

*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, December 13, 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 Kenneth Dugger  
Councilmember Meigs Miller  
Councilmember Mike Davis

**Council Members Absent:**

Councilmember Michael Korbuly

**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  
Alex Glushko, Senior Planner  
Jonathan Hubbard, Planner  
Steve Glass, Deputy Director of Engineering Services  
Frank Jaromin, Public Works Director  
Ryan Janowski, Stormwater Utility Administrator  
Dudley Raymond, Parks & Recreation Director  
Paul Naughton, Landscape Architect  
Kelly Neal, Finance Director  
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 Melissa Hatch of The Mission led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

**3. Announcements of recent and upcoming events.**

Councilmember Miller read the following announcements:

Mario Sinacola and Sons and TxDOT have scheduled a traffic switch for Wednesday, December 14. Motorists should anticipate minor delays from 9:00 a.m. – 3:00 p.m. at the intersection of Preston Road and US 380 as signal crews transition traffic to the newly constructed ramps. In conjunction with this new ramp configuration, Coleman Street will be closed between First Street and US 380 for approximately eight weeks to facilitate construction of the new connection to the southbound ramp.

Thanks to everyone who attended the Prosper Community Christmas Tree Lighting on Saturday night. Over 500 people showed up to help celebrate the holiday season and show Prosper's hometown spirit.

The Town also celebrated the grand opening of Fire Station #2 on Saturday with a dedication ceremony and the burial of Prosper's Centennial Celebration time capsule. Thanks to everyone who participated in this milestone event for the Town.

Town offices will be closed on Friday, December 23, Monday, December 26, and Monday, January 2 for the Christmas and New Year's holidays.

The Town Council would like to remind everyone that the December 27 Town Council meeting has been canceled. We would all like to wish everyone a very Merry Christmas and a Happy New Year.

Town Manager Harlan Jefferson introduced Dudley Raymond, the Town's new Parks & Recreation Director.

**4. CONSENT AGENDA:**

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

- 4a. Consider and act upon minutes from the following Town Council meetings. (RB)**
  - **Regular Meeting – November 8, 2016**
  - **Special Meeting – November 29, 2016**
- 4b. Receive the October Financial Report. (KN)**
- 4c. Consider and act upon Ordinance No. 16-75 amending Chapter 1.03.002 of the Code of Ordinances of the Town of Prosper, Texas, authorizing the Town Manager to execute contracts, change orders, and interlocal agreements, subject to limitations, and relative grant applications, as stated herein. (KN)**
- 4d. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between D&S Engineering Labs, LLC, (D&S), and the Town of Prosper, Texas, related to construction materials testing for the Town Hall/Multi-Purpose Facility project. (HW)**
- 4e. Consider and act upon Ordinance No. 16-76 amending Article 13.10, "Backflow Prevention Plan," of Chapter 13, "Utilities," of the Code of Ordinances of the Town of Prosper, Texas, by adding a new Section 13.10.004, "Customer Service Inspection," and renumbering existing**

sections 13.10.004 through 13.10.006 as Sections 13.10.005 through 13.10.007, respectively; and amending Subsection (a)(1) of Section XVIII, "Backflow Prevention Plan and Enforcement Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances, relative to new administrative fees. (SG)

4f. Consider and act upon Ordinance No. 16-77 amending Chapter 13, "Utilities," of the Code of Ordinances by adopting a new article, 13.12, "Storm Water Management;" providing legal authority for the Town to control pollutant discharges into and from the Town's Municipal Separate Storm Sewer System. (DH)

4g. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan or Preliminary Site Plan. (AG)

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

5. **CITIZEN COMMENTS:**

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

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.

**PUBLIC HEARINGS:**

6. Conduct a Public Hearing, and consider and act upon a request to amend a portion of Planned Development-40 (PD-40), on 11.9± acres, located on the west side of Windsong Parkway, 400± feet north of US 380, to allow for the development of a big box home improvement retail store (The Home Depot). (Z16-0016). (JW)

Development Services Director John Webb presented this item before the Town Council. The request is to amend a portion of PD-40 to allow for the development of Home Depot. The PD amendment is required due to deviations to zoning standards for outdoor sales and display, outdoor storage, vehicle/equipment rental and/or display, architectural design and materials, screening, berming, landscaping, and parking. Mr. Webb provided an

overview of the requested amendments, as well as recommendations from Town staff and the Planning & Zoning Commission. Scott Mommer, representing Home Depot, provided a PowerPoint presentation further describing the project and the efforts Home Depot has made to address concerns from nearby residents.

Mayor Smith opened the Public Hearing.

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

Mr. Webb continued the presentation, noting that the Executive Development Team (EDT) reviewed this project several months ago. Home Depot has addressed some of the residents' concerns, but has not included some recommendations made by the EDT. Specific concerns are the appearance of the seasonal sales fencing, cart returns, and façade treatments. Jeff Hardman, representing Home Depot, provided additional information about the cart returns and seasonal sales fencing materials. An alternative to including fencing requirements in the PD amendment would be to apply for a conditional use permit each time a seasonal sale occurs. Mayor Pro-Tem Vogelsang suggested that seasonal sales standards be discussed during the Council's annual Strategic Planning Session in January. Council expressed a preference for the height of the Hardi-plank panels to be increased, similar to what was required on the Lowe's property. Town staff recommended limiting seasonal sales to specific times during the year as part of the PD amendment. Town Attorney Terry Welch provided draft language for a motion to approve the item. Mr. Webb stated that the amendments reflected in the motion would be incorporated into the ordinance exhibits that will be presented to Council for approval at the following Council meeting.

After discussion, Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve the request to amend a portion of Planned Development-40 (PD-40), on 11.9± acres, located on the west side of Windsong Parkway, 400± feet north of US 380, to allow for the development of a big box home improvement retailer (The Home Depot), subject to:

1. Requiring permanent sleeves in the pavement for the proposed seasonal sales fencing;
2. Requiring heavy duty black metal cart returns, consistent with manufacturing specifications and reflected in the attached exhibit, with permanent sleeves in the pavement;
3. Requiring a 14-foot screening wall for the loading area, constructed of a material consistent with the main building;
4. Increase the height of the Hardi-plank panels on the front and side of the Garden Center consistent with the Lowe's located at Custer Road and US Highway 380;
5. Seasonal sales shall be permitted only from March 1 to June 1, and November 15 to January 1; and
6. Seasonal fencing shall be consistent with the attached exhibit and consistent with manufacturing specifications as reflected in the seasonal fencing presentation by Home Depot.

The motion was approved by a vote of 5-1, with Councilmember Davis casting the opposing vote.

7. **Conduct a Public Hearing, and consider and act upon a request to rezone 14.1± acres from Planned Development-43 (PD-43) to Planned Development-Commercial (PD-C), located on the north side of US 380, 700± feet west of Mahard Parkway, to facilitate the development of an automobile sales and/or leasing facility (Ford). (Z16-0025). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has requested this item be tabled and the Public Hearing continued to the January 10, 2017, Town Council meeting.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to table Item 7 to the January 10, 2017, Town Council meeting. The motion was approved by a vote of 6-0.

8. **Conduct a Public Hearing, and consider and act upon an ordinance amending Planned Development-38 (PD-38), on 83.6± acres, located on the northeast corner of US 380 and Coit Road. (Z16-0027). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant for the western-most tract, Tract A, desires to deviate from the development plan and standards as established by current PD-38 in order to develop a Market Street big box grocery store with drive-thru pharmacy and a convenience store with a drive-thru and fuel pumps. The request requires approval of a PD amendment due to deviations from the current PD-38, specifically regarding fuel pump locations and the number and location of drive-thru and sit-down restaurants.

Mayor Smith opened the Public Hearing.

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

Larry Cates of Cates-Clark & Associates, and Daniel Fuller, President of Shop Development, spoke on behalf of the applicant regarding the changes to the proposed conceptual site plan. Council expressed concern that the amendment deviates from the original intent of the development in that it would limit development of sit-down restaurants on the site.

Councilmember Davis left the meeting at 8:08 p.m.

After discussion, Mr. Fuller requested the item be tabled to the January 10, 2017, Town Council meeting to allow the applicant to address Council's concerns.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to table Item 8 to the January 10, 2017, Town Council meeting. The motion was approved by a vote of 5-0.

9. **Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding distance regulations for day cares and the sale of alcoholic beverages for off-premise and on-premise consumption. (Z16-0024). (JW)**

Development Services Director John Webb presented this item before the Town Council. The Texas Alcoholic Beverage Code (TABC) permits, but does not require, municipalities to establish 300-foot distance requirements between establishments that sell alcoholic beverages for on-premise or off-premise consumption and schools including day care facilities. The Town has the option of whether or not to classify a day care as a "school." As more day care centers are developed, owners and developers of nearby commercial properties will be negatively impacted in their ability to market their property for grocery stores and restaurants as a result of this requirement.

The proposed amendment to the Zoning Ordinance removes the 300-foot distance requirement between stores that sell beer and wine for off-premise consumption (grocery stores and convenience stores), restaurants that sell alcoholic beverages for on-premise consumption, and "day care centers" and "child care centers." The 300-foot distance requirement would remain for those establishments desiring to locate near public or private schools.

Mayor Smith opened the Public Hearing.

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-79 amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding distance regulations for day cares and the sale of alcoholic beverages for off-premise and on-premise consumption. The motion was approved by a vote of 5-0.

#### **DEPARTMENT ITEMS:**

- 10. Consider and act upon a Conceptual Development Plan for Prosper Crossing, Tract B, on 22.1± acres, located on the north side of US 380, 1,250± feet east of Coit Road. This property is zoned Planned Development-38 (PD-38). (D16-0072) (JW)**

Development Services Director John Webb presented this item before the Town Council. PD-38 requires that prior to application for a Preliminary Site Plan and/or Site Plan on Tracts B, C, and D, a Conceptual Development Plan shall be submitted for each tract, and receive a recommendation from the Planning & Zoning Commission and be approved by the Town Council. The Conceptual Development Plan shows a day care center, as well as retail buildings and restaurants. The proposed day care center would need to submit an application for a Specific Use Permit at a future Council meeting.

Council expressed concerns about the number and location of drive-thru restaurants along the US Highway 380 portion of the Conceptual Site Plan. Town Attorney Terry Welch provided draft language for a motion to approve the item.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to approve the Conceptual Development Plan for Prosper Crossing, Tract B, Lot 1, on 22.1± acres, located on the north side of US 380, 1,250± feet east of Coit Road, subject to:

1. The remaining portion of Tract B to be submitted for approval upon application for development of the remaining portions of the PD; and

2. The proposed day care elevations are approved.

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

- 11. Consider and act upon a request by United Supermarkets, LLC for a variance to the distance requirements regarding the sale of alcoholic beverages for off-premise consumption at a big box grocery store and a public school. The proposed big box grocery store is located east of Coit Road, south of Richland Boulevard. (MD16-0017) (JW)**

Development Services Director John Webb presented this item before the Town Council. In anticipation of the development of a Market Street grocery store, east of Coit Road and south of Richland Boulevard, United Supermarkets, LLC submitted an application for a variance to the distance requirement between an establishment that sells alcoholic beverages for off-premise consumption and a public school. The property line of Market Street will abut the ultimate southern right-of-way of Richland Boulevard, and Rogers Middle School abuts the north side of Richland Boulevard. Mr. Webb confirmed that the variance, if approved, would be granted solely to the Market Street grocery store.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve a request by United Supermarkets, LLC for a variance to the distance requirements regarding the sale of alcoholic beverages for off-premise consumption at a big box grocery store and a public school. The motion was approved by a vote of 5-0.

- 12. Consider and act upon a request for a Façade Exception for Texas Health Resources, located on the northeast corner of US 380 and future Mahard Parkway. (MD16-0015) (JW)**

Development Services Director John Webb presented this item before the Town Council. The approved façade plan for Texas Health Resources (THR) shows the approximate location of the rooftop mechanical equipment and includes the corresponding note indicating that the equipment will be screened in accordance with the Zoning Ordinance. Following notification by Town staff, THR installed acrylic mechanical equipment screening on the roof, which is not permitted by the Zoning Ordinance.

Leigh Anne Neese, Senior Project Manager with THR, continued the presentation to Council. THR believes the current screening meets Town standards; however, to address Town staff's concerns, THR provided several alternatives for Council to consider. David Perkins, an architect with Perkins Will, spoke on behalf of THR regarding the screening requirements in the Zoning Ordinance, noting that he believes the existing screening meets Town requirements. Mayor Pro-Tem Vogelsang suggested that mechanical screening requirements be a subject for discussion at the Town Council's upcoming Strategic Planning Session in January.

After discussion, Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve an exception to the Texas Health Resources façade exception request that the screening devices be painted to match the color of the cream tilt wall of the existing façade. The motion was approved by a vote of 5-0.

**13. Discussion on Cyber Defense Labs. (HJ)**

Mike Saylor of Cyber Defense Labs presented this item before the Town Council. Mr. Saylor proposed a partnership with the Town of Prosper to create a Cyber Defense facility and training program to provide forensic services to Prosper and the surrounding area. Following the presentation, the Council provided direction to Town staff to collect more information on the proposal. No further action was taken.

**14. Consider and act upon approving Change Order Number 3 for Bid No. 2016-45-B, Prosper Road Improvement Project 2016, to Pavecon Public Works, LP, related to construction services for Fishtrap Road & First Street reconstruction; and authorizing the Town Manager to execute Change Order Number 3. (SG)**

Steve Glass, Deputy Director of Engineering Services, presented this item before the Town Council. Change Order Number 3 to the contract with Pavecon Public Works, LP, is a reconciliation change order to pay for the difference between bid quantities of road construction materials and actual quantities installed.

Deputy Mayor Pro-Tem Dixon stepped away from the Council bench.

Council expressed concerns about the bridge being unlevel, and the drop-off adjacent to Fishtrap Road. Frank Jaromin, Public Works Director responded that Town staff will install warning signs for the bridge, and work to mitigate the drop-off after the first of the year.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Change Order Number 3 for Bid No. 2016-45-B Prosper Road Improvement Project 2016, to Pavecon Public Works, LP, related to construction services for Fishtrap Road & First Street reconstruction; and authorize the Town Manager to execute Change Order Number 3. The motion was approved by a vote of 4-1, with Deputy Mayor Dixon casting the opposing vote due to his absence from the Council bench.

**15. Consider and act upon amending Ordinance No. 15-58 (FY 2015-2016 Budget). (KN)**

Deputy Mayor Pro-Tem Dixon returned to his place at the Council bench.

Finance Director Kelly Neal presented this item before the Town Council. The proposed budget amendment will finalize various department balances for the FY 2015-2016 Budget. Ms. Neal provided an overview of the proposed budget amendment.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem seconded the motion to approve Ordinance No. 16-80 amending Ordinance No. 15-58 (FY 2015-2016 Budget) to fund increased expenditures, transfers in, and out in the Special Revenue Funds, Water-Sewer Fund, General Fund, and CIP Fund. The motion was approved by a vote of 5-0.

**16. Consider and act upon amending Ordinance No. 16-55 (FY 2016-2017 Budget). (KN)**

Finance Director Kelly Neal presented this item before the Town Council. The proposed budget amendment will allocate funds for legislative services retained by Hillco Partners, and also to roll forward the balances of selected purchase orders to the current fiscal year.



After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 16-81 amending Ordinance No. 16-55 (FY 2016-2017 Budget) to fund increased expenditures in the General Fund, VETF, and Special Revenue Fund. The motion was approved by a vote of 5-0.

**17. Consider and act upon an ordinance granting a non-exclusive electric franchise to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric. (KN)**

Finance Director Kelly Neal presented this item before the Town Council. Town staff initiated the proposed agreement in response to direction provided by the Town Council at the 2016 Strategic Planning Session to review fees paid by utilities. The proposed agreement is based on a model franchise agreement used by several neighboring communities, and has been amended to address issues unique to the Town of Prosper. CoServ Electric representatives have agreed to the modifications, which will increase the existing franchise fee from 2% to 4% paid on gross revenues. Ms. Neal reviewed the other terms of the agreement.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-82 granting a non-exclusive electric franchise to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric. The motion was approved by a vote of 5-0.

**18. Consider and act upon awarding Bid No. 2017-05-B BNSF Pressure Reducing Valve Project 1508-WA, to North Texas Contracting, Inc., related to construction services to install a Pressure Reducing Valve for the Prosper Trail Pressure Reducing Valve Project; and authorizing the Town Manager to execute a construction agreement for same. (SG)**

Steve Glass, Deputy Director of Engineering Services, presented this item before the Town Council. The need for a pressure reducing valve (PRV) to serve the lower water pressure plane was identified on the 2016 Capital Improvement Plan. The PRV will be located at the southwest corner of the intersection of West Prosper Trail and Coleman Street, adjacent to the BNSF Railroad right-of-way. The contract specifies a substantial completion time of 90 calendar days. The bid includes furnishing all labor, equipment and materials, and performing all work necessary for the construction and installation of a pressure reducing valve vault, testing of improvements, and restoration of all disturbed areas. Mr. Glass confirmed that the PRV is mostly underground, and should not have a negative impact on residents.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to award Bid No. 2017-05-B BNSF Pressure Reducing Valve Project 1508-WA, to North Texas Contracting, Inc., related to construction services to install a Pressure Reducing Valve for the Prosper Trail Pressure Reducing Valve Project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-0.

**19. Consider and act upon awarding Bid No. 2017-07-B Prosper Road Improvement Project 2017 - Miscellaneous Asphalt Repair, to SPI Asphalt, LLC, related to construction services to make asphalt pavement repairs; and authorizing the Town Manager to execute a construction agreement for same. (SG)**

Steve Glass, Deputy Director of Engineering Services, presented this item before the Town Council. The Town has experienced pavement failures on sections of Prosper Trail east of Coit Road, Frontier Parkway near the west entrance of Frontier Park, and First Street between Dallas North Tollway and BNSF Railroad. Since the magnitude of the repairs were too great for staff to repair, specifications were created and the work was competitively bid. Under the terms of the proposed contract, the contractor will reconstruct the affected portions of Prosper Trail, Frontier Parkway, and First Street by removing the existing asphalt full depth, compacting the sub grade, installing 3" of Type B Asphalt Base, and finishing with 2" of Type D Asphalt. On Prosper Trail, SPI Asphalt, LLC, will include one course Chip Seal to match the existing surface. Town Manager Harlan Jefferson and Public Works Director Frank Jaromin reviewed the history of previous repairs on Prosper Trail. Mr. Glass confirmed that ultimately, Prosper Trail will need to be reconstructed.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to award Bid No. 2017-07-B Prosper Road Improvement Project 2017 - Miscellaneous Asphalt Repair, to SPI Asphalt, LLC, related to construction services to make asphalt pavement repairs; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-0.

**20. Consider and act upon an amendment to the Capital Improvement Plan. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The proposed amendment to the Capital Improvement Plan (CIP) will accommodate the recent project changes to the First Street Road Improvement project, as well as professional services and construction costs for the Town Hall/Multi-Purpose Facility.

Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve an amendment to the Capital Improvement Plan. The motion was approved by a vote of 5-0.

**21. Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Star Trail development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Blue Star Development Corporation is currently developing Star Trail, and in order for the development to occur, they will be required to extend several thoroughfares as depicted on the Town of Prosper Thoroughfare Plan. The actual costs for the design and construction of the improvements are eligible for reimbursement of roadway fees collected from the development. The Roadway Impact Fees Reimbursement Agreement outlines the obligations of the Town of Prosper and Blue Star Development Corporation related to the design, construction, and reimbursement of collected roadway impact fees to fund the projects.

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to authorize the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Star Trail development. The motion was approved by a vote of 5-0.

- 22. Consider and act upon authorizing the Town Manager to execute a Sanitary Sewer Construction Costs Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of a sanitary sewer line to serve the Star Trail development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Blue Star Development Corporation is currently developing Star Trail, and in order for a portion of the development to occur, they will be required to extend a sanitary sewer line as depicted on the Town of Prosper Wastewater System Capital Improvement Plan. The portion of sanitary sewer line proposed to be constructed is also a part of the Town's CIP Project No. 1607-WW (Public Works Interceptor). The actual costs for the design and construction of the improvements are eligible for reimbursement of wastewater impact fees collected from the development. However, since the development already has an existing Wastewater Impact Fees Reimbursement Agreement, and the portion of the sanitary sewer line to be constructed is part of the Public Works Interceptor project, the purpose of the Sanitary Sewer Construction Costs Reimbursement Agreement is to outline the obligations of the Town of Prosper and Blue Star Development Corporation, related to the design, construction, and reimbursement by the Town through existing funds once the project is completed and accepted.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Sanitary Sewer Construction Costs Reimbursement Agreement between Blue Star Development Corporation and the Town of Prosper, Texas, related to the extension of a sanitary sewer line to serve the Star Trail development. The motion was approved by a vote of 5-0.

Mayor Smith moved to Item 25 at this time.

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

- **Discussion on Frontier Park North**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. He provided a history of the project, and reviewed the current budget. The bids received indicate that the project is over budget by approximately \$1.1 million. Town staff has recommended deductions for the project to reduce the deficit to \$386,000; however, with a 2% contingency, the total additional funds needed to accommodate the project is approximately \$536,000. Town staff recommended using existing Park Dedication and Park Improvement funds to offset the deficit and move forward with the project as planned. The GMP award for the project is scheduled to be presented at the January 10, 2017, Town Council meeting.

**23. EXECUTIVE SESSION:**

**Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:**

***23a. Section 551.087 – To discuss and consider economic development incentives.***

**23b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 10:36 p.m.

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

The Town Council reconvened the Regular Session at 11:16 p.m.

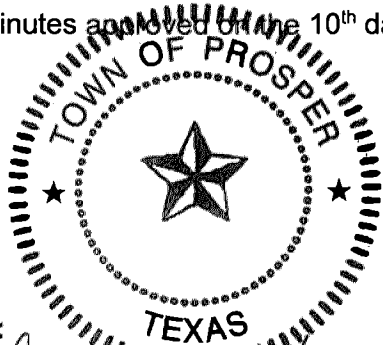
Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to authorize the Town Manager to execute a License Agreement with the Prosper Historical Society. The motion was approved by a vote of 5-0.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute an Economic Development Incentive Agreement with Home Depot USA, Inc., and Northeast 423/380 Ltd. The motion was approved by a vote of 5-0.

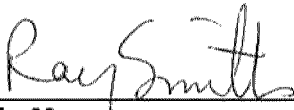
**26. Adjourn.**

The meeting was adjourned at 11:18 p.m. on Tuesday, December 13, 2016.


These minutes approved on the 10<sup>th</sup> day of January, 2017.



**APPROVED:**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Robyn Battle, Town Secretary