



*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, March 14, 2017

### 1. Call to Order/Roll Call.

The meeting was called to order at 6:01 p.m.

#### **Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr. (arrived at 6.28 p.m.)  
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 Services  
Dudley Raymond, Parks & Recreation Director  
Kelly Neal, Finance Director  
Leigh Johnson, Information Technology Director  
Doug Kowalski, Police Chief  
Gary McHone, Assistant Police Chief

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

Pastor John Fowler of First Presbyterian 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.

Councilmember Davis read the following announcements:

The Police Department welcomed five new officers, and celebrated the promotion of three officers at a ceremony earlier this afternoon. The Town Council would like to welcome Officer Bennett Sparks, Officer Stephen Stovall, Officer Paul Boothe, Officer Carter Anderson, and Officer Keith Mann. Congratulations to Ron Castro on his promotion to Patrol Sergeant, to Larry Windon on his promotion to Detective, and to Daniel Travis, who has been selected as a Field Training Officer for the Prosper PD.

Mayor Smith is challenging businesses, schools, churches and residents to participate in the "It's Time Texas Community Challenge." To show your support and earn points for Prosper, please register at [www.ITTCCommunityChallenge.com](http://www.ITTCCommunityChallenge.com). Prosper is in a race for first place as the Healthiest Small Community in Texas, and there is still time to get

involved. The winning community will receive an \$1,800 grant for healthy school initiatives. The contest ends on March 31.

The North Texas Municipal Water District will conduct annual maintenance on the Town's water system through April 10. During this time, residents may detect a slight difference in the taste and smell of the water. The maintenance work does not affect the purity or usability of the Town's water supply.

The 6th Annual Prosper Spring Clean Up will take place this Saturday, March 18, from 8:00 a.m.-noon. The drop-off zone will be located along Craig Road in front of Rucker Elementary. Prosper residents are asked to enter Craig Road from Broadway, and proceed south to drop off unwanted items such as scrap lumber, electronics, and furniture. The Lions Club will collect old eyeglasses to be refurbished, and Secure On-Site Shredding will be available for residents to shred their old documents and personal papers. More information is available on the Town website.

Registration is now open for Prosper's Spring recreation programs. Sign up at [www.ProspersParksandRec.org](http://www.ProspersParksandRec.org).

Councilmember Korbuly announced the Prosper Lady Eagles Soccer Team is still undefeated, and is ranked #2 going into the playoff season.

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 meeting. (RB)**
  - **Regular Meeting – February 28, 2017**
- 4b. **Receive the January 2017 Financial Report. (KN)**
- 4c. **Consider and act upon Resolution No. 17-19 authorizing various individuals as signers of specific accounts and certain investment matters. (KN)**

Deputy Mayor Pro-Tem Dixon removed Item 4d from the Consent Agenda.

Councilmember Davis removed Item 4e from the Consent Agenda.

Deputy Mayor Pro-Tem Dixon 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 6-0.

- 4d. **Consider and act upon approving a list of qualified brokers/dealers and financial institutions that are authorized to engage in investment transactions with the Town of Prosper and the Prosper Economic Development Corporation. (KN)**

Finance Director Kelly Neal and Town Manager Harlan Jefferson clarified that the approved list of brokers/dealers will allow the Town to conduct investment transactions with approved financial institutions; however, FirstSouthwest will continue to serve as the Town's financial advisor.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Davis seconded the motion to approve the list of qualified brokers/dealers and financial institutions that are authorized to engage in investment transactions with the Town of Prosper and Prosper Economic Development Corporation. The motion was approved by a vote of 6-0.

- 4e. Consider and act upon approving a Master Agreement for fiber internet service between AT&T and the Town of Prosper, Texas, related to improving the Town's internet connection speeds; and authorizing the Town Manager to execute same. (LJ)**

Information Technology Director Leigh Johnson responded to questions from the Council on the terms of the contract, including price, speed, and the eventual connectivity to the new Town Hall. He clarified that the contract with AT&T will provide service to Town facilities; however, the recent addition of Speed of Light as an internet provider in Prosper is available to residents.

Councilmember Davis made a motion and Councilmember Dugger seconded the motion to approve a Master Agreement for fiber internet service between AT&T and the Town of Prosper, Texas, related to improving the Town's internet connection speeds; and authorize the Town Manager to execute same. 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.**

**DEPARTMENT ITEMS:**

Mayor Smith skipped to Item 7 at this time.

- 7. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Half Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Gateway Monument project. (DR)**

Parks and Recreation Director Dudley Raymond presented this item before the Town Council. Halff Associates will prepare three concept options, contract documents, and specifications, for the primary gateway monument location at Preston Road and US 380. The concept options will be brought before the Town Council for review and further refinement at a future meeting. Additional monuments will be located throughout the Town at locations identified in the Thoroughfare Plan that will mimic the original gateway design.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between the Town of Prosper, Texas, and Halff Associates, Inc., related to the Prosper Gateway Monument Design Project. The motion was approved by a vote of 6-0.

**8. Discussion on the location of the Lower Pressure Plane Ground Storage Tank and Pump Station. (HW)**

Mayor Pro-Tem Vogelsang arrived at 6:28 p.m. and took his place at the Council bench.

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. He introduced Jeff Payne with Freese & Nichols, who assisted with the presentation. Since 2015, the Town Council has discussed locating the proposed Lower Pressure Plane Ground Storage Tank and Pump Station along Richland Boulevard west of Prosper Commons Boulevard. During recent discussions about acquiring the land needed to facilitate the project, concerns were conveyed about the screening and aesthetics of the tanks. Mr. Webb and Mr. Payne discussed the advantages and disadvantages of locating the Lower Pressure Plane Ground Storage Tank and Pump Station along Richland Boulevard west of Prosper Commons Boulevard or at the current Custer Road Pump Station site along Custer Road, north of US 380. Mr. Payne further discussed the cost comparisons of each option, noting that the tank could be buried up to the ring beam, however, there would be additional associated excavation and pumping costs.

After discussion, the Council provided direction to Town staff to pursue Option 2 (Richland Blvd. at Prosper Commons), with additional direction to bury the tank to the ring beam. A combination of berming and landscaping should be added around the perimeter of the site to screen the entire crown of the tank, up to 20-25 feet in height. Town staff will bring the item back to a future Council meeting to provide additional information and a revised cost estimate. No further action was taken.

**9. Discussion on the phasing of the Lower Pressure Plane Capital Improvement Projects. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Phase 1 of the project includes the design and construction of the Fishtrap Road Elevated Storage Tank, the installation of water supply lines, and the Custer Road Pump Station Expansion, all of which are scheduled to begin construction in 2018. Phase 2 of the project is comprised of the Lower Pressure Plane Pump Station, Ground Storage Tank, Pipeline, and the connection with the North Texas Municipal Water District. Construction of Phase 2 is scheduled to begin in 2019. No further action was taken.

6. **Consider and act upon a resolution accepting the Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2016, as presented by a representative of McConnell & Jones, LLP., Certified Public Accountants. (KN)**

Finance Director Kelly Neal introduced Marlon Williams, CPA, with McConnell & Jones, LLP., who conducted the FY 2015-2016 audit. Mr. Williams reviewed the results of the audit, which included recommendations for improving internal controls and operating efficiency. Members of the Town Council Finance Subcommittee, who had previously reviewed the audit results, expressed their satisfaction with the audit results.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Davis seconded the motion to approve Resolution No. 17-20 accepting the Independent Audit Report and Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2016. The motion was approved by a vote of 6-0.

10. **Consider and act upon authorizing the Town Manager to execute a Wastewater Development Agreement between Prosper 236, LLC, and the Town of Prosper, Texas, related to the extension of sanitary sewer lines to serve the Lakewood development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Prosper 236, LLC, is developing Lakewood and in order for the development to occur, they will be required to extend sanitary sewer lines as depicted on the Town of Prosper Wastewater System Capital Improvement Plan. The terms of the Development Agreement include two forms of reimbursement. First, Lakewood will receive reimbursement from impact fees the Town receives from the Lakewood development for the sanitary sewer lines they construct to serve their development. Lakewood will also receive a reimbursement from the Town for an offsite sanitary sewer line extension to abandon La Cima Lift Station No. 2, within 30 days of the offsite sanitary sewer line extension being complete and accepted by the Town.

Councilmember Korbuly made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute a Wastewater Development Agreement between Prosper 236, LLC, and the Town of Prosper, Texas, related to the extension of sanitary sewer lines to serve the Lakewood development. The motion was approved by a vote of 7-0.

11. **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:**

**11a. *Section 551.087 – To discuss and consider economic development incentives.***

**11b. *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 7:24 p.m.

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

The Town Council reconvened the Regular Session at 7:51 p.m. No action was taken as a result of Executive Session.

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

Councilmember Dugger requested Town staff investigate the telephone pole and wires in need of repair in the downtown area.

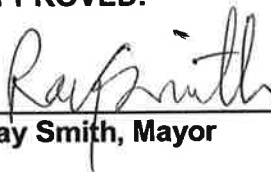
14. **Adjourn.**

The meeting was adjourned at 7:52 p.m. on Tuesday, March 14, 2017.

These minutes approved on the 28<sup>th</sup> day of March, 2017.



**APPROVED:**

  
Ray Smith, Mayor

**ATTEST:**

  
Robyn Battle, Town Secretary