



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, July 24, 2018

1. Call to Order/Roll Call.

The meeting was called to order 6:05 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Mike Korbuly
Councilmember Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terrence Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Pete Anaya, Deputy Director of Engineering Services
Michael Bulla, CIP Project Manager
Frank Jaromin, Public Works Director
Dudley Raymond, Parks and Recreation Director
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Betty Pamplin, Accounting Manager
Doug Kowalski, Police Chief

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

Jeff Hook of Lighthouse Christian Fellowship 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 Andres read the following announcements:

The Town will host an informational public meeting on proposed roadway improvements to Prosper Trail from Coit Road to Custer Road on Thursday, July 26, at Lighthouse Christian Fellowship at 6:00 p.m. Town staff will be available to discuss the proposed improvements.

Residents are invited to join the Town Council and Town Staff for two special events celebrating the Grand Opening of our new Town Hall and Library. A Ribbon Cutting ceremony will be held at 8:30 a.m. on July 27, and everyone is invited to attend an Open House on Thursday, August 2, from 4:00-7:00 p.m. Join us for tours of the new facility, refreshments, giveaways, and stay to hear a State of the Town address by Mayor Ray Smith at 6:30 p.m.

The new Community Library opens this Saturday, July 28, at 9:30 a.m. in the Town Hall and Library facility located at 200 S. Main Street. Activities include story time at 10:00 a.m. with author/illustrator Toni Yuly, a library scavenger hunt, tours, and a photo booth.

The Town Secretary's Office is accepting applications for the Town's various Boards and Commissions through Friday, August 3. Applications and information are available on the Town website, or by contacting the Town Secretary.

4. Presentations:

- **U.S 380 Presentation (HW)**

Stephen Endres, Project Manager with the Texas Department of Transportation (TXDOT), gave a presentation on the options for expansion of US 380. TXDOT has conducted several public and stakeholder meetings to gain feedback from affected cities and from residents. Mr. Endres reviewed the options available for the expansion of US 380, including keep the current alignment, as well as options for a US 380 bypass. TXDOT is currently considering five bypass options, none of which affect Prosper. Mr. Endres reviewed the timeline for TXDOT's recommendation for US 380. A public comment summary will be released within one or two months, and TXDOT expects to have a recommended option by the end of 2018. TXDOT is not currently considering a tollway for this project.

After the presentation, Councilmember Korbuly stated that TXDOT should consider the location of emergency response capabilities, and the proximity to US 380, if a bypass was to be considered.

Mayor Smith inquired whether the five alignment options were the only options TXDOT was considering at this time. Mr. Endres stated that at this time, all comments and suggestions are being considered. TXDOT will release a summary of the comments collected during the public meeting process within one to two months.

Deputy Mayor Pro-Tem Dixon inquired whether TXDOT would conduct additional public meetings if a significant change in the alignments was to be considered. Mr. Endres responded that TXDOT would gather additional public comment in order to satisfy any affected cities. Mr. Endres noted that TXDOT could potentially consider a new alignment if new information is acquired, or if a current alignment option proves to be infeasible. TXDOT is still analyzing comments from the previous public meetings.

Responding to a question from the Council, Mr. Endres responded that Denton County cities have been open to expanding US 380 as a freeway.

Town Manager Harlan Jefferson provided an overview of the Town's position on the expansion of US 380. Town officials have met with TXDOT representatives and participated in stakeholder meetings to emphasize the Town's position that US 380 should remain in its existing alignment. In April 2017, the Town Council adopted a Resolution expressing its support of US 380 as a future Limited Access Roadway (LAR) within the corporate limits of the Town. The Town's position remains on record with Collin County and TXDOT that any bypass would have to intersect US 380 east of Custer Road.

Hulon Webb, Executive Director of Development and Community Services, stated that Frisco is in agreement with Prosper's position that US 380 should be expanded in its current alignment.

Mayor Pro-Tem Vogelsang noted that Town officials have previously met with City of McKinney officials to make it clear that any bypass must be east of Custer Road.

Mayor Smith recognized the following individuals who requested to speak:

Nicholas Nordman, 4221 Bellingrath Drive, Prosper, spoke in favor of the expansion of US 380 in its existing alignment, with no bypass options.

Kathy Seei, 4020 Chimney Rock, Prosper, spoke on behalf of the Whitley Place subdivision, stating that the residents of Whitley Place are supportive of the current commercial and residential zoning adjacent to their neighborhood. The residents of Whitley Place are opposed to any bypass option, and support the expansion of US 380 in its current alignment. Ms. Seei noted that any bypass near Whitley Place would increase traffic and negatively affect homeowners in the area. She requested, on behalf of the residents of Whitley Place, that US 380 be expanded within its existing alignment, the Town oppose any bypass option, that no further traffic studies be conducted, that US 380 be converted to a Limited Access Roadway immediately, and that any project savings be used to mitigate the impact of the expansion on existing residential developments.

Ken Seguin, 320 Yosemite Drive, Prosper, spoke on behalf of the Whitley Place Subdivision. As the HOA President, Mr. Seguin opposed any bypass option within Prosper's borders, which would destroy commercial property in southeast Prosper. He noted that the current US 380 alignment is Prosper's "miracle mile" for commercial development, and should be preserved as such. The Whitley Place HOA Board of Directors has adopted a position paper opposing any US 380 bypass option, and supporting US 380 as a Limited Access Roadway.

Mark Stine, 16C Grindstone, Prosper, spoke in opposition to any bypass option in McKinney or Prosper, noting that a bypass would increase noise and traffic, and create a safety hazard for drivers near Prosper High School.

Dennis De Mattei, 300 Yosemite Drive, Prosper, did not wish to speak, but submitted a Public Meeting Appearance Card in support of Ms. Seei's comments.

Douglas Mousel, 5850 Granite Pkway, Plano, spoke on behalf of 104 and 310 Prosper, also known as the Brookhollow Development, located in the northwest corner of US 380 and Custer Road. Mr. Mousel stated that his company is prepared to dedicate

right-of-way for the expansion of US 380 in its current alignment, and is strongly opposed to any bypass option.

Kyla Smith, 430 Gentry Drive, Prosper, spoke in opposition to a US 380 bypass through Prosper.

Paula Fort, 8C Rhea Mills Circle, Prosper, spoke in opposition to a US 380 bypass.

The following individuals did not wish to speak, but submitted Public Meeting Appearance Cards in support of the expansion of US 380 in its current alignment:

Brad and Tami Johnston, 220 Columbia, Prosper
Linda De Mattei, 300 Yosemite Drive, Prosper
Mary Hammack, 261 Columbia Court, Prosper
Michael Hammack, 261 Columbia Court, Prosper
Heather Powell, 711 Cherrywood Drive, Prosper
Dawn Farlow, 701 Cherrywood Drive, Prosper
Joshua Allen, 3451 Glacier Point Court, Prosper
Chris Kern, 570 Abbey Lane, Prosper
Steve Brazeal, 4291 Fisher Road, Prosper
Julie and Dale Hunter, 4191 Pine Needle Court, Prosper
Donna Norbury, 4081 Teton Place, Prosper
James Norbury, 4081 Teton Place, Prosper
Ron and Pat Justice, 4301 Glacier Point Court, Prosper
Lauren Hayes, 4261 Fisher Road, Prosper
Tammy Cavender, 4131 Glacier Point Court, Prosper
Kelly Cavender, 4131 Glacier Point Court, Prosper
Bob Seej, 4020 Chimney Rock, Prosper
William Phillips, 280 Aurora Way, Prosper

The Council inquired of Mr. Endres what assurances the Town has that additional public input will be sought if TXDOT pursues a new alignment for US 380. Mr. Endres responded TXDOT's goal is to get consensus from all involved parties, and TXDOT will not build a road unless it has the support of the Town. He noted that environmental studies must still be conducted, and Public Hearings must still be held before the project moves forward. TXDOT received over 4000 survey responses, which will be compiled into a summary report to be released in the next month or two.

Town Manager Harlan Jefferson addressed the Council and the audience stating that the Town is confident the residents of Prosper would oppose a bypass, and that the Town has been assured that TXDOT will not build a road without the Town's approval.

The Town Council asked Mr. Endres what more the Town can do to communicate its position to TXDOT. Mr. Endres responded that the Town has already done so by adopting a Resolution supporting US 380 as a future Limited Access Roadway.

The Town Council thanked Mr. Endres and the residents who attended the meeting.

- **Presentation of the Government Finance Officers Association Distinguished Budget Award to members of the Town of Prosper Finance Department. (KN)**

Mayor Smith presented the award to Finance Director Kelly Neal and Accounting Manager Betty Pamplin.

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 – July 10, 2018**
 - **Special Called Meeting – July 11, 2018**
- 5b. Receive the May Financial Report (KN)**
- 5c. Consider and act upon rejecting all bids received in response to Bid No. 2018-76-B Town Entry Signage. (JC)**
- 5d. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the City of Frisco, City of McKinney and the Town of Prosper, Texas, related to the median maintenance and improvements on US Highway 380 from Lovers Lane to Custer Road. (DR)**
- 5e. Consider and act upon Ordinance No. 18-58 of the Town Council of the Town of Prosper, Texas, amending Section 1.09.002, “Park Names,” of Article 1.09, “Parks and Recreation,” of Chapter 1, “General Provisions,” of the Town’s Code of Ordinances by providing for the naming or renaming of parks in conjunction with sponsorship agreements and adopt a Sponsorship Policy for parks, and areas that the Parks and Recreation Department oversees. (DR)**
- 5f. 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)**

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

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.

Corey Hamilton, 4909 Haverwood Lane, #710, Dallas, a student from Texas A&M University – Commerce, addressed the Council as part of a class project on homelessness in Collin County. She recommended the Council implement a public transit program that would assist Prosper residents in obtaining social services in neighboring communities.

Darrell Girouard, 4221 Rocky Ford Drive, Prosper, a resident of Whitley Place, addressed the Council regarding his concerns with speeding on Whitley Place Drive. He requested that additional traffic controls be put in place, particularly at the trail crossing at Glacier Point Court.

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 Standard Form of Agreement between the Town and Pogue Construction Co., L.P., related to Construction Manager-At-Risk services for Town of Prosper Public Safety Complex Phase 1 (Police Station and Dispatch) Facility; an Addendum to the Standard Form of Agreement between the Town and the Construction Manager-At-Risk; and an Addendum to the General Conditions of the Contract for Construction. (HW)**

Town staff recommended the Town Council table this item to the August 28, 2018, Town Council meeting.

Councilmember Korbuly made a motion and Councilmember Andres seconded the motion to table Item 7 to the August 28, 2018, Town Council meeting. The motion was approved by a vote of 7-0.

- 8. Consider and act upon authorizing the Town Manager to execute Work Order Documents between G2 General Contractors and the Town of Prosper, Texas, through the National Joint Powers Alliance Cooperative, related to the renovation of 121 W. Broadway Street for use as the interim police facility. (DK)**

Police Chief Doug Kowalski presented this item before the Town Council. With the majority of the current Town Hall staff relocating to the new Town Hall facility, the Police Department has been preparing for renovations to the building at 121 W. Broadway Street for use as the interim police facility. Renovations will be performed in two phases. The renovation start date is scheduled for July 30, 2018, and the estimated completion date is September 21, 2018.

After discussion, Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to authorize the Town Manager to execute Work Order Documents between G2 General Contractors and the Town of Prosper, Texas, through

the National Joint Powers Alliance Cooperative, related to the renovation of 121 W. Broadway Street for use as the interim police facility. The motion was approved by a vote of 7-0.

9. **Consider and act upon approving Change Order Number 01, to GRod Construction, LLC, related to construction services for the Downtown Enhancements project; and authorize the Town Manager to execute Change Order Number 01 for same. (MB)**

CIP Project Manager Michael Bulla presented this item before the Town Council. At the October 24, 2017, Town Council meeting, staff provided an update on the Downtown Enhancements project. Subsequent direction was given to staff to realign the connection of North Main Street to Broadway to better serve motorists traveling through downtown. The revised plans for the improved alignment include the construction of ten additional parking spaces on the east side of the street. This proposed change order includes funding for the extension of the new twelve-inch water line, extending the concrete pavement, parking, and sidewalk two hundred feet north of Broadway, and continuing the landscaping, irrigation, and lighting improvements.

After discussion, Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to approve Change Order Number 01, to GRod Construction, LLC, related to construction services for the Downtown Enhancements project; and authorize the Town Manager to execute Change Order Number 01 for same. The motion was approved by a vote of 7-0.

10. **Consider and act upon amending Ordinance No. 17-65 (FY 2017-2018 Budget). (KN)**

Finance Director Kelly Neal presented this item before the Town Council. Town staff recommends amending the FY 2017-2018 Budget to provide funding for increased expenditures in the General Fund associated with the change order for the Broadway Street Enhancements.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to approve Ordinance No. 18-59 amending Ordinance No. 17-65 (FY 2017-2018 Budget) to provide funding for increased expenditures in the General Fund associated with the change order for the Broadway Street Enhancements. The motion was approved by a vote of 7-0.

11. **Consider and act upon awarding Bid No. 2018-85-B to RPM xConstruction, LLC, related to construction services for the Public Works Clarifier Removal (Rebid) project; and authorizing the Town Manager to execute a construction agreement for same. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The removal of the clarifier on the Public Works site is necessary in order to optimize the use of the property. This project represents Phase 1 of the removal of the old wastewater treatment plant at the Public Works site. The scope of this contract includes removing the concrete clarifier with the remaining equipment, and backfilling the area to grade.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2018-85-B to RPM xConstruction, LLC, related to construction services for the Public Works Clarifier Removal (Rebid) project;

and authorize the Town Manager to execute a construction agreement for the same. The motion was approved by a vote of 7-0.

- 12. Consider and act upon awarding Bid No. 2018-72-B, to Reytech Services, LLC, related to construction services for the Old Town Streets project; and authorizing the Town Manager to execute a construction agreement for same. (MB)**

CIP Project Manager Michael Bulla presented this item before the Town Council. The scope of this contract includes the reconstruction of McKinley Street, from First Street to Fifth Street; and Fifth Street, from BNSF to Coleman Street. The existing two-lane asphalt streets will be replaced with two lanes of concrete pavement, with additional drainage pipe extending up to the McKinley and Broadway intersection. In addition, this project will install a portion of our master-planned water system, 3,000 linear feet of twelve-inch pipe, adjacent to the new pavement.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2018-72-B, to Reytech Services, LLC, related to construction services for the Old Town Streets project; and authorizing the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

Councilmember Miller stepped away from the Council bench.

- 13. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between BGE, Inc., and the Town of Prosper, Texas, related to the design of the Victory Way (Coleman Street – Frontier Parkway) project. (PA)**

Pete Anaya, Deputy Director of Engineering Services, presented this item before the Town Council. BGE, Inc. submitted a proposal to provide engineering design services for the construction of the improvements to Victory Way from Coleman Street to Frontier Parkway. These services include survey work necessary for the design, data collection, preparation of ROW and easement documents; geotechnical investigation, and the development of design drawings for the proposed improvements.

Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between BGE, Inc., and the Town of Prosper, Texas, related to the design of Victory Way from Coleman Street to Frontier Parkway Improvements project. The motion was approved by a vote of 6-0.

Councilmember Miller returned to the Council bench.

- 14. Discussion regarding the utilization of Town sports fields. (DR)**

Parks and Recreation Director Dudley Raymond presented this item before the Town Council. The Spring of 2018 presented many challenges for the sports leagues in Prosper. The Prosper ISD Stadium and Natatorium construction adjacent to Frontier Park, increased participation numbers in the leagues, and the completion of Frontier Park North fields all required the leagues to adjust their traditional practice and game schedules. Town staff worked closely with local sports leagues to adjust practice and game schedules to mitigate the effects of construction activity and reduced parking. Mr. Raymond provided

an overview of the field use analysis Town staff conducted for the Spring 2018 season. Staff concludes that field use for the Town's three major sports leagues ranged from 40%-53%, based on utilization of all field space available to each group for practice.

Town staff anticipates that the Spring 2019 utilization numbers will be noticeably different from Spring 2018, since parking issues will be resolved, league participation will have increased, and the synthetic fields will be available to reschedule rain-out games. No further action was taken.

15. EXECUTIVE SESSION:

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

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

15b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

The Town Council recessed into Executive Session at 8:02 p.m.

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

The Town Council reconvened the Regular Session at 9:06 p.m. No action was taken as a result of Executive Session.

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

• Pets on Restaurant Patios (JW)

Development Services Director John Webb presented an overview of the Town's survey cities related to allowing pets on restaurant patios. Town staff was directed to bring forward a draft ordinance at a future Town Council meeting that would provide a variance process to allow pets on restaurant patios.

• Frontier Park Wireless Communication Support Structure (JW)

Development Services Director John Webb presented options for the relocation of a wireless communication support structure within Frontier Park. Town staff was given direction to relocate the pole in the northwest corner of the soccer field.

Councilmember Jeff Hodges requested the Council consider implementing a business-casual dress code for the Town Council, Board and Commission members for meetings held in the new Council Chambers. The Town Council concurred.

18. Adjourn.

The meeting was adjourned at 9:32 p.m., on Tuesday, July 24, 2018.

These minutes approved on the 14th day of August 2018.



APPROVED:

Ray Smith
Ray Smith, Mayor

ATTEST:

Robyn Battle
Robyn Battle, Town Secretary