



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, December 13, 2016
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. **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 – November 8, 2016
 - Special Meeting – November 29, 2016
- 4b. Receive the October Financial Report. **(KN)**
- 4c. Consider and act upon an ordinance amending Chapter 1.03.002 of the Code of Ordinances of the Town of Prosper, Texas, authorizing the Town Manager to execute contracts, change orders, and interlocal agreements, subject to limitations, and relative grant applications, as stated herein. **(KN)**
- 4d. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between D&S Engineering Labs, LLC, (D&S), and the Town of Prosper, Texas, related to construction materials testing for the Town Hall/Multi-Purpose Facility project. **(HW)**
- 4e. Consider and act upon an ordinance amending Article 13.10, “Backflow Prevention Plan,” of Chapter 13, “Utilities,” of the Code of Ordinances of the Town of Prosper, Texas, by adding a new Section 13.10.004, “Customer Service Inspection,” and renumbering existing sections 13.10.004 through 13.10.006 as Sections 13.10.005 through 13.10.007, respectively; and amending Subsection (a)(1) of Section XVIII, “Backflow Prevention Plan and Enforcement Fees,” of Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances, relative to new administrative fees. **(SG)**
- 4f. Consider and act upon an ordinance amending Chapter 13, “Utilities,” of the Code of Ordinances by adopting a new article, 13.12, “Storm Water Management;” providing legal authority for the Town to control pollutant discharges into and from the Town’s Municipal Separate Storm Sewer System. **(DH)**

- 4g. 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)**

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.

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 a request to amend a portion of Planned Development-40 (PD-40), on 11.9± acres, located on the west side of Windsong Parkway, 400± feet north of US 380, to allow for the development of a big box home improvement retail store (The Home Depot). (Z16-0016). **(JW)**
7. Conduct a Public Hearing, and consider and act upon a request to rezone 14.1± acres from Planned Development-43 (PD-43) to Planned Development-Commercial (PD-C), located on the north side of US 380, 700± feet west of Mahard Parkway, to facilitate the development of an automobile sales and/or leasing facility (Ford). (Z16-0025). **(JW)**
8. Conduct a Public Hearing, and consider and act upon an ordinance amending Planned Development-38 (PD-38), on 83.6± acres, located on the northeast corner of US 380 and Coit Road. (Z16-0027). **(JW)**
9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding distance regulations for day cares and the sale of alcoholic beverages for off-premise and on-premise consumption. (Z16-0024). **(JW)**

DEPARTMENT ITEMS:

10. Consider and act upon a Conceptual Development Plan for Prosper Crossing, Tract B, on 22.1± acres, located on the north side of US 380, 1,250± feet east of Coit Road. This property is zoned Planned Development-38 (PD-38). (D16-0072) **(JW)**
11. Consider and act upon a request by United Supermarkets, LLC for a variance to the distance requirements regarding the sale of alcoholic beverages for off-premise consumption at a big box grocery store and a public school. The proposed big box grocery store is located east of Coit Road, south of Richland Boulevard. (MD16-0017) **(JW)**

12. Consider and act upon a request for a Façade Exception for Texas Health Resources, located on the northeast corner of US 380 and future Mahard Parkway. (MD16-0015) **(JW)**
13. Discussion on Cyber Defense Labs. **(HJ)**
14. Consider and act upon approving Change Order Number 3 for Bid No. 2016-45-B, Prosper Road Improvement Project 2016, to Pavecon Public Works, LP, related to construction services for Fishtrap Road & First Street reconstruction; and authorizing the Town Manager to execute Change Order Number 3. (SG)
15. Consider and act upon amending Ordinance No. 15-58 (FY 2015-2016 Budget). **(KN)**
16. Consider and act upon amending Ordinance No. 16-55 (FY 2016-2017 Budget). **(KN)**
17. Consider and act upon an ordinance granting a non-exclusive electric franchise to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric. **(KN)**
18. Consider and act upon awarding Bid No. 2017-05-B BNSF Pressure Reducing Valve Project 1508-WA, to North Texas Contracting, Inc., related to construction services to install a Pressure Reducing Valve for the Prosper Trail Pressure Reducing Valve Project; and authorizing the Town Manager to execute a construction agreement for same. **(SG)**
19. Consider and act upon awarding Bid No. 2017-07-B Prosper Road Improvement Project 2017 - Miscellaneous Asphalt Repair, to SPI Asphalt, LLC, related to construction services to make asphalt pavement repairs; and authorizing the Town Manager to execute a construction agreement for same. **(SG)**
20. Consider and act upon an amendment to the Capital Improvement Plan. **(HW)**
21. Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Star Trail development. **(HW)**
22. Consider and act upon authorizing the Town Manager to execute a Sanitary Sewer Construction Costs Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of a sanitary sewer line to serve the Star Trail development. **(HW)**
23. **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:
 - 23a. *Section 551.087 – To discuss and consider economic development incentives.*
 - 23b. *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.*
24. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

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

- Discussion on Frontier Park North

26. 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 by 5:00 p.m. on December 9, 2016, and remained so posted at least 72 hours before said meeting was convened.

Carol Myers, Deputy Town Secretary

Date Notice 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.