Prosper Municipal Chambers at 108 W. Broadway Street, Prosper, TX. The motion was approved by a vote of 7-0.

**12. Consider and act upon amending ordinance No. 15-58 (FY 2015-2016 Budget). (BP)**

Accounting Manager Betty Pamplin presented this item before the Town Council. The purpose of the budget amendment is to appropriate funds for the following projects:

Church Street (First – PISD):

As part of this project, older existing water lines need to be replaced. The current adopted Capital Improvement Plan included the estimate for this work, but a decision package was not presented during the FY 2015-2016 budget process to allocate the necessary funds. With the bid award of the Church Street (First – PISD) project scheduled for the August 9, 2016, Town Council meeting, the reallocation of these funds to the CIP Fund are needed to facilitate the project.

Church /Parvin Wastewater Reconstruction:

As part of the reconstruction of Church Street (First – PISD) and Old Town Drainage – Church & Parvin Drainage Improvement projects, portions of an existing wastewater line needs to be reconstructed. The current adopted Capital Improvement Plan included an estimate for this work in the Church Street (First – PISD) project but a decision package was not presented during the FY 2015-2016 budget process to reallocate the necessary funds.

Downtown Enhancements (Broadway):

Staff was directed to expand the current project scope to include the permanent concrete curb and pavement with underground drainage improvements from McKinley to Coleman. The current scope of the project was for sidewalks, street lighting and landscaping.

Ms. Pamplin explained the budget impact of all three projects, and the funding sources for each one.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve amending Ordinance No. 15-58 (FY 2015-2016 Budget) to fund increased expenditures and transfers in the Water and Sewer Fund and the CIP Fund. The motion was approved by a vote of 7-0.

13. **Consider and act upon awarding Bid No. 2016-57-B to GRod Construction, LLC., related to construction services for the Church Street (First – PISD) project; and authorizing the Town Manager to execute a construction agreement for same. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The purpose of the project is to replace the existing asphalt pavement on Church Street and sections of Fifth Street with six-inch concrete pavement. The bid also includes supplementary repair work on selected driveways and drainage culverts. An eight-inch water line will be installed along the east side of Church Street, including three new fire hydrants. The project should begin within six weeks of approval, and should take approximately 130 days to complete. Town staff will coordinate with residents, Prosper ISD, the post office, and public safety personnel to provide updates on construction activity and mitigate traffic concerns.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2016-57-B to GRod Construction, LLC., related to construction services for the Church Street (First – PISD) project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

14. **Consider and act upon awarding Bid No. 2016-67-B to Mario Sinacola and Sons Excavating, Inc., related to construction services for the Lovers Lane Segment – 42” Lower Pressure Plane Water Line project; and authorizing the Town Manager to execute a construction agreement for same. (MB)**

CIP Project Manager Michael Bulla presented this item before the Town Council. The purpose of the project is to construct 2,500 linear feet of 42-inch water line from the intersection of Lovers Lane and Richland Boulevard to the west side of the intersection of Preston Road and future Lovers Lane, ahead of paving improvements associated with the Gates of Prosper development. This segment of water line is a portion of the ultimate Lower Pressure Plane water line, which will extend from a future pump station near Richland Boulevard and Prosper Commons Boulevard to the intersection of the Dallas North Tollway and future Lovers Lane.

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to award Bid No. 2016-67-B to Mario Sinacola and Sons Excavating Inc., related to construction services for the Lovers Lane Segment – 42” Lower Pressure Plane Water Line Project, and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

15. **Consider and act upon authorizing staff to negotiate an exclusive franchise agreement with Progressive Waste Solutions of TX, Inc., dba WC of Texas, for the collection, hauling, recycling, and disposal of municipal solid waste, construction and demolition waste, and recyclable materials in the Town of Prosper, Texas. (JC)**

Purchasing Agent January Cook presented this item before the Town Council. The current franchise agreement with IESI TX Corporation, a Progressive Waste Solutions Company, will expire on February 1, 2017. The Town requested proposals from qualified service providers, and an evaluation committee has recommended the Town negotiate an exclusive franchise agreement with Progressive Waste Solutions of TX, dba WC of Texas.

The Town Council raised concerns about recent complaints from residents about poor service. Elizabeth Combs, and Henry Lew, representing Progressive Waste, addressed these concerns, stating that the company is working to increase staff levels and provide training to new staff due to the recent acquisition of Progressive Waste by Waste Connections, Inc. The Town Council requested that performance measures and penalties for poor performance be included in the provisions of the new contract, as well as the use of Pressed Natural Gas trucks for residential pickup. Additionally, assistance to elderly and disabled residents should remain in the contract provisions. Town Manager Harlan Jefferson confirmed that tonight's item authorizes staff to begin negotiating the terms of a new contract, which will be brought back to Council for approval at a future meeting.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to authorize staff to negotiate an exclusive franchise agreement with Progressive Waste Solutions of TX, Inc., dba WC of Texas, for the collection, hauling, recycling and disposal of municipal solid waste, construction and demolition waste, and recyclable materials in the Town of Prosper, Texas. The motion was approved by a vote of 7-0.

**16. 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:**

**16a. Section 551.087 – To discuss and consider economic development incentives.**

**16b. 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 Town Council recessed into Executive Session at 7:05 p.m.

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

The Town Council reconvened the Regular Session at 8:25 p.m. No action was taken as a result of Executive Session.

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

Councilmember Davis requested that the Homestead Exemption be discussed as part of the upcoming FY 2016-2017 Budget presentation.

Town Manager Harlan Jefferson updated the Council on the Town's efforts to identify a site for a Town museum and Veterans' Memorial. The Town has sent a letter to Bill Hays and the Prosper Historical Society offering the use of the old waterworks building on First Street

as the site for a museum. The historic building is located next to Boyer Park, named for former Mayor Ralph Boyer. Mr. Jefferson confirmed, at Mr. Hays' request, that the new Town Hall/Multi-Purpose Facility would not be designed to include space for a museum.

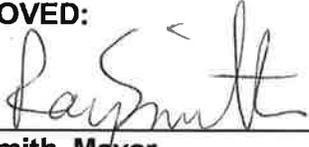
Additionally, the Town has drafted a Memorandum of Understanding (MOU) offering space in a circle on the northwest corner of Frontier Park for a Veterans' Memorial. The Town Council is supportive of the Prosper Historical Society's current design of the memorial, but will retain the right to approve any modifications to the design. The MOU will be null and void if the memorial is not constructed within five years. The Town Council thanked staff for their efforts on these projects.

**19. Adjourn.**

The meeting was adjourned at 8:28 p.m. on Tuesday, August 9, 2016.

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

**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**