



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, February 28, 2017

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 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

Alex Glushko, Senior Planner

Dudley Raymond, Parks & Recreation Director

Kelly Neal, Finance Director

Ronnie Tucker, Fire Chief

Stuart Blasingame, Assistant Fire Chief

Doug Kowalski, Police Chief

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

Pastor John Herring of First Baptist 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 Korbuly read the following announcements:

Mayor Smith is challenging businesses, schools, organizations, churches and residents to participate in the "It's Time Texas Community Challenge" by earning points for Prosper. Prosper is in a race for first place as the Healthiest Small Community in Texas, and there is still time to get involved. To show your support and earn points for Prosper, please register at www.ITTCCommunityChallenge.com. The winning community will receive an \$1,800 grant for healthy school initiatives. The contest ends March 31.

Due to road construction, Fishtrap Road will be closed from Windsong Parkway to Rockrose Drive beginning on Saturday, March 4 through Saturday, March 11. Motorists are encouraged to find alternate routes and use caution in this area.

The road construction project on Coleman Street is almost complete. The closure at Coleman and First Street should be open by Sunday, March 5.

The Annual Prosper Spring Clean Up will be held on Saturday, March 18, from 8:00 a.m.-Noon. The drop-off zone will be located along Craig Road in front of Rucker Elementary. Participants are asked to enter Craig Road from Broadway, and proceed south to drop off unwanted items such as scrap lumber, computers, appliances, electronics, old eyeglasses, and other household items. For more information, please call Prosper Town Hall at 972-346-2640.

The Prosper Lady Eagles Soccer Team is still undefeated this season. They will play against McKinney North High School tonight.

4. Presentations.

- **Presentation of a Certificate of Distinction for the Town of Prosper Investment Policy to members of the Finance Department from the Government Treasurers' Organization of Texas. (KN)**

Mayor Smith presented the Certificate of Distinction to Finance Director Kelly Neal.

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 – February 14, 2017**

5c. Consider and act upon Ordinance No. 17-15 amending Planned Development-43 (PD-43), on 14.1± acres, 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). (AG)

Councilmember Davis removed Item 5b from the Consent Agenda.

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Items 5a and 5c on the Consent Agenda. The motion was approved by a vote of 7-0.

5b. Consider and act upon Ordinance No. 17-14 adopting land use assumptions and a capital improvements plan and establishing impact fees for water, wastewater, and roadways, by amending Article 10.02, "Capital Improvements and Impact Fees," of the Town of Prosper Code of Ordinances. (MD16-0012) (HW)

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Item 5b. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

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.

Ryan Parrott, 8750 N. Central Expy, Suite 510, Dallas, spoke regarding a nonprofit organization, Sons of the Flag, which assists burn survivors with their recovery. Mike Pettis, owner of the Cotton Gin, also spoke in support of the organization. He sponsors an annual fundraising event, Country for Country, to benefit the organization.

Mayor Smith skipped to Item 13c.

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:

13c. Section 551.074 – To discuss and review the Town Manager's performance evaluation.

The Town Council recessed into Executive Session at 6:14 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 6:28 p.m. No action was taken as a result of the Executive Session.

Mayor Smith moved to Item 15 on the agenda.

15. **Consider and act upon an ordinance amending the FY 2016-2017 budget. (KN)**

Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to adopt Ordinance No. 17-17 amending the FY 2016-2017 budget as discussed in Executive Session to account for the new Police and Fire step plan and civilian pay grade adjustments. The motion was approved by a vote of 7-0.

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:

7. **Conduct a Public Hearing, and consider and act upon an ordinance for a Specific Use Permit (SUP) for a Child Day Care Center (Alpha Montessori), on 2.3± acres, located on the west side of Legacy Drive, 500± feet north of Prairie Drive. This property is zoned Planned Development-65 (PD-65). (S16-0012). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. The request is to allow for a Child Day Care Center, Alpha Montessori, which will consist of a 13,700-square-foot building to accommodate 190 students and 20 teachers. A 6-foot masonry wall will be constructed along the northwestern property line to separate the proposed use from the future residential neighborhood.

Mayor Smith opened the Public Hearing.

Mr. Kevin Patel, 1503 Astoria Drive, Allen, Texas, 75013, is the applicant, and responded to questions from the Council. The facility is scheduled to open in 2018. A similar facility is located at Independence and Rollater. Upon Council's request, the applicant agreed to revise the current elevation to replace stucco with sticky-stone material around the front entrance.

Clint Richardson, 10950 Research Blvd., Frisco, representing the land owner, spoke in favor of the project. He commended Mr. Patel for his cooperation in choosing complementary colors and materials that will work well with the adjacent commercial and residential developments.

With no one else 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. 17-18 for a Specific Use Permit (SUP) for a Child Day Care Center (Alpha Montessori), on 2.3± acres, located on the west side of Legacy Drive, 500± feet north of Prairie Drive, with the addition of "sticky-stone" to replace the stucco, as reflected on the attached Exhibit D to the ordinance, the Day Care Center elevations. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

8. **Consider and act upon an ordinance amending Chapter 5, "Fire Prevention and Protection," of the Town of Prosper Code of Ordinances, by adding a new article 5.05, "Hazardous Materials Incident Response." (RT)**

Fire Chief Ronnie Tucker presented this item before the Town Council. The proposed ordinance will allow for the collection of reimbursable expenses related to the abatement and cleanup of hazardous materials incidents.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 17-16 amending Chapter 5, "Fire Prevention and Protection," of the Town of Prosper Code of Ordinances, by adding a new article 5.05, "Hazardous Materials Incident Response." The motion was approved by a vote of 7-0.

9. Consider and act upon a request for a Façade Exception for Westfork Crossing, Block A, Lot 1, (RaceTrac) located on the northwest corner of US 380 and Gee Road. (MD16-0018). (AG)

Senior Planner Alex Glushko presented this item before the Town Council. The applicant is requesting a Façade Exception for a 5,488-square-foot convenience store with fuel pumps located within Westfork Crossing, to allow for an increase in secondary materials. Drew Cunningham with RaceTrac and Dalton Kerr with Compact Wood addressed the Council with additional information about the proposed secondary materials. The proposed RaceTrac is a new prototype for the brand in the DFW area.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve a request for a Façade Exception for Westfork Crossing, Block A, Lot 1, (RaceTrac), located on the northwest corner of US 380 and Gee Road. 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 Fugro USA Land, Inc., and the Town of Prosper, Texas, related to construction materials testing for the Frontier Park North Improvements Project. (DR)

Dudley Raymond, Parks and Recreation Director, presented this item before the Town Council. Fugro USA Land, Inc., has been selected by the Construction Manager-at-Risk for the project to provide construction materials testing for the subgrade of the artificial turf fields, which is not covered by the current Guaranteed Maximum Price contract with Dean Construction. The cost of the services will be covered by the two-percent contingency within the project's existing budget.

Councilmember Korbuly made a motion and Mayor Pro-Tem Vogelsang seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Fugro USA Land, Inc., and the Town of Prosper, Texas, related to the materials testing for the Frontier Park North Improvements Project. The motion was approved by a vote of 7-0.

11. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Half Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail (Coit - Custer) project. (SG)

Steve Glass, Deputy Director of Engineering Services, presented this item before the Town Council. The proposed agreement will provide 90% design services for the widening of Prosper Trail from two lanes to a four-lane divided minor thoroughfare from Coit Road to Custer Road. Responding to questions from the Town Council, Mr. Glass and Hulon Webb, Executive Director of Development and Community Services, stated that no progress has been made on installing a traffic light at Prosper Trail and Custer Road, since TxDOT is still in discussions with the City of McKinney regarding the east side of Custer Road.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between Half Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail (Coit - Custer) project. The motion was approved by a vote of 7-0.

12. **Consider and act upon awarding Bid No. 2017-21-B Public Works Interceptor Project 1607-WW, to Reytech Services, LLC., related to construction services for installation of wastewater lines; 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 proposed bid award will provide for the installation of wastewater lines for the future expansion of the Dallas North Tollway north of First Street, and will ultimately decommission the Wastewater Treatment Plant Lift Station at the Public Works site.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2017-21-B Public Works Interceptor Project 1607-WW, to Reytech Services, LLC., related to construction services for installation of wastewater lines; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

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. ***Section 551.074 – To discuss and review the Town Manager’s performance evaluation.***

The Town Council recessed into Executive Session at 7:11 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 7:55 p.m.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to approve the Town Manager’s evaluation as per Executive Session. The motion was approved by a vote of 7-0.

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

- **First Street Overpass. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented options related to potential overpasses along the BNSF Railroad. The Town’s current Thoroughfare Plan shows future overpasses at Frontier Parkway and Lover’s Lane. Mayor Pro-Tem Vogelsang encouraged staff to be creative and think strategically when planning for future traffic concerns, considering all options for railroad overpasses.

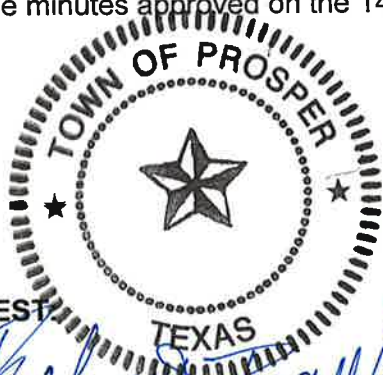
- **Coit Road (US 380 – First) Illumination Options. (SG)**

Steve Glass, Deputy Director of Engineering Services, reviewed three options for street lighting on Coit Road. Town staff was given direction to install light poles every 150 feet from US 380 to the north end of Rogers Middle School, then continue the installation of light poles every 300 feet from Rogers Middle School to First Street. The intersection at US 380 and First Street will be fully lit. The lighting project will be designed so that additional light poles may be added in the future.

17. Adjourn.

The meeting was adjourned at 8:22 p.m. on Tuesday, February 28, 2017.

These minutes approved on the 14th day of March, 2017.



APPROVED:

Ray Smith

Ray Smith, Mayor

ATTEST

Robyn Battle

Robyn Battle, Town Secretary