



*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, April 24, 2018

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

The meeting was called to order 6:02 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Michael Korbuly  
Councilmember Kenneth Dugger  
Councilmember Meigs Miller  
Councilmember Jeff Hodges

**Council Members Absent:**

Deputy Mayor Pro-Tem Jason Dixon

**Staff Members Present:**

Chuck Springer, Executive Director of Administrative Services  
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  
Dudley Raymond, Parks and Recreation Director  
Matt Furr, Parks Superintendent  
Michael Bulla, CIP Project Manager  
Doug Kowalski, Police Chief

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

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

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

Councilmember Hodges read the following announcements:

Early voting for the May 5 General and Special Elections will continue through May 1. Collin County voters may vote in Prosper Municipal Chambers during early voting, and at the Prosper ISD Administration Building on Election Day. Denton County voters may vote at any Denton County polling location during early voting, and at Prosper Fire Station 2 on Election Day.

The Prosper Fire Department will host a Citizens Fire Academy beginning June 7 at Fire Station 2. Participants will meet once a week for eight weeks to learn more about the Prosper Fire Department. More information is available on the Town website.

The Prosper Police Department Community Safety Initiative will be held on Saturday, May 12, from 10:00 a.m.-noon at Texas Health Prosper. Join the Prosper Police Officers for a morning of family fun, food and educational activities as we celebrate Police Week.

Registration is now open for Prosper's Summer recreation programs, sports, and activity camps. Sign up at [www.ProsperParksandRec.org](http://www.ProsperParksandRec.org).

**4. Presentations.**

• **Tree City USA Presentation (DR)**

Parks and Recreation Director Dudley Raymond introduced Rachel McGregor with the Texas A&M Forest Service. She presented a Tree City USA Street Sign to Mr. Raymond and Parks Superintendent Matt Furr.

**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 meeting. (RB)**

- **Regular Meeting – April 10, 2018**

**5b. Receive the Monthly Financial Report. (KN)**

**5c. Consider and act upon Resolution 18-30 denying the Distribution Cost Recovery Factor (“DCRF”) application proposed by Oncor to increase distribution rates in their service area. (KN)**

**5d. 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 Councilmember Korbuly seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

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.

Ronald Dalton, 206 W. First Street, Prosper, addressed the Council regarding the recent acquisition of his property by the Town. He requested the Council reconsider his settlement agreement and allow him extended time to vacate the property.

**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.

**DEPARTMENT ITEMS:**

7. **Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fee Agreement between Risland Prosper 221 LLC, and the Town of Prosper, Texas, related to the construction of Shawnee Trail to serve the Legacy Garden development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Risland Prosper 221 LLC is developing Legacy Garden, and in order for the development to occur, they will be required to extend two lanes of Shawnee Trail as depicted on the Town of Prosper Thoroughfare Plan. The actual costs for the design and construction of the improvements are eligible for credit/reimbursement of roadway impact fees collected from the development. The purpose of the Roadway Impact Fee Agreement is to outline the obligations of the Town of Prosper and Risland Prosper 221 LLC, related to the design, construction, and credit/reimbursement of roadway impact fees from their development and the additional service area adjacent to their development.

After discussion, Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Roadway Impact Fee Agreement between Risland Prosper 221 LLC, and the Town of Prosper, Texas, related to the construction of Shawnee Trail to serve the Legacy Garden development. The motion was approved by a vote of 6-0.

8. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Wier & Associates, Inc., and the Town of Prosper, Texas, related to the design of the Old Town Regional Retention - Broadway project. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. As part of the Old Town Drainage Study completed in August of 2014, the property north of Broadway between Church and Parvin was identified

as the location for one of the Town's Downtown Regional Retention Ponds. On September 19, 2017, the Town acquired the property. The proposal from Wier & Associates, Inc., includes: survey work necessary for design, watershed hydrologic modeling, creating a Dam Safety Plan, preparing Water Rights Permit exhibits, Dam Safety Permit exhibits, permit application preparation, completing final plans and bid documents, performing construction phase support, and preparation of up to 3 permanent easements, and 7 temporary construction easements.

After discussion, Councilmember Dugger made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Wier & Associates, Inc., and the Town of Prosper, Texas, related to the design of the Old Town Regional Retention - Broadway project. The motion was approved by a vote of 6-0.

9. **Consider and act upon approving Change Order Number 34, to Pogue Construction Co., L.P., related to construction services for Town of Prosper Town Hall/Multi-Purpose Facility; and authorize the Town Manager to execute Change Order Number 34 for same. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. At the January 24, 2018, Special Meeting of the Prosper Town Council, staff discussed with the Council options for utilizing the \$75,000 in funding for the Old Town Study, Phase 2 project. With the need for parking to accommodate the existing and proposed businesses in the downtown area, Council directed staff to proceed with the construction of the parking lot on the north side of the Town Hall/Multi-Purpose Facility property. This will result in an additional 40 parking spaces to serve the Town Hall and downtown businesses.

After discussion, Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve Change Order Number 34, to Pogue Construction Co., L.P., related to construction services for Town of Prosper Town Hall/Multi-Purpose Facility; and authorize the Town Manager to execute Change Order Number 34 for same. The motion was approved by a vote of 6-0.

10. **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:**

- 10a. ***Section 551.087 – To discuss and consider economic development incentives.***
- 10b. ***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.***
- 10c. ***Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.***

The Town Council recessed into Executive Session at 6:38 p.m.

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

The Town Council reconvened the Regular Session at 7:31 p.m. Councilmember Dugger did not return to the Council bench at this time.

Councilmember Miller made a motion and Councilmember Korbuly seconded the motion to authorize the Mayor to execute a Notice of Consent to Assignment of Development Agreement and Finance Agreement. The motion was approved by a vote of 5-0.

Councilmember Dugger returned to the meeting and took his place at the Council bench.

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

- **Speed Limit on First Street. (DK/HW)**

Police Chief Kowalski briefed the Council on previous speed studies conducted on First Street. Both studies indicated that less than one-half of one percent of drivers drive at speeds that are at least 10mph over the speed limit. Town staff recommended no change to the current speed limit or to traffic enforcement efforts at this time. The Council directed staff to install traffic counters on First Street to assess vehicle speed.

- **Old Town Study Phase 2. (JW)**

Development Services Director John Webb asked the Council for feedback regarding the proposed scope of services for Old Town Study Phase 2 project. He provided photographic examples of architectural features from similar downtown projects. Town staff will work with the consulting team to develop a scope of services addressing design standards and a potential catalyst project.

- **U.S. Youth Soccer Tournament. (DR)**

Parks and Recreation Director Dudley Raymond presented the Council with a request from FC Dallas to reserve the Frontier Park North fields as a backup location for a soccer tournament to be held in Frisco in July. The Council agreed to allow the fields to be reserved for the standard field rental fee.

- **Frontier Park Football Fields. (DR)**

Parks and Recreation Director Dudley Raymond presented the Council with a request from the City of Celina reserve the Frontier Park North fields as a backup location for football games to be held in May. The Council agreed to allow the fields to be reserved for the standard field rental fee.

**13. Adjourn.**

The meeting was adjourned at 8:27 p.m., on Tuesday, April 24, 2018.

These minutes approved on the 8<sup>th</sup> day of May 2018.



APPROVED:

*Ray Smith*  
Ray Smith, Mayor

ATTEST:

*Robyn Battle*  
Robyn Battle, Town Secretary