AGENDA
Prosper Town Council
Agenda Briefing, Regular Meeting, and
Budget Work Session
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, July 9, 2019
5:45 p.m.

AGENDA BRIEFING – EXECUTIVE CONFERENCE ROOM – OPEN TO THE PUBLIC

1. Call to Order/Roll Call.

2. Questions about items listed on the Regular Meeting Agenda.

3. Discussion Items:
   - Discussion on Town Support of Nonprofit Organizations. (HJ)
   - Discussion on Agenda Briefing Format. (HJ)

THE REGULAR TOWN COUNCIL MEETING AND BUDGET WORK SESSION WILL
CONVENE IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING THE AGENDA BRIEFING,
AT APPROXIMATELY 6:15 P.M.

1. Call to Order/Roll Call.

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

3. Announcements of recent and upcoming events.

4. CONSENT AGENDA:
   Items placed on the Consent Agenda are considered routine in nature and non-
   controversial. The Consent Agenda can be acted upon in one motion. Items may
   be removed from the Consent Agenda by the request of Council Members or staff.

4a. Consider and act upon minutes from the following Town Council meetings. (RB)
   - Joint Meeting with the Prosper Economic Development Corporation – June 25,
     2019
   - Regular Meeting – June 25, 2019

4b. Consider and act upon an ordinance amending Ordinance No. 18-71 (FY 2018-
     2019 Budget). (KN)

4c. Conduct a Public Hearing, and consider and act upon a request to rezone a portion
    of Planned Development-43 (PD-43) and a portion of Planned Development-65
    (PD-65), to Planned Development-C (PD-C), to allow for an Automobile Sales,
    Service, and Leasing facility (Ford), on 17.1± acres, located on the north side of
    US 380, west of Mahard Parkway. (Z18-0013). (AG)
5. **CITIZEN COMMENTS:**
   The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.

**REGULAR AGENDA:**
If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

6. Discuss Town Hall Lobby Art and Accessories. *(RB)*

7. Discuss the FY 2019-2020 Proposed Budget. *(KN)*

8. **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:

   8a. Section 551.087 – To discuss and consider economic development incentives.

   8b. 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.

   8c. Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

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

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

11. Adjourn.

**CERTIFICATION**
I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 200 S. Main Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, July 5, 2019, and remained so posted at least 72 hours before said meeting was convened.

_______________________________ _________________________
Robyn Battle, Town Secretary/PIO   Date Notice Removed
Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary’s Office at (972) 569-1011 at least 48 hours prior to the meeting time.
AGENDA BRIEFING

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

The meeting was called to order at 5:48 p.m.

**Council Members Present:**
Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Marcus E. Ray  
Councilmember Meigs Miller  
Councilmember Jeff Hodges

**Council Members Absent:**
Deputy Mayor Pro-Tem Jason Dixon  
Councilmember Craig Andres

**Prosper Economic Development Corporation Board Members Present:**
Mayor Ray Smith  
Jim Wicker, President  
David Bristol, Vice-President  
Roger Thedford, Treasurer  
Reno Jones  
Don Perry

**Board Members Absent:**
Jordan Simms, Secretary

**Staff Members Present:**
Harlan Jefferson, Town Manager  
Terry Welch, Town Attorney  
Robyn Battle, Town Secretary/PIO  
Alex Glushko, Planning Manager  
Todd White, Building Official  
Pete Anaya, Assistant Director of Engineering Services – Capital Projects  
Chuck Springer, Executive Director of Administrative Services  
Kelly Neal, Finance Director  
Dudley Raymond, Parks and Recreation Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief
2. **Legislative Update.**

Rick Dennis of HillCo Partners, the Town’s government affairs consulting firm, provided an update on the 86th Texas Legislative Session. Critical issues identified during the legislative session included overhauling school finance, property tax reform, and the Hurricane Harvey response.

Senate Bill 2 will enact a revenue cap for municipalities. The final version of the bill allows a 3.5% revenue increase before triggering an automatic ratification election. It also contains a “banking” provision that allows taxing units to tap into unused revenue cap funds from the three previous budget years, and removed debt sources that are not voter approved (such as Certificates of Obligation) from the 3.5% cap calculation.

The legislature enacted several bills that preempt local authority in several policy areas. House Bill 2439, effective September 1, 2019, prohibits municipalities from enforcing certain regulations for building products, materials, or methods in the construction of residential or commercial buildings. House Bill 852 prevents municipalities from determining the amount of building and inspection permit fees based on the value of the property, or the construction cost. House Bill 1631 prohibits municipalities from using photographic technology (red light cameras) to enforce traffic laws. House Bill 2496 requires municipalities to either gain property owner consent before designating property as a historical site, or obtain a 75% approval vote from the governing body.

No major changes were made in the areas of local debt issuance, or charter amendment elections. Legislation related to Chapter 312 (tax abatement) Agreements was reauthorized, and the scope and authority of Economic Development Corporations was protected. While attempts were made, no legislation was adopted to restrict the use of eminent domain to acquire land for public projects. The Texas Municipal Retirement System was strengthened, and a municipal sales tax cap was avoided. Municipalities also retained the right to have registered lobbyists work on their behalf.

An omnibus hotel convention center bill, House Bill 4347, was signed into law after it was improved to do away with a sunset provision. The bill would allow Prosper and other municipalities to execute a hotel convention center project under Chapter 351 of the Tax Code.

Mr. Dennis added that the regulation of building materials will likely be revisited in the next legislative session. Responding to a question from Council, he stated that most legislation is not typically retroactive, so projects that are initiated after September 1, 2019, would most likely not be subject to any future revisions of the law.

3. **Adjourn.**

The meeting was adjourned at 6:45 p.m. on Tuesday, June 25, 2019.

These minutes approved on the 9th day of July 2019.

**APPROVED:**

Ray Smith, Mayor
APPROVED:

Jim Wicker, President
Prosper Economic Development Corp.

ATTEST:

Robyn Battle, Town Secretary
AGENDA BRIEFING

1. Call to Order/Roll Call.

The meeting was called to order at 6:51 p.m.

Council Members Present:
Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Marcus E. Ray
Councilmember Meigs Miller
Councilmember Jeff Hodges

Council Members Absent:
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Craig Andres

Staff Members Present:
Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Alex Glushko, Planning Manager
Todd White, Building Official
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Dudley Raymond, Parks and Recreation Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Retired U.S. Army Chaplain Carl Rau led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Ray read the following announcements:

Prosper's Pride in the Sky event will take place on Wednesday, July 3, at Frontier Park from 3:00-11:00 p.m. The annual Independence Day event will feature live music, food trucks, vendors, and a kid zone. Bring your blankets and lawn chairs and enjoy the fireworks.
Town Offices will be closed in observance of the Independence Day Holiday on Thursday, July 4. The Town Council wishes everyone a safe a happy Fourth of July.

The Prosper Community Library’s Summer Reading Program continues through July 25. Please check the Town website or visit the Library to sign up, and to find out more about summer programs.

Registration is now open for Prosper’s summer recreation programs, sports, and activity camps, including Drama Camp, 3D Printing, Robotics, Archery, and Tennis. Sign up at www.ProsperParksandRec.org.

4. Presentations.
   - Administration of Oath-of-Office and Presentation of Certificate of Election. (RB)
     Town Secretary/PIO Robyn Battle administered the Oath of Office to Town Councilmember Meigs Miller. Mayor Smith presented Councilmember Miller with a Certificate of Election.
   - Recognition of participants in the Prosper 100-Mile Challenge. (DR)
     Mayor Smith recognized the participants in the Prosper 100-Mile Challenge, which ran from February to June 2019. 78 individuals completed the Challenge. Ms. Leona Eimandoust won the drawing for a FitBit.
   - Presentation of Certificates of Recognition to Officer Seanna Arrendondo and Sergeant Paul Boothe of the Prosper Police Department, and recognition of all Police and Fire personnel involved in the incidents. (DK)
     Police Chief Kowalski presented Officer Arrendondo with a Certificate of Recognition for her role in getting a family out of their burning home safely in April 2019. Fire Chief Blasingame recognized members of his staff who assisted in putting the fire out.
     Police Chief Kowalski presented a Certificate of Merit for Outstanding Police Work to Sergeant Paul Boothe, who was instrumental in locating a lost 8-year-old boy in May 2019. Chief Kowalski and Chief Blasingame commended all of the police officers, dispatchers, firefighters, and CERT volunteers who helped get the boy home safely.

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.
   - Consider and act upon minutes from the following Town Council meeting. (RB)
     - Regular Meeting – June 11, 2019
     - Special Called Meeting – June 17, 2019
   - Receive the April Financial Report (KN)
5c. Consider and act upon approving a Microsoft Enterprise Agreement, from SHI Government Solutions, Inc., through a Texas Department of Information Resources (DIR) Purchasing Contract; and authorizing the Town Manager to execute all related documents for the same. (LJ)

5d. Consider and act upon Resolution No. 19-39 authorizing the placement of orders for the purchase of replacement vehicles in FY 2019-2020 to realize current incentives related to said purchase with payment to be made from the Town’s Vehicle Equipment and Replacement Fund (VERF) in FY 2019-2020. (KN)


5f. Consider and act upon Ordinance No. 19-41 abandoning a segment of Second Street right-of-way, located between Main Street and Crockett Street. (AG)

5g. 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 Hodges made a motion and Councilmember Ray seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS:
The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.

There were no Citizen Comments.

REGULAR AGENDA:
If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

ITEMS FOR INDIVIDUAL CONSIDERATION:

7. Conduct a Public Hearing, and consider and act upon an ordinance amending the Old Town Insert Map of the Future Land Use Plan, from Old Town Single Family to Old Town Office, generally located on the east side of Coleman Street, between Second Street and north of Third Street. (CA19-0003). [Companion Case Z19-0009] (AG)
8. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.3± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the southeast corner of Third Street and Coleman Street. (Z19-0009). [Companion Case CA19-0003] (AG)**

Mayor Smith opened Items 7 and 8 concurrently.

Planning Manager Alex Glushko presented this item before the Town Council. Town staff has received a request to rezone 0.3± acres from Single Family-15 to Downtown Office for the purpose of redeveloping the property for office uses in the future, and the applicant has indicated they intend to open a counseling office. Rezoning requests which do not conform to the Future Land Use Plan shall be accompanied by a request to amend the Future Land Use Plan. The applicant has indicated that redevelopment of the property will serve to provide a transitional buffer from Coleman Street to the residences to the east; that many existing parcels in the surrounding area along Coleman Street are currently non-residential in nature; that redevelopment will introduce architecture improvement that is more fitting for the downtown; and the future business (counseling office) will provide for a benefit to the community. The applicant has been advised of the standards necessary to redevelop the existing residential structure on the property into an office building.

Mayor Smith opened the Public Hearings for Item 7.

Dr. Marcy Mettica, the applicant, spoke in support of the request.

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

Mayor Smith opened the Public Hearing for Item 8.

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

After discussion, Councilmember Miller made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 19-42 amending the Future Land Use Plan Old Town Insert Map from Old Town Single Family to Old Town Office, generally located on the east side of Coleman Street, between Second Street and north of Third Street. The motion was approved by a vote of 5-0.

Councilmember Miller made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 19-43 rezoning 0.3± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the southeast corner of Third Street and Coleman Street. The motion was approved by a vote of 5-0.


Planning Manager Alex Glushko presented this item before the Town Council. Town staff has identified the need to update various health-related codes, as well as an interest in bringing a Farmer’s Market to the Town. The purpose of the proposed ordinance is to provide review authority to the Planning & Zoning Commission and Town Council by establishing a Specific Use Permitting process with Conditional Development Standards, and update the definition of a Farmer’s Market to be consistent with current food standards.
adopted by the State. The proposed ordinance is intended to be broad enough in scope so as not to exclude certain food products. Vendor booths at Farmer’s Markets would be regulated by the Town’s Health Code.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 19-44 amending Chapter 3, “Permitted Uses and Definitions,” of the Town’s Zoning Ordinance regarding Farmer’s Markets. The motion was approved by a vote of 5-0.

10. Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, General Obligation Bonds, Series 2019, including the adoption of an ordinance authorizing the issuance of such Bonds, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel. (KN)

11. Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel. (KN)

Mayor Smith opened Items 10 and 11 concurrently.

Finance Director Kelly Neal introduced Jason Hughes with Hilltop Securities, who presented the items before the Town Council. The General Obligation (GO) Bonds and Certificates of Obligation (COs) were sold through competitive bid, which allows the Town to get the best rate possible within the parameters set by the Town. The COs were sold at a 20-year rate of 2.66%, and the GO Bonds were sold at a rate of 2.69%. The sale will close on July 25, which will yield $22.5 million in project proceeds for designated projects. The Town continues to hold a Aa1 bond rating from Moody’s, and a AA+ rate from S&P.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Ordinance No. 19-45 authorizing the issuance and sale of Town of Prosper, Texas, General Obligation Bonds, Series 2019, and approving all other matters incident thereto. The motion was approved by a vote of 5-0.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Ordinance No. 19-46 authorizing the issuance and sale of Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019, and approving all other matters incident thereto. The motion was approved by a vote of 5-0.

12. Discussion regarding design standards for Network Nodes. (AG)

Planning Manager Alex Glushko presented this item before the Town Council. Texas Senate Bill 1004 granted wireless service providers access to public right-of-way for the placement of their facilities. It specifically allows network providers the right to mount their equipment (network nodes) on municipal service poles, which includes traffic signal poles, non-decorative streetlights, and street signs, as well as the right to install support poles for their facilities. The Town’s Design Manual was updated in August 2017 to require the network nodes to match the existing color of the pole on which it is located, however the manual did not specifically indicate a required style and/or color of standalone facilities. The Town’s Right-of-Way Manager has since updated the Design Manual to include a
requirement for the design of standalone network nodes. The Council expressed an interest in achieving some level of consistency among the appearance of the nodes; however, Town staff confirmed the Town is unable to enforce the height of the nodes or the location on the pole. Town Manager Harlan Jefferson added that Town staff is also looking at the Town’s pole-mounted warning sirens to ensure they meet the same standard of having a consistent appearance. Town Attorney Terry Welch confirmed that providers may not share poles with other providers, and nodes must be at least 300 feet apart. No further action was taken on this item.

13. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.222 acres of Right-of-Way and 0.483 acres of Temporary Construction Easement situated in the L. Netherly Survey, Abstract No. 962, Town of Prosper, Denton County, Texas, necessary for the construction of the Fishtrap Road/Teel Parkway Intersection Improvements project and for other public purposes permitted by law. (PA)

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the Fishtrap Road and Teel Parkway Intersection Improvements Project. The Right-of-Way is required for the construction of the roadway improvements and the Temporary Construction Easement is required during construction. The subject property is needed for both, and while negotiations are going well, staff is requesting advance authorization to pursue acquisition by eminent domain if needed.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-47 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.222 acres of Right-of-Way and 0.483 acres of Temporary Construction Easement situated in the L. Netherly Survey, Abstract No. 962, Town of Prosper, Denton County, Texas, necessary for the construction of the Fishtrap Road and Teel Parkway Intersection Improvement Project and for other public purposes permitted by law. The Town Councilmembers voted as follows:

Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andes – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

14. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.432 acres of Right-of-Way, 0.476 acres of Temporary Construction Easement, and 1.661 acres of Slope Easement situated in the B. Hodges Survey, Abstract No. 593, J. Morton Survey, Abstract No. 793, and J. Kennedy Survey, Abstract No. 1688, Town of Prosper, Denton County, Texas, necessary for the construction of the West Prosper Road Improvements, Phase 3 (Segment E) project and for other public purposes permitted by law. (PA)
Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the West Prosper Road Improvements, Phase 3 (Segment E) Project. The Right-of-Way (ROW), Temporary Construction Easements, and Slope Easements are required for the construction of the roadway. Staff has been in discussions with Eric Berlin, the property owner, about the Town acquiring the ROW and easements, and staff is requesting advance authorization to pursue acquisition by eminent domain if negotiations are unsuccessful.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-48 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.432 acres of Right-of-Way, 0.476 acres of Temporary Construction Easement, and 1.661 acres of Slope Easement, located in the B. Hodges Survey, Abstract No. 593, J. Morton Survey, Abstract No. 793, and J. Kennedy Survey, Abstract No. 1688, Denton County, Texas, necessary for the construction of the West Prosper Roads Improvements, Phase 3 (Segment E) Project and for other public purposes permitted by law. The Town Councilmembers voted as follows:

Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andres – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

15. **Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.309 acres of Right-of-Way, 0.311 acres of Drainage Easement, and 0.065 acres of Temporary Construction Easement, and situated in the Spencer Rice Survey, Abstract Number 787, Town of Prosper, Collin County, Texas, necessary for the construction of the Victory Way (Coleman Street – Frontier Parkway) project and for other public purposes permitted by law. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the Victory Way (Coleman Street – Frontier Parkway) project. The Right-of-Way, Drainage Easement, and Temporary Construction Easement are required for construction of the roadway. While negotiations are going well, staff is requesting advance authorization to pursue acquisition by eminent domain if needed.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-49 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.309 acres of Right-of-Way, 0.311 acres of Drainage Easement, and 0.065 acres of Temporary Construction Easement situated in the Spencer Rice survey, Abstract Number 787, in the Town of Prosper, Collin County Texas; necessary for the construction of the Victory Way (Coleman Street – Frontier Parkway) project and for other public purposes permitted by law. The Town Council members voted as follows:
Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andres – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

16. **Consider and act upon awarding Bid No. 2019-60-B to Quality Excavation, LTD., related to construction services for the Coleman Street Road Widening (Gorgeous – Wilson) project; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. Town staff anticipates issuing a notice to proceed on this contract effective in early July 2019, which would result in a substantial completion date in early September 2019. This schedule and construction sequencing is designed to coordinate with Reynolds Middle School traffic.

After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to award Bid No. 2019-60-B to Quality Excavation, LTD., related to construction services for the Coleman Street Road Widening (Gorgeous – Wilson) project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-0.

17. **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:

17a. **Section 551.087 – To discuss and consider economic development incentives.**

17b. **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.**

17c. **Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.**

17d. **Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.**

The Town Council recessed into Executive Session at 8:08 p.m.

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

The Town Council reconvened the Regular Session at 8:56 p.m.
Councilmember Hodges made a motion and Councilmember Ray seconded the motion to appoint Curry Vogelsang, Jr., as Mayor Pro-Tem and Jason Dixon as Deputy Mayor Pro-Tem. The motion was approved by a vote of 5-0.

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

- **Discuss Town Council Subcommittee Membership. (RB)**

  The Town Council reviewed the current membership of the various Council Subcommittees. Councilmember Ray was appointed to the Benefits and Broadband Committees. No further action was taken.

- **Discuss Public Safety and Military Wall of Honor.**

  The Council discussed the possibility of installing a Public Safety and Military Wall of Honor on the Town Hall grounds. The item will be brought forward for further discussion during the Budget Work Session on July 9.

  Councilmember Ray requested the Council reconsider the format and location of the Agenda Briefing sessions. The item will be brought forward for discussion at the July 9 Town Council meeting.

20. **Adjourn.**

The meeting was adjourned at 9:13 p.m. on Tuesday, June 25, 2019.

These minutes approved on the 9th day of July 2019.

**APPROVED:**

Ray Smith, Mayor

**ATTEST:**

Robyn Battle, Town Secretary
To: Mayor and Town Council
From: Kelly Neal, CGFO, CPM, Finance Director
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – July 9, 2019

**Agenda Item:**
Consider and act upon an ordinance amending Ordinance No. 18-71 (FY 2018-2019 Budget).

**Description of Agenda Item:**
The proposed ordinance is amending the following balance for the FY 2018-2019 Budget.

On May 14, 2019, Council authorized the Town Manager to execute an agreement between the North Central Texas Council of Governments (NCTCOG) and the Town of Prosper, Texas, concerning the Clean Fleets North Texas grant awarded to the Town in March 2019. The Town of Prosper Fire Department is scheduled to replace Fire Engine 12, a 2003 model, in the year 2020 and has secured a grant from the Clean Fleets of North Texas Grant Program to pay 25% of the costs. In order to meet the requirements of in-service date of December 13, 2020, staff is requesting authority to place the order and issue a PO for the engine in the current budget year. This budget amendment request allows staff the authorization to encumber the funds for the fire engine in FY 2018-2019 in order to meet the in-service date of the engine outlined in the grant.

**Budget Impact:**
The Vehicle Equipment and Replacement Fund (VERF) expenditures will increase by $737,550 for FY 2018-2019. The Town will receive grant funds in the amount of $182,788.00 for the replacement of the engine cost. The Town will be responsible for the difference of $554,762 which has been funded through annualized VERF transfers for the replacement of fleet vehicles.

**Legal Obligations and Review:**
Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed and approved the budget amendment ordinance as to form and legality.

**Attached Documents:**
1. Ordinance

**Town Staff Recommendation:**
Town staff recommends approval of an ordinance amending Ordinance No. 18-71 (FY 2018-2019 Budget) to provide funding for increased expenditures for fleet capital within the VERF fund.

**Recommended Motion:**
I move to approve an ordinance amending Ordinance No. 18-71 (FY 2018-2019 Budget) to provide funding for increased expenditures for fleet capital within the VERF fund.
AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING ORDINANCE NO. 18-71 (FY 2018-2019 BUDGET) AND ALLOCATING FUNDS TO FUND INCREASED EXPENDITURES OF $737,550 IN THE VEHICLE EQUIPMENT REPLACEMENT FUND BUDGET; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that it will be beneficial and advantageous to the residents of the Town of Prosper, Texas ("Prosper"), to amend Ordinance No. 18-71 (FY 2018-2019 Budget) for the purposes listed in Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, the changes will result in budgeted funds being reallocated among different funds and departments and an overall net increase in the budget for funding from fund balance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendment to Ordinance No. 18-71 (FY 2018-2019 Budget). Ordinance No. 18-71 (FY 2018-2019 Budget) is hereby amended to allow for increases to appropriations as shown in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION 3

Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 4

Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.
SECTION 5

Effective Date. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 9TH DAY OF JULY, 2019.

TOWN OF PROSPER, TEXAS

___________________________________
Ray Smith, Mayor

ATTEST TO:

___________________________________
Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

___________________________________
Terrence S. Welch, Town Attorney
## EXHIBIT "A"
### BUDGET AMENDMENT
#### FISCAL YEAR 2018-2019
**July 9, 2019**

<table>
<thead>
<tr>
<th>VERF Fund</th>
<th>Original Budget</th>
<th>Current Budget</th>
<th>Amended Budget</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Revenues:</strong></td>
<td>$1,642,961</td>
<td>$1,642,961</td>
<td>$1,642,961</td>
<td>$ -</td>
</tr>
<tr>
<td>Total</td>
<td>$1,642,961</td>
<td>$1,642,961</td>
<td>$1,642,961</td>
<td>$ -</td>
</tr>
</tbody>
</table>

| **Expenditures:** | | | | |
| Vehicle Replacement | $532,339 | $535,114 | $1,272,664 | $737,550 |
| Equipment Replacement | 277,336 | 277,336 | 277,336 | - |
| Technology Replacement | 85,870 | 85,870 | 85,870 | - |
| Total | $895,545 | $898,320 | $1,635,870 | $737,550.00 |

| **Beginning Fund Balance** | $2,337,780.00 |
| **Total Revenue** | $ - |
| **Total Expenditures** | $737,550.00 |
| **Net Effect All Funds** | $(737,550.00) |
To:        Mayor and Town Council
From:      Alex Glushko, AICP, Planning Manager
Through:   Harlan Jefferson, Town Manager
Re:        Town Council Meeting – July 9, 2019

**Agenda Item:**
Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-43 (PD-43) and a portion of Planned Development-65 (PD-65), to Planned Development-C (PD-C), to allow for an Automobile Sales, Service, and Leasing facility (Ford), on 17.1± acres, located on the north side of US 380, west of Mahard Parkway. (Z18-0013).

**Description of Agenda Item:**
At the June 18, 2019, Planning & Zoning Commission meeting, the Commission voted 6-0 to approve the request, subject to revising the proposed exhibits to increase the open space and/or landscaping along US 380. Since a Public Hearing notice was published in the newspaper for the July 9, 2019, Town Council meeting, this item is on the agenda; however the applicant has requested the item be tabled and the Public Hearing continued to the July 23, 2019, Town Council meeting, in order to allow additional time to amend the proposed rezoning request, per the Commission’s recommendation.

**Attached Documents:**
1. Tabling Request Letter

**Staff Recommendation:**
Staff recommends this item be tabled and the Public Hearing continued to the July 23, 2019, Town Council meeting.

**Proposed Motion:**
I move to table this item and continue the Public Hearing to the July 23, 2019, Town Council meeting.
Good morning Scott and thanks for your reminder.

We are continuing to review and consider the challenge of increasing our landscape / greenspace area while still maintaining display spaces that are critical to our operation.

I feel we are making progress but time will not allow us to make the necessary revisions to our package for the July 9th Council hearing. As such we respectfully request our zoning case be deferred to the July 23rd hearing date.

Sincerely,

R Sanders

Robert Sanders
Director, Real Estate and Facility Development
Berkshire Hathaway Automotive

O | 972-536-2926

Rsanders@BerkshireHathawayAutomotive.com
To: Mayor and Town Council  
From: Robyn Battle, Town Secretary/PIO  
Through: Harlan Jefferson, Town Manager  
Re: Town Council Meeting – July 9, 2019

**Agenda Item:**
Discuss Town Hall Lobby Art and Accessories.

**Description of Agenda Item:**
The Town Hall Art Committee, comprised of staff members from various Departments, has completed the selection and installation of artwork in all three floors of Town Hall. Decorative plants and accessories have also been installed in the common areas. The final phase of the Art and Accessories project is to select art pieces for the Town Hall lobby and stairwell landings. The Art Committee has spent several months reviewing a variety of art pieces specifically for these areas.

Proposals were received by Randall Scott Architects as well as their recommended art consultant, Art + Artisans, who provided the art pieces that were installed in Town Hall earlier this year. The Committee also sought recommendations from a local interior design firm, and the local artist who created the metal windmill sculpture in the Community Library.

The Art Committee’s goal in choosing art pieces for the Town Hall lobby and stairwell landings has been to select a cohesive collection of pieces in a variety of mediums, such as metal, wood, and photograph prints on canvas that reflect the distinctive style of the lobby space, while also capturing the character of the Prosper community. The recommendation from the Art Committee is to install a metal sculpture on the southeast wall across from Council Chambers representing the downtown silos, a wood piece on the northwest wall that reflects Prosper’s railroad history, and a windmill photograph print on canvas on the northeast wall. For the three stairwell landings, the Committee recommends a series of sunset photograph prints on canvas.

In addition to the lobby art pieces, an interior designer was consulted to provide a recommendation on new Christmas decorations for the lobby. In the fall of 2018, the Town purchased a 14’ Christmas tree, two large wreaths, garland, and swags for the lobby. The interior design consultant will redecorate these existing pieces using a coordinated theme and color scheme to be carried throughout the lobby space. In addition to the new lobby Christmas decoration, the Parks and Recreation Department has submitted a decision package for the purchase and installation of additional exterior Christmas decorations as part of the FY 2019-2020 Proposed Budget. The package includes exterior wreaths for Town Hall, plus lights, garland, and wreaths for the light poles along Main Street and Broadway.
**Budget Impact:**
The estimate for the metal and wood commissioned pieces is approximately $16,000. The cost estimate for the four photograph prints on canvas (one for the lobby and three for the stairwell landings) is $6,400. The lobby and stairwell pieces are to be funded from the Town Hall Furniture, Fixtures, and Equipment (FF&E) account # 750-6610-10-00-1714-FC, and are expected to be installed within approximately 120 days of approval to allow time for the production of the custom metal and wood pieces.

The cost estimate for the new lobby Christmas decorations is $10,000, and will be funded from the Town Secretary/PIO Contract Services account # 100-5480-10-02 from savings identified in the current fiscal year.

The cost estimate for the proposed new exterior Christmas decorations is $29,200 for new decorations, and $6,500 for installation services, if approved in the FY 2019-2020 Proposed Budget.

**Town Staff Recommendation:**
Town staff requests feedback from the Town Council on the Town Hall lobby art and accessories recommendation.