



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, November 8, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:00 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
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
Steve Glass, Deputy Director of Engineering
Paul Naughton, Landscape Architect
Leslie Scott, Library Director
Baby Raley, Human Resources Director
Kelly Neal, Finance Director
Betty Pamplin, Accounting Manager
January Cook, Purchasing Agent
Doug Kowalski, Chief of Police
Gary McHone, Assistant Police Chief
Ronnie Tucker, Fire Chief
Stuart Blasingame, Assistant Fire Chief

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

Pastor Jason McConnell of First Methodist Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

3. Announcements of recent and upcoming events.

The Library will offer genealogy classes at 6:30 p.m. on November 10, December 8, and January 12. The classes will offer information on research techniques, and developing a family tree outline. Classes are free to the public, and trained researchers will be available for assistance following each class.

The Prosper Municipal Court will celebrate Municipal Court Week with an Open House Reception on Thursday, November 10, from 1:00-3:00 p.m. The public is invited to stop by to meet the court staff and Municipal Judge David Moore.

From now until December 2, the Parks and Recreation Department will deliver letters to Santa Claus via "Santa Mail." Letters may be dropped off at Prosper Commons Good Life, a full-service post office located near Hwy 380 and Coit Road. Visit www.prosperparksandred.org for more information.

Entries for the December 3 Christmas Parade, sponsored by the Prosper Rotary Club and the Prosper Lions Club, will be accepted through November 21. Community groups, civic organizations, scout troops, and businesses are encouraged to participate. Proceeds from the parade will benefit the Prosper Police Department's "Cops with a Claus" program.

The Prosper Christmas Festival will be held in downtown Prosper immediately following the parade on December 3. From 3:00-6:00 p.m., families can enjoy a traditional hometown celebration with food, activities, live performances, vendors, and the lighting of the Town Christmas tree. This year's theme is "Saluting Those Who Serve." Shuttle service will be provided from Reynolds Middle School to downtown. More information is available on the Town Website.

Fire Station No. 2 will hold its Grand Opening Ceremony on Saturday, December 10, from Noon-2:00 p.m. The public is invited to attend. Prosper's Centennial Celebration Time Capsule will be buried as part of the ceremony.

4. **Presentations.**

- **Presentation of a Proclamation to members of the Prosper Historical Society, the Veterans Memorial Committee, and local veterans proclaiming November 11, 2016, as *Veterans Day*. (RB)**

Mayor Smith presented the Proclamation to members of the Prosper Historical Society. Also in attendance were County Judge Keith Self, County Commissioner Susan Fletcher, and Representative Scott Sanford. Representative Sanford presented a Texas flag and certificate of commemoration to Mayor Smith in honor of the occasion.

- **Presentation of a Proclamation to members of the Pulmonary Hypertension Association proclaiming November 2016 as *Pulmonary Hypertension Awareness Month*. (RB)**

Gary Bruce and members of the Hebert family were present to receive the Proclamation.

- **Presentation of a Proclamation to members of the Town of Prosper Municipal Court staff proclaiming November 7-11, 2016, as *Municipal Court Week*. (RB)**

Municipal Judge David Moore, Court Administrator Celia O'Dell, Court Clerk Sonia Holmes, and Court Bailiff Scott Lacagnin were present to receive the Proclamation.

- **Presentation of the National Procurement Institute's Achievement of Excellence in Procurement Award to members of the Town of Prosper Finance Department. (KN)**

Finance Director Kelly Neal and Purchasing Agent January Cook were present to receive the Proclamation.

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 – October 25, 2016.**
- 5b. Consider and act upon appointing a Town of Prosper representative to the McKinney Airport Master Plan Advisory Committee. (RB)**
- 5c. Receive the September Financial Report. (KN)**
- 5d. Receive the Quarterly Investment Report. (KN)**
- 5f. Consider and act upon Ordinance No. 16-69 rezoning 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)**
- 5g. Consider and act upon Ordinance No. 16-70 rezoning 1.7± acres from Office (O) and Retail (R) to Planned Development-Retail (PD-R), located on the west side of Hays Road, 2,600± feet north of First Street. (Z16-0020). (JW)**
- 5h. Consider and act upon awarding Bid No. 2017-01-B Preston Lakes Park Playground Project, to APC Brands, Inc. (American Parks Company), related to construction services for a playground in Preston Lakes Park; and authorizing the Town Manager to execute a construction agreement for same. (PN)**

Deputy Mayor Pro-Tem Dixon removed Item 5e from the Consent Agenda.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 7-0.

- 5e. Consider and act upon Ordinance No. 16-68 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)**

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Item 5e. The motion was approved by a vote of 5-2, with Deputy Mayor Pro-Tem Dixon and Councilmember Miller casting the opposing votes.

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.

Jack Dixon, 810 Long Valley Court, Prosper, provided a brief presentation about the proposed Veterans Memorial.

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 an ordinance amending the architectural requirements of Windsong Ranch (Planned Development-40), generally located north of US 380 and west of Teel Parkway. (Z16-0022) (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of the request is to amend the architectural requirements of Windsong Ranch, specifically the roof pitch requirements of structures on Type A, B, C and D lots within PD-40.

Mayor Smith opened the Public Hearing.

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

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-71 amending the architectural requirements of Windsong Ranch (Planned Development-40), generally located north of US 380 and west of Teel Parkway. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon an ordinance amending the Town's Thoroughfare Plan revising a segment of the Commercial Collector (DNT Backer Road) located between Dallas Parkway and the BNSF railroad, from Prosper Trail to First Street. (CA16-0004) (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Town staff has contracted with a consulting firm, Freese and Nichols, to perform an analysis of the mobility and circulation of the existing and future roadways, and to provide a recommendation regarding the Town's Thoroughfare Plan.

The consultant team recommends revising the north-south segment of the Commercial Collector, located between Dallas Parkway and the BNSF railroad, from Prosper Trail to First Street to shift the segment to the east in alignment with existing Cook Lane, and to provide an east-west Commercial Collector segment connecting to Dallas Parkway. Council requested staff to investigate crossing options at the Fifth Street Intersection with the BNSF Railroad.

Mayor Smith opened the Public Hearing.

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

Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-72 amending the Town's Thoroughfare Plan revising a segment of the Commercial Collector located between Dallas Parkway and the BNSF railroad, from Prosper Trail to First Street, as shown on the proposed Thoroughfare Plan. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing to receive public comments concerning the amendment of the land use assumptions and capital improvements plan, and the imposition of an impact fee for water, wastewater, and roadway utilities. (MD16-0012) (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Section 395 of the Texas Local Government Code (TLGC) requires any political subdivision imposing an impact fee to update the land use assumptions and the capital improvement plan at least every five years. On November 10, 2015, the Town Council approved a professional services agreement with Freese & Nichols, Inc., regarding the update of the Town's Water, Wastewater and Roadway Impact Fees.

In accordance with the TLGC, the Town Council appointed members to the Capital Improvement Advisory Committee, which made the following recommendations:

1. Accepted the land use assumptions, capital improvements plan, and impact fee calculations as outlined in the draft impact fee study; and
2. Recommended the Town Council set the water, wastewater, and roadway impact fees at the maximum allowable fee per the impact fee study

Staff recommended the Town Council continue the Public Hearing to the February 14, 2017, Town Council meeting. The Council's Strategic Planning Session is tentatively scheduled for January 25, 2017. At that time, impact fees and other development-related fees will be discussed.

Mayor Smith opened the Public Hearing.

David Lehde, 5816 W. Plano Pkwy, Plano, Director of Government Affairs of the Dallas Homebuilders Association, spoke in opposition to the item, and urged the Council to take the cyclical nature of the homebuilding industry into account when setting impact fees, and to be mindful of the impact on home buyers.

Melissa Brunger and Daniel Herrig, representing Freese and Nichols, provided a presentation to the Council regarding the impact fee study and the resulting recommendations.

Michael Jobe, 801 Blue Ridge Drive, Prosper, spoke in opposition to the item, noting the impact of the fees on Prosper residents.

David Blom, 1641 Summer Star, Prosper, spoke in opposition to the item, and asked Council to consider the impact of higher impact fees on home prices and long-term growth.

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

The Town Council requested that staff provide additional information on trends from previous impact studies in the future presentation, as well as a comparison of the Town's current impact fees, the maximum allowable fees, and the actual impact fees collected by the Town.

After discussion, Councilmember Davis made a motion and Councilmember Dugger seconded the motion to continue the Public Hearing to the February 14, 2017, Town Council meeting. The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon an ordinance amending the Future Land Use Plan, on the northwest corner of Second Street and Main Street, from Old Town – Green Space to Old Town – Public. (CA16-0003) (JW)**

Mayor Smith opened Items 10 and 11 concurrently.

11. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 4.6± acres, from Single Family-15 (SF-15) to Planned Development-Downtown Office (PD-DTO), to facilitate the development of a governmental office - Town Hall, located on the northwest corner of Second Street and Main Street. (Z16-0023). (JW)**

Development Services Director John Webb presented Items 10 and 11 concurrently before the Town Council. Town staff has initiated a rezoning of 4.6± acres, located on the northwest corner of Second Street and Main Street from Single Family-15 (SF-15) to Planned Development-Downtown Office (PD-DTO), Zoning Case #Z16-0023, in order to facilitate the development of the new Town Hall. The proposed amendment to the Future Land Use Plan would revise the Old Town map inset to an Old Town – Public designation. This change will allow for and facilitate a public space for gathering, events, and other municipal functions.

The purpose of the zoning request is to adopt development standards to accommodate a governmental office, the Town Hall. The three-story building will be 52,770 square feet in size and will house the Town's primary governmental departments, Council Chambers and the Library. While municipal uses are permitted in the SF-15 District, the primary purpose of creating the Planned Development District is to allow for a three-story structure. Staff believes the base zoning of Downtown Office (DTO) is more appropriate for this non-residential structure.

Mayor Smith opened the Public Hearings for Items 10 and 11 concurrently.

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

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-73 amending the Future Land Use Plan, on the northwest corner of Second Street and Main Street, from "Old Town – Green Space" to "Old Town – Public". The motion was approved by a vote of 7-0.

Councilmember Davis made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-74 rezoning 4.6± acres, from Single Family-15 (SF-15) to Planned Development-Downtown Office (PD-DTO), to facilitate the development of the Town Hall, located on the northwest corner of Second Street and Main Street. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

- 12. Consider and act upon awarding CSP No. 2016-72-B Town of Prosper Frontier Park North Field Improvements - Artificial Turf, to Hellas Construction, Inc., related to turnkey solution to design, construct and install artificial turf for five fields (3 baseball/softball, two multi-purpose fields) at Frontier Park; and authorizing the Town Manager to execute a construction agreement for same. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. On June 28, 2016, the Town Council approved the Competitive Sealed Proposal (CSP) procurement method for the purchase and installation of artificial field turf for the Town of Prosper Frontier Park – North Field Improvements project, and the evaluation criteria to be utilized for selection. Mr. Naughton introduced Randy Bullock of Hellas Construction who provided a presentation to Council about their products. Mr. Bullock reviewed the artificial turf product specifications and warranty details, noting the safety standards of their product.

The Town Council discussed the details of the warranty, the bid specifications, and the evaluation process. Purchasing Agent January Cook responded to questions about the evaluation criteria and scoring process. Town Attorney Terry Welch addressed Council's questions about the warranty, noting that the warranty provides as much protection as possible for the Town.

Mayor Smith recognized the following individual who requested to speak:

Chris Patton, Regional Sales Manager of FieldTurf, addressed the Town Council regarding FieldTurf's bid proposal compared to that of Hellas Construction.

Mr. Naughton answered additional questions from Council, noting that the evaluation committee was comprised of experts in the field of artificial turf, and Town staff was comfortable with the evaluation committee's recommendation.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to award CSP No. 2016-72-B Town of Prosper Frontier Park North Field Improvements - Artificial Turf, to Hellas Construction, Inc., related to turnkey solution to design, construct and install artificial turf for five fields (three baseball/softball, two multi-purpose fields) at Frontier Park; and authorizing the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-2, with Mayor Pro-Tem Vogelsang and Councilmember Davis casting the opposing votes.

13. **Consider and act upon authorizing the Town Manager to execute a Blue Cross Blue Shield Business Associate Agreement, Benefit Program Application (“ASO BPA”), Call-A-Doc Business Associate Agreement, Telemedicine Corp. Benefit Services Agreement, Symetra Preliminary Excess Loss Insurance Application, Symetra Excess Loss Disclosure Statement, and Symetra Electronic Use Agreement, and Health Check 360 Contract, effective January 1, 2017. (BR)**

Human Resources Director Baby Raley presented this item before the Town Council. The Town of Prosper offers a selection of benefit options to employees, including basic life insurance, accidental death and dismemberment insurance, long-term disability insurance, major medical, health savings accounts, and health reimbursement accounts. After evaluation of fully-insured and self-insured proposals, Town staff, the Employee Benefits Committee, and Council Benefits Subcommittee recommended the proposed vendors for employee benefits, and also recommended the self-insured medical plan through Blue Cross Blue Shield. Additional research and review of the Oklahoma Surgery Center and wellness program vendors will be conducted to determine cost-effectiveness.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to authorize the Town Manager to execute a Blue Cross Blue Shield Business Associate Agreement and Benefit Program Application for group medical insurance, 24/7 Call-A-Doc Business Associate Agreement, Telemedicine Corp. Benefit Services Agreement, Symetra Preliminary Excess Loss Insurance Application, Symetra Excess Loss Disclosure Statement, and Symetra Electronic Use Agreement, effective January 1, 2017. The motion was approved by a vote of 7-0.

Following the vote, Town Manager Harlan Jefferson introduced Steve Glass, the Town’s new Deputy Director of Engineering Services.

14. **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:

- 14a. *Section 551.087 – To discuss and consider economic development incentives.***
- 14b. *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.***
- 14c. *Section 551.071 – Consultation with the Town Attorney regarding possible litigation regarding bond issues, and all matters incident and related thereto.***
- 14d. *Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with utility siting issues, and all matters incident and related thereto.***

The Town Council recessed into Executive Session at 9:15 p.m.

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


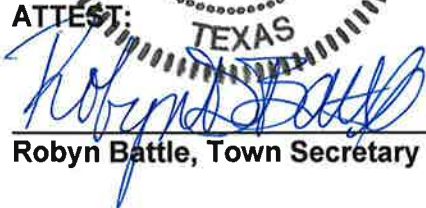
The Town Council reconvened the Regular Session at 9:53 p.m. No action was taken as a result of Executive Session.

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


17. **Adjourn.**

The meeting was adjourned at 9:53 p.m. on Tuesday, November 8, 2016.

These minutes approved on the 13th day of December, 2016.


The seal of the Town of Prosper, Texas, is circular with a five-pointed star in the center. The words "TOWN OF PROSPER" are written in a circle around the star, and "TEXAS" is written at the bottom. There are two smaller stars on either side of the central star. The seal is surrounded by a decorative border of small vertical lines.
ATTEST:

Robyn Battle, Town Secretary

APPROVED:


Ray Smith, Mayor