



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, January 26, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:14 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller (arrived at 7:01 p.m.)
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Mike Davis
Councilmember Jason Dixon

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
Leslie Scott, Library Director
January Cook, Purchasing Agent

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

Reverend Michael Gilton of St. Paul's Episcopal 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 Dugger read the following announcements:

Prosper residents are encouraged to increase their fitness by pledging to walk, jog, run, bike or swim more than 100 miles between January 15 and April 15. Participants who accept the challenge can download a Mileage Tracking Sheet from www.ProsperParksandRec.org.

The Mayor has also endorsed a statewide competition called "It's Time - Texas Community Challenge," presented by H-E-B. The challenge seeks to mobilize residents to compete with municipalities of similar size as part of the year-round schedule of recreation activities to promote family and neighbor interaction in community parks. For a full listing of Town recreation activities, please visit www.ProsperParksandRec.org.

The Town Council would like to congratulate the Police Department, residents, neighborhood groups, and community leaders for their joint contribution in the dramatic

decrease in property and violent crimes in Prosper. Over the past year, the Town has experienced a 22% reduction in these types of crimes from the previous year, proving once again that Prosper is a great place to live.

Henry Malone, Eagle Scout candidate from Troop 289 in Prosper, delivered a custom-made flag retirement box to the Prosper Fire Station as part of his Eagle Scout designation project. The box was dedicated to the Town's firefighters and first responders, as well as to the memory of fellow scout Cooper Anderson who succumbed to cancer two years ago. Prosper residents who have U.S. flags in need of retirement may bring them to the entry lobby of the Fire Station and place them in the box for proper disposition.

Turnarounds on the east and west sides of the intersection at Prosper Trail and the BNSF Railroad will be constructed the end of March. The Town Manager will approve the project, which will cost under \$25,000 to complete.

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 – January 12, 2016

4b. Consider and act upon rejecting all bids received for Bid No. 2016-10-B Prosper Road Improvements Project 2016 - Harper Road Repair. (JC)

4c. Consider and act upon Resolution No. 16-08 authorizing the reduction and release of the Town of Prosper's extraterritorial jurisdiction and entering into a development agreement, as a result of the Interlocal Agreement between the Town of Prosper, Texas, the Town of Little Elm, Texas, and the City of Aubrey, Texas, for the Allocation of Extraterritorial Jurisdiction, and Development Agreement between the Town of Prosper and Hillwood Enterprises, L.P., by removing 108± acres of land from the Town's extraterritorial jurisdiction, generally located west of FM 1385 and north of Fishtrap Road, and authorizing the Town Manager to execute same. (HW)

4d. Consider and act upon Ordinance 16-09 repealing Section 12.07.002, "County Road 81," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the Town of Prosper, Texas, and authorizing the Mayor to execute same. (HW)

Councilmember Dugger 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.

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.)

Nikki Simonini, 623 Creek View Drive, Prosper, spoke on behalf of the Friends of the Prosper Community Library. As the new President of the Friends of the Library, she encouraged the construction of a first class library in Prosper that would serve as an educational and cultural facility for the community.

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 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)**

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to develop the property for use as a big box grocery store (Kroger) and associated convenience store with gas pumps. The item was tabled on September 22, October 27, and December 8, 2015, to give the applicant an opportunity to revise the proposed elevations to be consistent with either the Shops at Prosper Trail Kroger and/or the Prosper Plaza Lowe's. The applicant has revised the elevations to correspond with the Kroger at the Shops at Prosper Trail. Due to a minor error in the June 15, 2015, Exhibit F1, Councilmember Dixon asked whether that exhibit should be removed in the motion to approve the item. Mr. Webb indicated that the motion did not need to remove the exhibit since the correct exhibit would be attached to the ordinance adopting the rezoning at a future meeting. The Planning & Zoning Commission recommended the Town Council approve the request, subject to providing a minimum of 20% stone on the southern elevation. The elevations have been revised to meet the recommendation of the Planning & Zoning Commission.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve a request to rezone 15.7± acres, from Commercial (C) and Planned Development-25 (PD-25) to Planned Development-Retail (PD-R), located on the north side of US 380, 580± feet west of Custer Road. The motion was approved by a vote of 6-0.

- 7. 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)**

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to allow for wall signage to exceed the maximum height requirement within the Prosper Plaza development. Specifically, the District would allow for the proposed Kroger to have three wall signs with increased height. The proposed and

existing unified development signs and monument signs are in accordance with the standards of the Sign Ordinance.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve the request for a Special Purpose Sign District for Kroger, on 23.4± acres, located on the northwest corner of US 380 and Custer Road. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

8. Discussion on Town Hall/Multi-Purpose Facility. (HW)

Hulon Webb, Executive Director of Development and Community Services, introduced Randall Scott of Randall Scott architects, who continued the presentation. Mr. Scott presented the original rendering of the exterior of the Town Hall/Multi-Purpose Facility, plus three additional renderings that incorporated masonry on the east and west wings of the building. David Karcher with Pogue Construction provided a conceptual estimate for all four renderings, all of which were in the range of approximately \$18.4 million, which includes the building, and all on-site infrastructure. The Council discussed the idea of placing a Veterans Memorial on the Town Hall site. Several ideas have been discussed, but no decision has been made. Mr. Scott stated that he had not been given direction to incorporate a Veterans Memorial into the design. The Council agreed on conceptual rendering "B," which incorporates all masonry and stone on the east and west sides of the buildings. Council provided direction to convert the low rooftops to walkable balconies for an additional cost, to keep the original number of parking spaces, and to keep the water features in the design.

Mayor Pro-Tem Miller arrived and took his place at the Council bench.

The Council discussed the option of adding the Parks and Recreation administrative staff to Town Hall, and removing the space for the Prosper Historical Society. This option may be considered again at a future meeting. No further action was taken.

9. Consider and act upon authorizing the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Windsong Ranch development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. TVG Texas I, LLC, is developing Windsong Ranch, and in order to facilitate the development, they will be required to extend several wastewater lines as depicted on the Town of Prosper Wastewater System Capital Improvement Plan. The actual costs for the design and construction of the improvements are eligible for reimbursement of wastewater impact fees collected from the development. The purpose of the Wastewater Impact Fees Reimbursement Agreement is to outline the obligations of the Town of Prosper and TVG Texas I, LLC, related to the design, construction, and reimbursement of collected wastewater impact fees to fund the projects. Mr. Webb identified an error on page 2 of the proposed agreement. The current estimated

construction costs for the Wastewater CIP Projects is \$4,167,918.00, not \$5,190,400.00. The correction will be indicated on the signed agreement.

After discussion, Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Windsong Ranch development. The motion was approved by a vote of 7-0.

10. Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Windsong Ranch development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. TVG Texas I, LLC, is developing Windsong Ranch and in order to facilitate the development, they will be required to extend several thoroughfares as depicted on the Town of Prosper Thoroughfare Plan. The actual costs for the design and construction of the improvements are eligible for reimbursement of roadway fees collected from the development. The purpose of the Roadway Impact Fees Reimbursement Agreement is to outline the obligations of the Town of Prosper and TVG Texas I, LLC, related to the design, construction, and reimbursement of collected roadway impact fees to fund the projects.

After discussion, Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to authorize the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Windsong Ranch development. 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 551.071 – 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.**
- 11d. 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 7:11 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 8:17 p.m. No action was taken as a result of Executive Session.

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

- **Discussion of Capital Improvement Advisory Committee (CIAC) pursuant to Chapter 395 of the Texas Local Government Code. (HW)**

Hulon Webb proposed the Planning & Zoning Commission, plus one representative from Prosper's extraterritorial jurisdiction (ETJ) serve on the CIAC. The Council suggested a potential candidate from the ETJ.

Mr. Webb discussed a drainage problem in the Village at Prosper Trail which has the potential to cause an erosion problem that could affect one of the Town's roadways. While the developer is ultimately responsible, Mr. Webb inquired whether the Council would be willing to participate in the cost of repairing the drainage problem. The Council is not willing to participate at this time.

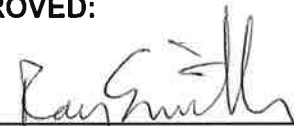
Mr. Webb presented a cost comparison of asphalt versus concrete on a section of US 380, which the Council had requested at a previous meeting.

14. Adjourn.

The meeting was adjourned at 8:35 p.m. on Tuesday, January 26, 2016.

These minutes approved on the 9th day of February, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary