



*Prosper is a place where everyone matters.*

**MINUTES**  
**Meeting of the Prosper Town Council**  
Prosper Town Hall  
Council Chambers  
200 S. Main Street  
Prosper, TX 75078  
Tuesday, August 28, 2018

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

The meeting was called to order at 6:02 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  
Alex Glushko, Planning Manager  
Pete Anaya, Deputy Director of Engineering Services  
Frank Jaromin, Public Works Director  
Dudley Raymond, Parks and Recreation Director  
Chuck Springer, Executive Director of Administrative Services  
Kelly Neal, Finance Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief

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

Jim Lugar with Life Journey 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 public is invited to attend the 7th Annual Town of Prosper Community Picnic on Saturday, September 8, from 4:00-7:00 p.m. in Frontier Park. Bethlehem Place will collect nonperishable food as part of their "Hunger Is No Picnic" food drive. Free hot dogs will be served by members of the Town Council, courtesy of Lighthouse Christian Fellowship Church, and the Prosper Parks and Recreation Board and Prosper Ladies Association will

serve desserts. Activities include a petting zoo, pony rides, inflatable games, slides, and face painting. Families are encouraged to bring lawn chairs, blankets, and picnic supplies to this annual community event.

The Prosper Fire Department will host its annual 9-11 Remembrance Ceremony at Town Hall on Tuesday, September 11, at 7:30 a.m. The public is invited to attend this commemoration of the many lives lost in the September 11<sup>th</sup> tragedy.

Residents are invited to join the fun at Prosper's Homecoming Parade, to be held on Wednesday, September 19, starting at 5:30 p.m. Come see a variety of floats representing Prosper's community and school groups at one of the Town's biggest Fall events.

Mayor Smith encouraged drivers within Frontier Park to be cautious of children crossing the street and walking to and from the parking lots.

**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 – August 14, 2018**
- 4b. Receive the June Financial Report. (KN)**
- 4c. Receive the Quarterly Investment Report. (KN)**
- 4d. Consider and act upon Ordinance No. 18-64 amending Section 4.04, "Workers' Compensation" of the Town's Personnel Policies and Regulations Manual by adding thereto provisions relative to salary continuation in certain instances (KS)**
- 4e. Consider and act upon authorizing the Town Manager to execute a Standard Form of Agreement between the Town of Prosper 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)**
- 4f. Consider and act upon authorizing the Town Manager to execute a Landscape Maintenance Agreement between the Texas Department of Transportation and the Town of Prosper, Texas, related to maintenance obligations for landscape and irrigation improvements in the medians of SH 289 (Preston Road) from US 380 to Richland Boulevard and the medians of US 380 from Lovers Lane to Custer Road. (DR)**

- 4g. Consider and act upon Ordinance No. 18-65 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)
- 4h. Consider and act upon Ordinance No. 18-66 for a Specific Use Permit (SUP) for a Restaurant with Drive-Through, on 2.5± acres, located on the west side of Preston Road, south of Frontier Parkway. The property is zoned Planned Development-10 (PD-10). (S17-0005). (AG)
- 4i. Consider and act upon Ordinance 18-67 rezoning a portion of Planned Development-40 (PD-40) to Planned Development-91 (PD-91), on 25.3± acres, located on the northeast corner of US 380 and Windsong Parkway, to facilitate the development of the Cook Children's Medical Center. (Z18-0004). (AG)
- 4j. 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 Miller made a motion and Councilmember Andres seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

**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.**

Irwin Parry, 850 Kings View Drive, Prosper, asked the Council to do something about the heavy doors at the entrances to Town Hall.

Ruthie Kowald, 1612 Shady Oaks Lane, Prosper, asked the Town Council to consider building a Senior Citizen Center.

Suzi Howard, 313 E. 3<sup>rd</sup> Street, Prosper, inquired about the Town's plan to build a Senior Citizen Center. Town Manager Harlan Jefferson referred to the Town's Parks, Recreation and Open Space Master Plan and will ask Town staff to send a copy to Ms. Howard.

**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 to consider and discuss the FY 2018-2019 Budget, as proposed. (KN)**

Finance Director Kelly Neal presented information on the Proposed FY 2018-2019 Budget. The Proposed Budget contains no tax rate increase; however, it does include increased revenue estimates due to increased property valuations and new additions to the tax roll. The Proposed Budget also reflects increased service levels to the Town, increased infrastructure needs, and increased sales tax estimates. The budget is comprised of a base budget and supplemental requests from Town Departments. Ms. Neal provided an overview of the Town's various fund revenues and appropriations, the proposed new staff positions, changes to the employee health benefits plan, and some major program enhancements. She reviewed the Town's taxable values, as well as the proposed tax rate, effective tax rate, and rollback tax rate.

Fire Chief Stuart Blasingame briefed the Council on a proposal to utilize the existing modular building located on Main Street as a temporary facility to house Fire Department personnel, once the Police Department moves in to the new Public Safety facility. He reviewed cost estimates for continuing to lease the building, versus purchasing it. The modular building would be relocated to the current Central Fire Station site and house Fire personnel until the next Fire Station is built. Council approved the proposal to purchase the building, and the additional cost will be included in the proposed budget to be approved by Council on September 11, 2018.

Hulon Webb, Executive Director of Development and Community Services, continued the presentation by reviewing the proposed Capital Improvement Plan (CIP) for FY 2018-2019. Ms. Neal explained the projected debt service that would be required to support the five-year Capital Improvement Plan.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

**DEPARTMENT ITEMS:**

**7. Discussion on Public Safety Complex Phase 1 (Police Station and Dispatch) Facility. (DK)**

Police Chief Doug Kowalski introduced Gary DeVries, Jason Cave, and Fred Clifford from BRW Architects, who presented updated renderings of the proposed Public Safety Complex. BRW has incorporated suggestions from previous Council and staff feedback into the newest renderings. A baseline design and an enhanced design were presented. Council expressed a preference to use an alternate material on the dispatch portion of the building. Mr. DeVries stated that his firm estimates the cost for the baseline design to be approximately \$10.5 million, but he would need to hire an outside firm to conduct a cost estimate for the enhanced design, since the Town has not yet awarded a contract for a CMAR. In the event the Town selects a CMAR at the September 11, 2018, Town Council meeting, the substantial completion date for the project is anticipated to be August 2020.

No further action was taken.

8. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Kimley Horn and Associates, Inc., and the Town of Prosper, Texas, related to the Phase 2 Prosper Old Town Area Assessment Project. (MD18-0005) (JW)**

Development Services Director John Webb presented this item before the Town Council. The purpose of this project is to prepare detailed architectural standards in both written and graphic format for the Old Town commercial core area. In addition, staff is requesting that the Old Town street cross sections be updated in regard to travel lanes, medians, on-street parking, underground utilities, and amenity zones. Kimley Horn and Associates, Inc., conducted the phase one assessment which included stakeholder and community meetings.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Kimley Horn and Associates, Inc., and the Town of Prosper, Texas, related to the Phase 2 Prosper Old Town Area Assessment Project. The motion was approved by a vote of 7-0.

9. **Consider and act upon awarding Bid No. 2018-88-B to Texas Plumbing Solutions, LLC, at the unit prices bid, to establish a fixed-price contract for the installation of pressure reducing valves at homes located in Glenbrooke Estates. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. Due to water pressure fluctuations in the Glenbrooke Estates subdivision, the Town is requiring the installation of pressure-reducing valves on every home in order to maintain a safe and static water pressure. The scope of the contract includes installing one PRV assembly and one shut-off valve within a meter box on four hundred (400) residences receiving water service in Glenbrooke Estates. After the installation of the PRV assembly, homeowners will be responsible for continued maintenance. Mr. Jaromin confirmed that the valves the Town will use within the residences are the same used in other areas of Town.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to award Bid No. 2018-88-B to Texas Plumbing Solutions, LLC, related at the unit prices bid, to establish a fixed-price contract for the installation of pressure-reducing valves at homes located in Glenbrooke Estates. The motion was approved by a vote of 7-0.

10. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Spiars Engineering, Inc., and the Town of Prosper, Texas, related to the design of the Fishtrap Road/Teel Parkway Intersection Improvements project. (PA)**

Pete Anaya, Deputy Director of Engineering Services, presented this item before the Town Council. As part of the Town's ongoing Capital Improvement Program, improvements are programmed for the Fishtrap Road/Teel Parkway Intersection. Town staff is asking for Council approval to proceed with the design phase of this project. Town staff requested a proposal from Spiars Engineering, Inc., to provide engineering design services for the construction of the improvements to the Fishtrap Road/Teel Parkway intersection. The

firm is included on the Town's list of qualified engineering firms. These services include: survey work necessary for design, data collection, preparation of Right-of-Way and easement documents, geotechnical investigation, and development of design drawings for the proposed improvements.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Spiars Engineering, Inc., and the Town of Prosper, Texas, related to the design of Fishtrap Road/Teel Parkway Intersection Improvements. The motion was approved by a vote of 7-0.

**11. Consider and act upon approving a list of qualified firms to provide professional park design services and related services to the Town of Prosper. (DR)**

Parks and Recreation Director Dudley Raymond introduced Paul Naughton, Landscape Architect, who presented this item before the Town Council. The Town received responses to a call for Statements of Qualification for various park design services, including Neighborhood Parks, Sports Complex, Hike and Bike Trail, Signage, and Median Improvements. A review committee consisting of representatives from the Parks and Recreation Department evaluated each response based pre-selected criteria. Mr. Naughton presented Town's staff's recommendation on the selected firms. Mr. Raymond confirmed that the Town may still use firms that are not included on the approved list, as long as appropriate procurement and selection procedures are utilized.

Councilmember Andres made a motion and Councilmember Korbuly seconded the motion to approve the list of qualified firms to provide professional park design services and related services to the Town of Prosper. The motion was approved by a vote of 7-0.

**12. Discussion on draft variance procedures for permitting dogs on outdoor patios of a food establishment. (JW)**

Development Services Director John Webb presented this item before the Town Council. Town staff has drafted a set of requirements to allow dogs on the patios of food establishments. Prosper, as is the case with most communities in Texas, adopted the Texas Food Establishment Rules for minimum standards for food establishments. With the exception of service dogs, the rules do not permit dogs on the property of food establishments, but a community may adopt a variance to this requirement. Mr. Webb, with the assistance of Megan Johnson, Health/Code Supervisor, briefed the Council on the details of the proposed amendments. Town Attorney Terry Welch confirmed that the Town would have no liability if a customer were bitten by a dog on a patio, since the incident would have occurred on private property. Town staff was directed to proceed with the proposed ordinance, which will be brought forward for Council consideration at a future meeting.

**13. 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:**

**13a. Section 551.087 – To discuss and consider economic development incentives.**

**13b. 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.**

**13c. 551.076 – Deliberation of the deployment, or specific occasions for implementation, of security personnel or devices at Town Hall.**

The Town Council recessed into Executive Session at 8:25 p.m.

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

The Town Council reconvened the Regular Session at 10:30 p.m. No action was taken as a result of the Executive Session.

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

- **Solid Waste Collection and Recycling Services (CS)**

Chuck Springer, Executive Director of Administrative Services, updated the Council on a proposed contract for solid waste collection and recycling services, with an amendment that includes drop-off services for bulk trash twice per month. The contract will be brought forward for Council consideration at a future meeting.

**16. Adjourn.**

The meeting was adjourned at 10:36 p.m., on Tuesday, August 28, 2018.

These minutes approved on the 11<sup>th</sup> day of September 2018.



ATTEST:

  
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Robyn Battle, Town Secretary

APPROVED:

  
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Ray Smith, Mayor