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 the Texas Sustainable Cities Award to the Town of Prosper by Rudy Garza of the Texas Masonry Council. (JW)

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 – August 9, 2016

5b. Consider and act upon approving the purchase of two LIFEPAK 15 defibrillators for the Fire Department, from Physio-Control, Inc., that will be utilized on two new fire engines, and authorize the Town Manager to execute the quote for same. (SB)

5c. Consider and act upon adopting the FY 2016-2017 Prosper Economic Development Corporation budget. (JW)

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 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)

8. 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)

9. Conduct a Public Hearing to consider and discuss the FY 2016-2017 Budget, as proposed. (HJ)

10. Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 8.6 percent. (HJ)

DEPARTMENT ITEMS:

11. Consider and act upon a Site Plan for a retail shell building in the Shops at Prosper Trail, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail. This property is zoned Planned Development-68 (PD-68). (D16-0018). (JW)

12. Consider and act upon a request for an ornamental metal fence within the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2. (MD16-0009). (JW)

13. Consider and act upon request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair. (MD16-0010). (JW)

14. Consider and act upon a request for a Façade Exception for the Tribute Memory Care Facility in the Prosper Town Center development, located on the west side of Hays Road, 900± feet north of First Street. (MD16-0006). (JW)

15. 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:

15a. Section 551.087 – To discuss and consider economic development incentives.

15b. 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.

15c. Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.

16. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
17. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

18. 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 August 19, 2016, by 5:00 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.
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 5th 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


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.


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.

Item 5a
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:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary
To: Mayor and Town Council

From: Stuart Blasingame, Assistant Fire Chief

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
Consider and act upon approving the purchase of two LIFEPAK 15 defibrillators for the Fire Department from Physio-Control, Inc., that will be utilized on two new fire engines, and authorize the Town Manager to execute the quote for same.

**Description of Agenda Item:**
On October 27, 2015, the Town Council approved the purchase of two fire engines. One fire engine is an approved replacement for the FY 2015-2016 Vehicle Equipment Replacement Program, and the other is an approved addition to the fleet, included in the Capital Improvement Program as Windsong Ranch Fire Station - Apparatus. The LIFEPAK 15 defibrillators are for these two engines, as part of the loose equipment outfitting required for operations.

The Fire Department currently has two LIFEPAK 15 defibrillators in service. In order to standardize equipment on all fire apparatus, the Fire Department is requesting to purchase two additional LIFEPAK 15 defibrillators for the new fire engines.

This purchase falls within the definition of a procurement that is available from only one source (Chapter 252 of the Local Government Code) and is exempt from competitive bidding requirements. Physio-Control, Inc. is the sole-source provider in the Emergency Response Services for the LIFEPAK 15 defibrillators. Additionally, Physio-Control, Inc., has offered the Town a discounted rate through a NASPO cooperative contract.

**Budget Impact:**
The purchase price of the two fire engines was $1,178,998.00. On July 12, 2016, the Town Council approved the purchase of two self-contained breathing apparatus for these engines, in the amount of $98,871.82. The purchase price of the defibrillators is $83,456.42. The remaining funds will be utilized to outfit the fire engines with additional equipment. The funding summary is as follows:

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Prosper is a place where everyone matters.
Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the Quote and all related terms, as to form and legality.

Attached Documents:
1. Quote
2. Sole Source Letter

Town Staff Recommendation:
Town staff recommends approval of the purchase of two LIFEPAK 15 defibrillators for the Fire Department, from Physio-Control, Inc., that will be utilized on two new fire engines, and authorizing the Town Manager to execute the quote for same.

Proposed Motion:
I move to approve the purchase of two LIFEPAK 15 defibrillators for the Fire Department, from Physio-Control, Inc., that will be utilized on two new fire engines, and authorize the Town Manager to execute the quote for same.
To  
EMS Captain Scott DiLiberto  
PROSPER FIRE & RESCUE  
1500 E FIRST ST  
PROSPER,TX 75078  
(972) 347-2424  
sdiliberto@prosperfire.com

Quote Number  
00049133

Revision #  
1

Created Date  
8/11/2016

Sales Consultant  
David B. Atkinson II

FOB  
Destination

Terms  
All quotes subject to credit approval and the following terms and conditions

NET Terms  
NET 30

Expiration Date  
8/30/2016
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</tr>
<tr>
<td>11577-000002</td>
<td>LIFEPAK 15 Basic carry case w/ right &amp; left pouches. INCLUDED AT NO CHARGE WHEN ORDERED WITH DEVICE: 11577-000001 Shoulder Strap</td>
<td>2.00</td>
<td>309.20</td>
<td>-46.38</td>
<td>262.82</td>
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<td>21300-008148</td>
<td>NIBP HOSE BAYONET-LP15,COILED</td>
<td>2.00</td>
<td>62.00</td>
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<td>52.70</td>
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<td>21330-001176</td>
<td>LP 15 Lithium-ion Battery 5.7 amp hrs</td>
<td>8.00</td>
<td>453.60</td>
<td>-84.18</td>
<td>369.42</td>
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<td>21996-000086</td>
<td>3G Modem (Verizon, customer needs data plan)</td>
<td>2.00</td>
<td>1,164.00</td>
<td>-116.40</td>
<td>1,047.60</td>
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<tr>
<td>50999-000118</td>
<td>Zone2: (26 to 50Mi) or (41 to 81Km)</td>
<td>4.00</td>
<td>79.00</td>
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<td>79.00</td>
</tr>
<tr>
<td>99428-000305</td>
<td>Data plan for 3G Modem (Verizon) - 1 year</td>
<td>2.00</td>
<td>209.00</td>
<td>0.00</td>
<td>209.00</td>
</tr>
<tr>
<td>99577-001957</td>
<td>LIFEPAK 15 V4 Monitor/Defib, Adaptive Biphasic, Manual &amp; AED, Color LCD, 100mm Printer, Noninvasive Pacing, Metronome, Trending, SpO2, NIBP, 12-Lead ECG, EtCO2, Carbon Monoxide, Bluetooth INCLUDED AT NO CHARGE: 2 PAIR QUIK-COMBO ELECTRODES PER UNIT - 11996-000091, TEST LOAD - 21330-001365, IN-SERVICE DVD - 21330-001486, SERVICE MANUAL CD- 26500-003612 (one per order) and SHIP KIT (RC Cable) 41577-000288 INCLUDED. HARD PADDLES, BATTERIES AND CARRYING CASE NOT INCLUDED.</td>
<td>2.00</td>
<td>34,960.00</td>
<td>-4,935.73</td>
<td>30,024.27</td>
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<tr>
<td>LP15-OSCOMP-4-POS</td>
<td>LIFEPAK 15 Service - 4 YEAR. On-site Comprehensive Coverage. Annual Payments.</td>
<td>2.00</td>
<td>6,720.00</td>
<td>-1,008.00</td>
<td>5,712.00</td>
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</tbody>
</table>

Subtotal

Estimated Tax

Estimated Shipping & Handling

Grand Total

Pricing Summary Totals

List Price Total

Total Contract Discounts Amount

Total Discount

Trade In Discounts

USD 83,456.42

USD 0.00

USD 0.00

USD 83,456.42

USD 97,409.20

USD -13,719.98

USD -232.80

USD 0.00

Quote Number: 00049133
GRAND TOTAL FOR THIS QUOTE
USD 83,456.42

Reference Number  DA/14364601/98860

General Terms for all Products, Services and Subscriptions,
Physio-Control, Inc. ("Physio") accepts Buyer’s order expressly conditioned on Buyer’s assent to the terms set forth in this document. Buyer’s order and acceptance of any portion of the goods, services or subscriptions shall confirm Buyer’s acceptance of these terms. Unless specified otherwise herein, these terms constitute the complete agreement between the parties. Amendments to this document shall be in writing and no prior or subsequent acceptance by Seller of any purchase order, acknowledgment, or other document from Buyer specifying different and/or additional terms shall be effective unless signed by both parties.

Pricing. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services unless Physio receives a copy of a valid exemption certificate prior to delivery. Discounts may not be combined with other special terms, discounts, and/or promotions.

Payment. Payment for goods and services shall be subject to approval of credit by Physio. Unless otherwise specified by Physio in writing, the entire payment on an invoice is due thirty (30) days after the invoice date for deliveries in the USA, and sight draft or acceptable (confirmed irrevocable letter of credit is required for sales outside the USA).

Minimum Order Quantity. Physio reserves the right to charge a service fee per order less than $200.00.

Patent Infringement. Physio shall indemnify Buyer and hold harmless from and against all claims, damages, losses, and expenses, arising out of or resulting from any action by a third party against Buyer that is based on any claim that the services infringe a United States patent, copyright, or trademark, or violate a trade secret or any other proprietary right of any person or entity. Physio’s indemnification obligations hereunder will be subject to (i) receiving prompt written notice of the existence of any claim; (ii) being able to, at its option, control the defense and settlement of such claim (provided that, without obtaining the prior written consent of Buyer, Physio will enter into no settlement involving the admission of wrongdoing); and (iii) receiving full cooperation of Buyer in the defense of any claim.

Limitation of Interest. Through the purchase of Physio products, services, or subscriptions, Buyer does not acquire any interest in any drawing, design information, computer programming, patents or copyrighted or confidential information related to said products or services, and Buyer expressly agrees not to reverse engineer or decompile such products or related software and information.

Delays. Physio will not be liable for any loss or damage of any kind due to its failure to perform or delays in its performance resulting from an event beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio’s inability to obtain goods from its usual sources.

Limited Warranty. Physio warrants its products and services in accordance with the terms of the limited warranties located at http://www.physio-control.com/Terms.html. The remedies provided under such warranties shall be Buyer’s sole and exclusive remedy.

Regulatory Requirement for Access to Information. In the event 42 USC § 1395p(v)(1)(l) is applicable, Physio shall make available to the Secretary of the United States Department of Health and Human Services, the Comptroller General of the United States, General Accounting Office, or any of its duly authorized representatives, a copy of these terms, such books, documents and records as are necessary to certify the nature and extent of the costs of the products and services provided by Physio.

Debtorship. Physio represents and warrants that it and its directors, officers, and employees (i) are not excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7(b); (ii) have not been convicted of a criminal offense related to the provision of healthcare items or services; and (iii) are not under investigation which may result in Physio being excluded from participation in such programs.

Choice of Law. The rights and obligations of Physio and Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the state where Buyer is located. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorney’s fees, shall be reimbursed by the other party.

Quote Number: 00049133
Additional Terms for Purchase and Sale of Products.

In addition to the General Terms above, the following terms apply to all purchases of products from Physio.

Delivery. Unless otherwise specified by Physio in writing, delivery shall be FOB Physio point of shipment and title and risk of loss shall pass to Buyer at that point. Partial deliveries may be made, and partial invoices shall be permitted, and shall become due in accordance with the payment terms. In the absence of shipping instructions from Buyer, Physio will obtain transportation on Buyer’s behalf and for Buyer’s account. Delivery dates are approximate. Freight is pre-paid and added to Buyer’s invoice. Products are subject to availability.

Inspections and Returns. Within 30 days of receipt of a shipment, Buyer shall notify Physio of any claim for product damage or nonconformity. Physio, at its option and discretion, may repair or replace a product to bring it into conformity. Return of any product shall be governed by the Returned Product Policy located at http://www.physio-control.com/Documents/.

Payment of Physio’s Invoice is not contingent on immediate correction of nonconformities.

No Resales. Buyer agrees that products purchased hereunder will not be resold to third parties and will not be reshipped to any persons or places prohibited by the laws of the United States of America.

Additional Terms for Purchase and Sale of Service Plans.

In addition to the General Terms above, the following terms apply to all Physio Service Plans.

Service Plans. Physio shall provide services according to the applicable Service Plan purchased by Buyer and described at http://www.physio-control.com/ServicePrograms.aspx for the length of the subscription purchased and for the devices specified as covered by the Service Plan (“Covered Equipment”).

Pricing. If the number or configuration of Covered Equipment changes during the Service Plan subscription, pricing shall be prorated accordingly. For Preventative Maintenance, Inspection Only, Comprehensive, and Repair & Inspect Service Plans, Buyer is responsible to pay for preventative maintenance and inspections that have been performed since the last anniversary of the subscription start date, and such services shall not be prorated.

Device Inspection Before Acceptance. All devices that are not covered under Physio’s Limited Warranty or a current Service Plan must be inspected and repaired (if necessary) to meet specifications at then-current list prices prior to being covered under a Service Plan.

Unavailability of Covered Equipment. If Covered Equipment is not made available at a scheduled service visit, Buyer is responsible to reschedule with the Physio Service Technician, or ship the Equipment to a Physio service depot. Physio reserves the right to charge Buyer a surcharge for a return visit. Surcharges will be based on then-current Physio list price of deferred services, less 10% for labor and 10% for parts, plus applicable travel costs. The return visit surcharge will be in addition to the subscription price of the Service Plan. To avoid the surcharge, Buyer may ship devices to a Physio service depot. Buyer shall be responsible for round-trip freight for shipment in service.

Unscheduled or Uncovered Services. If Buyer requests services to be performed on Covered Equipment which are not covered by a Service Plan, or are outside of designated Services frequency or hours, Physio Control will charge Buyer for such services at 10% of Physio-Control’s standard rates (including overtime, if appropriate) and applicable travel charges. Repair parts required for such repairs will be made available at 15% of the then-current list price.

Loans. If Covered Equipment must be removed from service to complete repairs, Physio will provide Buyer with a loaner device, if one is available. Buyer assumes complete responsibility for the loaner and shall return the loaner to Physio in the same condition as received, normal wear and tear exempted, upon the earlier of the return of the removed Covered Equipment or Physio’s request.

Cancellation. Buyer may cancel a Service Plan upon sixty (60) days’ written notice to Physio. In the event of such cancellation, Buyer shall be responsible for the portion of the designated price which corresponds to the portion of the Service Plan subscription prior to the effective date of termination and the list price cost of any preventative maintenance, inspections, or repairs rendered after the last anniversary date of the subscription start date.

No Solicitation. During the Service Plan subscription and for one (1) year following its expiration, Buyer agrees not to actively and intentionally solicit anyone who is employed by Physio to provide services such as those described in this Service Plan.

Quote Number: 00049133
August 2016

Physio-Control, Inc. is the sole-source provider in the Hospital (hospitals and hospital-owned facilities), Emergency Response Services and Emergency Response Training markets for the following products:

- New LIFEPAK® 15 monitor/defibrillators
- New LIFEPAK 20e defibrillator/monitors
- New LIFEPAK 1000 automated external defibrillators
- New LUCAS® 2 Chest Compression System

Physio-Control, Inc. is the sole-source provider in all markets for the following products & services:

- RELI™ (Refurbished Equipment from the Lifesaving Innovators) devices
- LIFENET® System and related software
- Factory-authorized inspection and repair services which include repair parts, upgrades, inspections and repairs
- PulsePoint Agency Services
- HealthEMS® Software
- HomeSolutions.NET® Software

Physio-Control is also the sole source distributor of the following products for EMS customers in the U.S. and Canadian markets:

- McGRATH® MAC EMS Video Laryngoscope
- McGRATH® MAC Disposable Laryngoscope Blades
- McGRATH® X Blade™

Physio-Control does not authorize any resellers to sell these products or services in the markets listed above. We will not fulfill orders placed by non-authorized businesses seeking to resell our products. If you have questions, please feel free to contact your local Physio-Control sales representative at 800.442.1142.

Sincerely,

PHYSIO-CONTROL, INC.

Allan Criss, Vice-President, Americas Sales
To: Mayor and Town Council
From: Jim Wicker, President of the Prosper EDC Board
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – August 23, 2016

Agenda Item:
Consider and act upon adopting the FY 2016-2017 Prosper Economic Development Corporation budget.

Description of Agenda Item:
Section 21 of the Development Corporation Act of 1979 (Texas Revised Civil Statues Article 5190.6), the “Act,” provides that the Town shall approve all programs and expenditures of the development corporation and shall annually review any financial statements of the corporation. It further provides that at all times the Town will have access to the books and records of the development corporation. Additionally, Section 23(a)(13) of the Act states that the powers of the corporation shall be subject at all times to the control of the Town’s governing body.

Budget Impact:
There is no impact to the Town of Prosper’s General Fund as the Prosper Economic Development Corporation (Prosper EDC) is funded wholly by a half-cent of the local sales tax revenue. Since approved by Prosper citizens in 1996, the Prosper EDC has endeavored as its mission to “create jobs and capital investment” with the aim of expanding the local commercial property tax base and sales tax base, thereby lessening the property tax burden on homeowners.

Attached Documents:
1. FY 2016-2017 Prosper Economic Development Corporation budget as approved by the Prosper EDC Board on August 17, 2016

Prosper EDC Board Recommendation:
The Prosper EDC Board recommends that the Town Council review and adopt the FY 2016-2017 Prosper Economic Development Corporation budget.

Proposed Motion:
I move to adopt the FY 2016-2017 Prosper Economic Development Corporation budget.
## PROSPER ECONOMIC DEVELOPMENT CORPORATION
### FY 2016 - 2017 Annual Budget
**Approved by the PEDC Board August 17, 2016**

#### REVENUES

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2015-16</th>
<th>FY 2016-2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>800 4120 65 00 Sales Tax</td>
<td>$1,100,000</td>
<td>$1,400,000</td>
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<tr>
<td>800 4610 65 00 Interest on Investments</td>
<td>$19,000</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>800 4910 65 00 Other Revenue</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$1,119,000</strong></td>
<td><strong>$1,421,000</strong></td>
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</table>

#### EXPENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>FY 2015-16</th>
<th>FY 2016-2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Services - Salary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>800 5110 65 00 Salaries &amp; Wages</td>
<td>$234,700</td>
<td>$240,000</td>
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<tr>
<td>800 5115 65 00 Salaries - Overtime</td>
<td>$500</td>
<td>$500</td>
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<td>800 5140 65 00 Salaries - Longevity Pay</td>
<td>$270</td>
<td>$645</td>
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<tr>
<td>800 5141 65 00 Salary Reserve</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>800 5142 65 00 Car Allowance</td>
<td>$6,000</td>
<td>$6,000</td>
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<tr>
<td>800 5143 65 00 Cell Phone Allowance</td>
<td>$3,490</td>
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<td><strong>Total Salary</strong></td>
<td><strong>$244,960</strong></td>
<td><strong>$250,445</strong></td>
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<td><strong>Personnel Services - Benefit</strong></td>
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<tr>
<td>800 5145 65 00 Social Security Expense</td>
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<td>800 5150 65 00 Medicare Expense</td>
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<td>800 5155 65 00 Unemployment (SUTA)</td>
<td>$27</td>
<td>$650</td>
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<tr>
<td>800 5160 65 00 Health Insurance</td>
<td>$22,030</td>
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<tr>
<td>800 5165 65 00 Dental Insurance</td>
<td>$1,060</td>
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<tr>
<td>800 5170 65 00 Life Insurance</td>
<td>$303</td>
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<tr>
<td>800 5175 65 00 Liability (TML) Worker’s Comp</td>
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<td>800 5176 65 00 TML Prop. &amp; Liab. Insurance</td>
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<td>800 5180 65 00 TMRS-Expense</td>
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<td>800 5185 65 00 Long Term/Short Term Disability</td>
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<td>800 5186 65 00 WELLE-Wellness Prog Reimb-Empl</td>
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<td><strong>Total Benefits</strong></td>
<td><strong>$80,200</strong></td>
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<td><strong>Operating, Land &amp; Incentive Expenses</strong></td>
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<td>800 5189 65 00 Admin. Fees to Town</td>
<td>$7,500</td>
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<tr>
<td>800 5190 65 00 Contract Labor</td>
<td>$-</td>
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</tr>
<tr>
<td>800 5191 65 00 Hiring Cost</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>800 5210 65 00 Office Supplies</td>
<td>$2,800</td>
<td>$2,500.00</td>
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<tr>
<td>800 5212 65 00 Building Supplies</td>
<td>$500</td>
<td>$500.00</td>
</tr>
<tr>
<td>800 5220 65 00 Office Equip &amp; Furniture</td>
<td>$1,000</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>800 5230 65 00 Dues &amp; Subscriptions</td>
<td>$7,200</td>
<td>$7,200.00</td>
</tr>
<tr>
<td>800 5240 65 00 Postage &amp; Freight</td>
<td>$1,000</td>
<td>$1,000.00</td>
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<tr>
<td>800 5265 65 00 Promotional Expense</td>
<td>$38,520</td>
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<td>800 5280 65 00 Printing and Reproduction</td>
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<tr>
<td>800 5305 65 00 Chapter 380 Program Grant</td>
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<tr>
<td>800 5310 65 00 Rental/Office Lease</td>
<td>$41,000</td>
<td>$47,500.00</td>
</tr>
<tr>
<td>800 5330 65 00 Copier Service</td>
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<td>$5,500.00</td>
</tr>
<tr>
<td>800 5340 65 00 Building Repairs</td>
<td>$500</td>
<td>$500.00</td>
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<tr>
<td>800 5410 65 00 Professional Services</td>
<td>$20,000</td>
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<tr>
<td>800 5412 65 00 Audit Fees</td>
<td>$1,500</td>
<td>$1,750.00</td>
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<tr>
<td>800 5418 65 00 IT Fees</td>
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</tr>
<tr>
<td>800 5430 65 00 Legal Fees</td>
<td>$15,000</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>800 5480 65 00 Contracted Services</td>
<td>$-</td>
<td>$-</td>
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<tr>
<td>800 5520 65 00 Telephones-Internet-Data</td>
<td>$4,200</td>
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<tr>
<td>800 5521 65 00 Cell Phone Expense</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>800 5524 65 00 Gas - Office</td>
<td>$400</td>
<td>$400.00</td>
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<tr>
<td>800 5525 65 00 Electricity - Office</td>
<td>$2,100</td>
<td>$2,100.00</td>
</tr>
<tr>
<td>800 5526 65 00 Water</td>
<td>$500</td>
<td>$500.00</td>
</tr>
<tr>
<td>800 5530 65 00 Travel/Lodging/Meals Expense</td>
<td>$10,000</td>
<td>$15,000.00</td>
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<tr>
<td>800 5531 65 00 Prospect Mgmt/Business Meals</td>
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<td>$2,000.00</td>
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<tr>
<td>800 5533 65 00 Mileage Expense</td>
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</tr>
<tr>
<td>800 5536 65 00 Training/Seminars</td>
<td>$5,500</td>
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</tr>
<tr>
<td>800 6015 65 00 Project Incentives</td>
<td>$550,000</td>
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</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$729,720</strong></td>
<td><strong>$249,650</strong></td>
</tr>
</tbody>
</table>

**Net Income** | **$64,120** | **$845,505**
To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
Conduct 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).

**History:**
At the May 10, 2016, June 14, 2016, June 28, 2016, July 12, 2016, and August 9, 2016, meetings, the Town Council tabled this item per the applicant’s request.

**Description of Agenda Item:**
The applicant has requested this item be tabled and the Public Hearing continued to the September 27, 2016, Town Council meeting, as outlined in the attached letter.

**Attachments:**
1. Tabling Request Letter

**Town Staff Recommendation:**
Town staff recommends this item be tabled and the Public Hearing continued to the September 27, 2016, Town Council meeting.

**Proposed Motion:**
I move to table this item and continue the Public Hearing to the September 27, 2016, Town Council meeting.
August 14, 2016

Alex Glushko
Town of Prosper
409 E. First Street
Prosper, Texas 75078

RE: Windsong Ranch Marketplace – Sign Package

Dear Alex

Please accept this letter a request table the above item from the City Council Agenda on August 23, 2016. After feedback from the Executive Development Team we will resubmit a sign package that has been discussed with Terra Verde and has some of the comments incorporated from the EDT.

We would like to postpone until the September 27, 2016 meeting.

Thanks

D. Parks

Dorothy Parks

Cc: Tommy Reynolds
To: Mayor and Town Council
From: John Webb, AICP, Director of Development Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
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).

**History:**
At the August 9, 2016, meeting, the Town Council tabled this item per the applicant’s request.

**Description of Agenda Item:**
The applicant has requested this item be tabled and the Public Hearing continued to the September 27, 2016, Town Council meeting, as outlined in the attached letter.

**Attachments:**
1. Tabling Request Letter

**Town Staff Recommendation:**
Town staff recommends this item be tabled and the Public Hearing continued to the September 27, 2016, Town Council meeting.

**Proposed Motion:**
I move to table this item and continue the Public Hearing to the September 27, 2016, Town Council meeting.
August 12, 2016

Town of Prosper
Development Services Department
Planning Division
P.O. Box 307
Prosper, Texas 75078

RE: Request to Table Zoning Request – Zoning Case Z16-0011

Planning Division:

As the representative of Zoning Case Z16-0011, I hereby request that this case be tabled by the Town Council to their September 27th meeting. The purpose of the tabling is to allow additional time to work with staff to develop elevations for inclusion in the PD including those related to alternate building materials / architectural styles.

Sincerely,

L. Clint Richardson
VP Development – Greater Texas Land Resources

On behalf of the owners Prosper Partners, LP
To: Mayor and Town Council  
From: Harlan Jefferson, Town Manager  
Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
Conduct a Public Hearing to consider and discuss the FY 2016-2017 Budget, as proposed.

**Description of Agenda Item:**
According to Local Government Code Chapter 102 and the Town Charter, the Town must hold a Public Hearing on the proposed budget.

**Attached Documents:**
1. FY 2016-2017 Capital Improvement Program

**Town Staff Recommendation:**
Town staff recommends that the Town Council conduct a public hearing to receive feedback from the community and provide Town staff with direction on any changes to the proposed budget.

Other than the Public Hearing, the Town Council does not need to take action on this item.
### Summary of Capital Improvement Program - DRAFT 08/19/16

#### General Fund Projects

<table>
<thead>
<tr>
<th>Item</th>
<th>Project Schedule</th>
<th>Project Title</th>
<th>Total Cost</th>
<th>Total Issued Debt</th>
<th>Total Unissued Debt</th>
<th>Unissued Debt Reimbursement</th>
<th>Total Cost (2)</th>
<th>Total Issued Debt (2)</th>
<th>Total Actual Issued Debt (2)</th>
<th>Unissued Debt (2)</th>
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<th>Total Cost (3)</th>
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**Subtotal:** 5,419,000

### Notes:
- **A:** General Fund
- **B:** Grants and Interfund Transfers
- **C:** Development Agreements
- **D:** General Cost
- **E:** Water/Wastewater Fund
- **F:** Stormwater Drainage Fund
- **G:** Park Development Fund
- **H:** TRID 1
- **I:** TRID 2
- **J:** Easement
- **K:** Non-Cash Contributions
- **L:** Other Sources (See Detail)
### Traffic Projects

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Subtotal: $3,765,000

### Park Projects

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Subtotal: $52,093,000

Grand Total General Fund: $104,038,000

### Facility Projects

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Subtotal: $52,093,000

Grand Total General Fund: $104,038,000
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To: Mayor and Town Council
From: Harlan Jefferson, Town Manager
Re: Town Council Meeting – August 23, 2016

Agenda Item:
Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 8.6 percent.

Description of Agenda Item:
According to the Property Tax Code Section 26.05(d), the Town is required 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. The second Public Hearing is scheduled for September 13, 2016, at the next regular Town Council meeting to comply with Truth in Taxation parameters.

Attached Documents:
1. Statement for Opening the Public Hearing

Town Staff Recommendation:
Town staff recommends that the Town Council conduct a Public Hearing to receive feedback from the community and provide Town staff with any resulting direction. Other than the Public Hearing, the Town Council does not need to take action on this item.

Please open the Public Hearing with the attached statement.
Please read the statements below prior to opening the Public Hearing:

This is the first of two public hearings to discuss the FY 2016-2017 proposed tax rate. The second Public Hearing will be held on

September 13, 2016, at 6:00 p.m.,

at the Prosper Municipal Chambers

located at 108 W. Broadway, Prosper, Texas.

The Town Council will vote on both the FY 2016-2017 Proposed Budget and the proposed tax rate at a meeting scheduled on September 19, 2016, at 6:00 p.m., located at the Town of Prosper Municipal Chambers at 108 W. Broadway, Prosper TX.

Once the Public Hearing is opened, the public is encouraged to express their views.
To: Mayor and Town Council  
From: John Webb, AICP, Director of Development Services  
Through: Harlan Jefferson, Town Manager  
Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
Consider and act upon a Site Plan for a retail shell building in the Shops at Prosper Trail, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail. This property is zoned Planned Development-68 (PD-68). (D16-0018).

**Background:**
Per PD-68, Site Plans and associated Landscape and Façade Plans for pad sites within the Shops at Prosper Trail development shall be approved by the Planning & Zoning Commission and Town Council.

The attached Façade Plan (Attachment 4) was approved by Town Council at the July 26, 2016, meeting, in conjunction with a Specific Use Permit (SUP) request.

**Description of Agenda Item:**
The Site Plan shows one 5,600-square-foot retail shell building. Access is provided from Preston Road and Prosper Trail. Adequate parking has been provided. The Site Plan conforms to the PD-68 development standards.

**Attachments:**
1. Location Map  
2. Site Plan  
3. Landscape Plan  
4. Façade Plan

**Planning & Zoning Commission Recommendation:**
At their August 2, 2016, meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 7-0, subject to staff recommendations.

**Town Staff Recommendation:**
Town staff recommends approval of the Site Plan subject to:
1. Town staff approval of civil engineering, irrigation plans, open space plans, and address plans.
2. Town staff approval of all fire hydrants, fire department connections (FDC) and fire lanes, including widths, radii, and location.

**Proposed Motion:**
I move to approve a Site Plan for a retail shell building in the Shops at Prosper Trail, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail, subject to Town staff recommendations.
To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – August 23, 2016

Agenda Item:
Consider and act upon a request for an ornamental metal fence within the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2, (MD16-0009).

Description of Agenda Item:
On September 15, 2015, Town Council approved an amendment to Section 3.19.001 Fence Requirements, of the Fence Regulations, providing for the following:

(f) Fences or Low Walls located in the Required Front Yard of a Residential District: Fences or low walls located in the required front yard of any residential district or any residential lot shall be subject to the following approval process and meet the following standards:

(1) The fence or low wall shall require approval of the Town Council. An application for Town Council consideration of a fence or wall in the required front yard shall be submitted on a form supplied by the Department of Development Services.

(2) Fences shall have a minimum of fifty percent (50%) through vision and shall not exceed eight feet (8’) in height.

The Development Services Department has received a request for a five-foot (5’) ornamental metal fence around the perimeter of the property located at 3181 Brookhollow Court in the Whispering Farms, Phase 2 subdivision, as shown on the attached plot plan exhibit (Attachment 2). The western property line has an existing five-foot (5’) ornamental metal fence.

The proposed fence will have a minimum of fifty percent (50%) through vision and shall not exceed eight feet (8’) in height. The applicant has outlined the basis for this request in the attached request letter (Attachment 4).

Attachments:
1. Location Map
2. Plot Plan Exhibit
3. Fence Exhibit
4. Request Letter
**Town Staff Recommendation:**
Town staff recommends the Town Council consider and act upon a request for a fence or wall in the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2.

**Proposed Motion:**
I move to ________ (approve/deny) the request for a fence or wall in the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2.
NOTE:
FINISH TO BE POWDER COATED SATIN BLACK

<table>
<thead>
<tr>
<th>&quot;A&quot;</th>
<th>&quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>3'-0&quot;</td>
<td>8'-0&quot;</td>
</tr>
<tr>
<td>4'-0&quot;</td>
<td>8'-0&quot;</td>
</tr>
<tr>
<td>5'-0&quot;</td>
<td>8'-0&quot;</td>
</tr>
<tr>
<td>6'-0&quot;</td>
<td>8'-0&quot;</td>
</tr>
</tbody>
</table>
7/14/16

To Whom It May Concern:

Titan Fence (At the request of the owner, of the property at 3181 Brookhollow Court) requests that the Town of Prosper allow a 5’ fall flat top ornamental iron fence be installed all around this property. This will include in front of the house out to the front property line with an ornamental automatic entry gate (not to exceed 7’ tall). There are homes all around this one that have fences 5’ tall or taller and also have the fences installed out to the front property lines w/ auto gate entrances. These existing fences were allowed by the adjacent property owners, HOA’s and the Town of Prosper. The owner at 3181 Brookhollow requests the same courtesy. They feel that being allowed to install the fence as requested would better protect the property and allow full use of all of the property.

Thank you so much for your consideration of this request.

Jeff Sorensen
Titan Fence and Supply Company
To: Mayor and Town Council
From: John Webb, AICP, Director of Development Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – August 23, 2016

Agenda Item:
Consider and act upon request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair. (MD16-0010).

Description of Agenda Item:
On September 15, 2015, Town Council approved an amendment to Section 3.19.001 Fence Requirements, of the Fence Regulations, allowing for the following:

(j) Open fencing requirements. Fences adjacent to public or private open space, public or private parks, or hike and bike trails shall be ornamental metal, tubular steel or split rail with a minimum 50% through vision.

(m) Alternate Materials. The Town Council may approve alternate materials for fences and low walls. An application for Town Council consideration of an alternate fence or low wall material shall be submitted on a form supplied by the Department of Development Services.

The Development Services Department has received a request for a six-foot (6’) masonry wall along the western portion of the northern property line of the property located at 1400 Copper Point Drive (a.k.a. the former Sanders residence), in the Montclair subdivision, as shown on the attached exhibit (Attachment 2). Montclair is a private, gated subdivision.

This request is necessitated due to adjacency to an open space lot that will house a water well that serves to feed the existing lake. The eastern portion of the northern property line will have the same six-foot (6’) masonry wall, which is currently permitted by the Fence Regulations, since it is not adjacent to an open space lot.

The applicant has provided a letter outlining the basis for the request, which has been attached for reference (Attachment 3).

Attachments:
1. Location Map
2. Proposed Wall Exhibit
3. Request Letter
**Town Staff Recommendation:**
Town staff recommends the Town Council consider and act upon a request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair.

**Proposed Motion:**
I move to ________ (approve/deny) the request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair.
August 12, 2016

Mr. John Webb
Town of Prosper
409 E. First Street
Prosper, Texas 75078
972-346-3502

Mr. Webb,

Thank you for allowing to provided further explanation about this request. There is a large water well that is situated in the middle of the “open space” lot. This area must allow for future well trucks to enter and service this well which supplies water to the man-made lake. This area required an “open space” designation and we have provided as much accoutrements for the area as possible to disguise the fact that was solitarily created to accommodate the water well. There really is no purpose for the wrought iron backyard fencing other than the city has requested it under the blanket request of it is open space fencing requirements. With that being said we are providing the fencing on the smaller lots but the large existing multi acre estate lot has significant enough open space on its own and as a multi-million dollar estate, requires the privacy they are asking for with the masonry screening.

Respectfully,

Mardy Brown
469-853-6538
To: Mayor and Town Council
From: John Webb, AICP, Director of Development Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – August 23, 2016

**Agenda Item:**
Consider and act upon a request for a Façade Exception for the Tribute Memory Care Facility in the Prosper Town Center development, located on the west side of Hays Road, 900± feet north of First Street. (MD16-0006).

**History:**
At the July 12, 2016, Town Council meeting, this item was tabled to allow the applicant an opportunity to revise the building elevations to incorporate masonry around the perimeter of the building and an alternative material for the interior courtyards and the clear story element of the building.

**Description of Agenda Item:**
Since the meeting, the applicant has revised the request by providing masonry around the perimeter of the building, and replacing the originally proposed cementitious fiber board siding within the interior courtyards and the clear story element with cementitious fiber shake siding. Revised building elevations, site plan, material renderings, and request letter have been included for reference. While the material renderings depict the use of cementitious fiber shake siding on the perimeter of the building, the siding is not proposed on the exterior of the building, the renderings are only intended to show the look and feel of the material.

In April 2016, Town staff approved a Façade Plan for the building, proposed to be constructed entirely of a brick and stone exterior meeting the requirements of the Zoning Ordinance. With the adoption of the Façade Exception process, the applicant is proposing the use of cementitious fiber shake siding within the interior courtyard and on the clear story element of the building. The staff approved elevation is included for reference.

In considering an exception to the required masonry requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:

- (a) is a unique architectural expression;
- (b) includes unique building styles and materials;
- (c) is consistent with high quality development;
- (d) is or would be visually harmoniousness with existing or proposed nearby buildings;
- (e) has obvious merit based upon the quality and durability of the materials; and
(f) represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.

Please reference the attached letter from the applicant addressing the aforementioned criteria in support of the request.

**Attachments:**
1. Location Map
2. Revised Elevations
3. Previously Proposed Elevations
4. Staff Approved Elevations
5. Site Plan Exhibit
6. Material Rendering
7. Criteria Explanation Letter

**Planning & Zoning Commission Recommendation:**
At their June 21, 2016, meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 6-1, subject to the use of cementitious fiber board only being permitted within courtyards area and on the centrally located clear story element.

**Town Staff Recommendation:**
Town staff recommends that the Town Council consider and act upon a request for a façade exception for the Tribute Memory Care Facility.

**Proposed Motion:**
I move to ________ (approve/deny) a request for a Façade Exception for the Tribute Memory Care Facility in the Prosper Town Center development, located on the west side of Hays Road, 900± feet north of First Street.
### Materials Schedule - Exterior, City View

<table>
<thead>
<tr>
<th>Material Description</th>
<th>Manufacturer</th>
<th>Color/Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commons Ridge</td>
<td></td>
<td>130' - 3 3/4&quot;</td>
</tr>
<tr>
<td>Composite</td>
<td>M-1</td>
<td>Composite Trex Color: Saddle</td>
</tr>
<tr>
<td>Hardi Siding</td>
<td>James Hardie</td>
<td>Finish: Cedarmill, Paint to match</td>
</tr>
<tr>
<td>Masonry</td>
<td>BR-1</td>
<td>Color: Amaretto-20, Finish: Velour</td>
</tr>
<tr>
<td>Masonry</td>
<td>BR-2</td>
<td>Color: Garnet, Finish: Velour</td>
</tr>
<tr>
<td>Main Plate</td>
<td>BR-1</td>
<td>3&quot; / 1'-0&quot;</td>
</tr>
<tr>
<td>ST-1</td>
<td>Exterior</td>
<td>Stone Private Client Surface stone w/ Natural Mold</td>
</tr>
<tr>
<td>P-1</td>
<td>Paint</td>
<td>Benjamin Moore 2106-10 Java, To coordinate with BR-1</td>
</tr>
<tr>
<td>P-4</td>
<td>Paint</td>
<td>Benjamin Moore Color: HC-76 Davenport Tan</td>
</tr>
<tr>
<td>Prefinished Metal</td>
<td>PM-1</td>
<td>Berridge Manufacturing Co. Color: Sierra Tan</td>
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<tr>
<td></td>
<td>PM-2</td>
<td>Berridge Manufacturing Co. Color: Dark Bronze</td>
</tr>
<tr>
<td></td>
<td>PPM-1</td>
<td>Western States Metal Roofing Co. Color: Fresh Roast, 855-4 Corten (Submit for Approval)</td>
</tr>
<tr>
<td>Roofing</td>
<td>MR-1</td>
<td>Prefinished Metal Roofing Berridge Manufacturing Co. Color: Zinc Grey</td>
</tr>
<tr>
<td>Steel</td>
<td>S-1</td>
<td>Color: TBD</td>
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<tr>
<td>Wood</td>
<td>WD-1</td>
<td>Cedar Timber Species: Cedar</td>
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</tbody>
</table>

### Ground Level

- **North Elevation:**
  - BR-1
  - BR-2
  - CS-1
  - AS-1
  - VW-1

- **South Elevation:**
  - BR-1
  - BR-2
  - CS-1
  - VW-1

- **East Elevation:**
  - BR-1
  - BR-2
  - CS-1
  - ST-1

- **West Elevation:**
  - BR-1
  - BR-2
  - CS-1

### East Elevation

- **Commons Ridge:**
  - 110' - 0"

### Standard Language AND/OR NOTATIONS

- "All mechanical equipment shall be screened from public view in accordance with the regulations of the Town of Prosper.
- "All signage areas and locations are subject to approval by the Building Inspections Department.
- "Windows shall have a maximum exterior visible reflectivity of ten (10) percent.

### Elevation Material Calculations

<table>
<thead>
<tr>
<th>Elev.</th>
<th>Total Area</th>
<th>Glazing Area</th>
<th>Net Area</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>4902</td>
<td>665</td>
<td>4237</td>
</tr>
<tr>
<td>South</td>
<td>4761</td>
<td>887</td>
<td>3874</td>
</tr>
<tr>
<td>East</td>
<td>4384</td>
<td>754</td>
<td>3630</td>
</tr>
<tr>
<td>West</td>
<td>4379</td>
<td>827</td>
<td>3552</td>
</tr>
</tbody>
</table>
Site/Floor Plan

Detention Pond

Red = Current request
Blue = Previous request
Green = P&Z Commission Recommended
View from Southeast
View inside courtyard
View from South
Please note, cementitious fiber shake siding is not proposed on the exterior of the building, the rendering is only intended to show the look and feel of the proposed material.
Jonathan Hubbard  
Town of Prosper  

Re: Tribute Alternate Materials Request  

Dear Jonathan;  

The applicant proposes to use cement fiber siding material on the courtyard facing walls of the building, and the clerestory roof element, in lieu of masonry. The specific product will be Hardie Shingle siding.  

Unique architectural expression  
The character of the design is intended to be residential in nature as this will be “home” for our residents. The owner and architects feel that the introduction of a siding material, along with brick and stone, contributes to that design intent by creating visual interest and reducing monotony. Many homes include a variety of materials, including siding.  

Includes unique building styles and materials  
The cement fiber siding is combined with brick and stone that match the existing developed commercial buildings. The additional material, along with sloped residential roofs, is intended to give the building less of a commercial / institutional look as we feel that is very important for this use.  

Is consistent with high quality development  
The cement fiber siding is a high quality material. It has all the aesthetic advantages of wood siding, without the maintenance problems of wood. It has been used extensively in major projects, such as Dr Pepper Ballpark in Frisco.  

Is or would be visually harmonious with existing or proposed nearby buildings.  
Many of the existing homes in the immediate area include siding materials in addition to masonry. The existing buildings at Prosper Town Center are commercial in use and appearance. Tribute Senior Living is located at the far northeast corner of the development. While utilizing the same stone and brick for compatibility with the commercial buildings, the introduction of siding and other residential design features will make a good transition to the adjacent single family homes to the east. Additionally, the north façade of the building is screened by multiple levels of landscaping.  

Has obvious merit based upon the quality and durability of the materials.  
We feel the merits are obvious based on the use and the reasons stated above. As the siding is a cement based product, there is no concern with the quality or long term durability. The product is UV
resistant, mold resistant, non-combustible, and will not rot like wood products are prone to do. The product, like masonry, is made to last a lifetime.

Represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives

The design team feels the intent of the zoning is to promote good design and utilize high quality materials. For the reasons noted above we believe incorporating the cement fiber siding does not compromise the intent and in fact results in a better design.

Sincerely,

[Signature]

Gary DeVleer

RECEIVED

AUG 12 2016

TOWN OF PROSPER DEVELOPMENT SERVICES