



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, January 10, 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
Alex Glushko, Senior Planner
Jonathan Hubbard, Planner
Steve Glass, Deputy Director of Engineering Services
Dudley Raymond, Parks & Recreation Director
Paul Naughton, Landscape Architect
Kelly Neal, Finance Director
Kelly Vanaman, Utility Billing Administrator
January Cook, Purchasing Agent
Doug Kowalski, Chief of Police
Gary McHone, Assistant Police Chief
Ronnie Tucker, Fire Chief

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

Pastor Tom Smith of St. Paul's Episcopal 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 Davis read the following announcements:

The Library will host a special story time on Saturday, January 14, that is all about snow. From 11:00 a.m.-noon, families are invited to enjoy stories, songs, crafts, and a special guest.

The Town of Prosper is providing a central drop-off point for Christmas trees through January 15. The unattended drop-off center is located in the parking area on the south side of First Street between the Central Fire Station and the water tower, and it is open 24 hours a day. Trees must be cleared of any lights, ornaments, decorations, tinsel, and any other non-organic material.

Town offices will be closed on Monday, January 16, in honor of Martin Luther King, Jr., Day.

The Town of Prosper is partnering with Prosper ISD to host a one-day Prosper Community Health and Wellness Fair. Make sure to stop by the Prosper High School cafeteria on January 28, 2017, from 9:00 a.m.-2:00 p.m. There will be free health screenings, games, healthy foods and prizes.

Councilmember Korbuly congratulated the Prosper High School Girls Soccer Team for winning a recent tournament in College Station.

4. Presentations.

- **2017 It's Time Texas Community Challenge. (JS)**

Recreation Services Coordinator Julie Shivers presented information to the Town Council regarding the 2017 It's Time Texas Community Challenge.

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 – December 13, 2016**

5b. Receive the November Financial Report. (KN)

5c. Consider and act upon ratifying a renewal to the Bank Depository Services Agreement between Independent Bank and the Town of Prosper; and authorizing the Town Manager to execute same. (KN)

5e. Consider and act upon approving the purchase of mapping and global positioning system software, for the Police Department, from Integrated Computer Systems, a sole source provider. (DK)

5f. Consider and act upon ratifying an application to FEMA for the Assistance to Fire Fighters Grant; and authorizing the Town Manager to execute same. (RT)

5g. Consider and act upon Ordinance No. 17-01 amending a portion of Planned Development-40 (PD-40), on 11.9± acres, located on the west side of Windsong Parkway, 400± feet north of US 380, to allow for the development

of a big box home improvement retail store (The Home Depot). (Z16-0016). (JW)

- 5h. 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 Davis removed Item 5d from the Consent Agenda.

Councilmember Dugger 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 7-0.

- 5d. Consider and act upon approving the purchase of five trucks for the Public Works Division and two trucks for the Park Operations Division, from Caldwell Country Chevrolet, through the Texas Local Government Purchasing Cooperative; and seven public safety rated sport utility vehicles for the Police Department, from Holiday Chevrolet, through a Tarrant County contract. (JC)

Purchasing Agent January Cook responded to questions related to the valuation process for vehicles to be replaced and the fund balance policy for the Vehicle and Equipment Replacement Fund (VERF). Ms. Cook confirmed that the funds from the sale of vehicles are factored into the VERF fund balance.

Councilmember Davis made a motion and Councilmember Dugger seconded the motion to approve Item 5d. 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.

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.

PUBLIC HEARINGS:

7. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.5± acre, from Single Family-15 (SF-15) to Planned Development-Downtown Single

Family (PD-DTSF), located on the southwest corner of Third Street and Field Street. (Z16-0026). (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to adopt development standards to accommodate two single family residences, in accordance with the DTSF District. The limited size and dimensions of the tract necessitate a Planned Development District. In order to accommodate the development, the applicant is proposing to reduce the required minimum lot depth.

Christina and Ken Huston, the applicants, addressed the Council about the proposed development. They confirmed that the houses will face Third Street, and will not be identical.

Mayor Smith opened the Public Hearing

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

Mr. Webb confirmed that the property is within a Neighborhood Empowerment Zone. If approved, the lot depth for the property would be reduced; however, the setback requirements would remain the same.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 17-02 rezoning 0.5± acre from Single Family-15 (SF-15) to Planned Development-Downtown Single Family (PD-DTSF), located on the southwest corner of Third Street and Field Street. The motion was approved by a vote of 7-0.

The Town Council recessed into Executive Session at 6:30 p.m.

The Town Council reconvened the Regular Session at 7:34 p.m.

8. Conduct a Public Hearing, and consider and act upon an ordinance amending Planned Development-38 (PD-38), on 83.6± acres, located on the northeast corner of US 380 and Coit Road. (Z16-0027). (JW)

Development Services Director John Webb presented this item before the Town Council. This item was tabled at the December 13, 2016, Town Council meeting due to Council's concerns regarding the potential number of drive-thru restaurants along US 380 and Coit Road. The applicant has since revised the request to address Council's concerns.

Mayor Smith opened the Public Hearing.

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

Larry Cates, Engineer with Cates-Clark & Associates, LLP, and Daniel Fuller, President of Shop Development, spoke on behalf of the applicant. Mr. Cates indicated that the applicant intends to attract a quick-service restaurant tenant on Lot 9, with a minimum interior tenant space of 3,500 square feet, which would satisfy Council's preference for a sit-down restaurant, while also providing drive-thru service. The applicant and the Town Council discussed several options for the number and location of drive-thru restaurants, and the possibility of restricting development of the outparcels until a building permit is issued for Market Street.

After discussion, Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 17-03 amending Planned Development-38 (PD-38), being 83.6± acres, located on the northeast corner of Coit Road and US 380 as submitted, with the following additions and revisions:

Section A.4.10 of Exhibit C shall be amended to read as follows:

A maximum of three restaurants with drive-thru service are permitted on Lots 5, 7, 10, 11, and 12, and the three restaurants shall be on non-contiguous lots. In addition, a restaurant shall also be permitted on Lot 9 with the conditions that:

1. The minimum size of the interior tenant space of a restaurant, with or without drive-thru service, shall be 5,000 square feet on Lot 9, exclusive of playground or play space; and
2. Any restaurant on Lot 9 shall be subject to Town Council approval of a Specific Use Permit for such restaurant.

The motion was approved by a vote of 5-2, with Mayor Pro-Tem Vogelsang and Councilmember Korbuly casting the opposing votes.

9. **Conduct a Public Hearing, and consider and act upon a request to rezone 14.1± acres, from Planned Development-43 (PD-43) to Planned Development-Commercial (PD-C), 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). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has requested the item be tabled to the February 14, 2017, Town Council meeting.

Councilmember Davis made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to table Item 9 to the February 14, 2017, Town Council meeting. The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for mini-warehouses or public storage buildings, on 5.0± acres, located on the east side of Cook Lane, 830± feet south of Prosper Trail. This property is zoned Planned Development-26 (PD-26). (S16-0011). (JW)**

Development Services Director John Webb presented this item before the Town Council. He reviewed the criteria to be considered in determining the validity of a SUP request. Town staff has received one Public Hearing Notice Reply from a property owner who represents an area greater than twenty percent of the subject land area; therefore, an affirmative vote of three-fourths of all members of the Town Council is required to approve the SUP request. Scott Norris and Coy Quine, representing the applicant, addressed the Council and provided additional information about the request. Town staff is not supportive of the request due to the proposed height of the building. Mr. Norris confirmed that he intends to apply for sign permits at a later date.

Mayor Smith opened the Public Hearing.

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

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve a request for a Specific Use Permit for a mini-warehouse or public storage buildings, on 5.0± acres, located on the east side of Cook Lane, 830± feet south of Prosper Trail, and all construction and development of the site shall substantially conform to the attached site plans, elevations, landscape plan and other attached exhibits. Further, building signage shall be limited to the north and west facades of Building A (west building), to be depicted in a revised elevation plan. Additionally, there shall be no gray mortar, and 100% masonry. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

11. Update on Roadway Projects. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Progress has been made on several major roadway projects planned for the Prosper area. The North Texas Tollway Authority (NTTA) has approved the extension of the Dallas North Tollway main lanes and bridge over US 380. The anticipated schedule of completion for these improvements is dependent on Collin County's completion of the southbound frontage road north of US 380 and the Texas Department of Transportation (TxDOT) finishing the work on US 380 between the Collin County/Denton County Line and Lovers Lane. Improvements along US 380 will include the widening of the existing four-lane undivided rural highway into a six-lane freeway with frontage roads in each direction. An overpass will be constructed at the Dallas North Tollway. The project also includes a third level overpass that will allow the main lanes of US 380 to travel over Preston Road unobstructed. TxDOT also recently approved traffic signal construction plans for the intersection of Windsong Parkway/Hollyhock Road at US 380.

No further action was taken.

12. Consider and act upon approving a Guaranteed Maximum Price (GMP) Amendment and Second Addendum to the Standard Form of Agreement AIA Document A133-2009 between Dean Electric, Inc., dba Dean Construction, and the Town of Prosper, related to Construction Manager-At-Risk services for the Town of Prosper Frontier Park North Field Improvements Project; and authorizing the Town Manager to execute same. (DR)

Parks and Recreation Director Dudley Raymond presented this item before the Town Council. The proposed GMP for the project is approximately \$7.4 million. Despite several deductions recommended by Town staff, the project remains over budget. Town staff recommended using Park Improvement Fees and Park Dedication Fees to cover the amount over budget plus a contingency amount for unforeseen expenses related to the project.

The Town Council provided direction to add the bridge lights back to the project at an estimated cost of \$6,500. Rather than amend the GMP amount, Mr. Raymond recommended the cost be funded from the contingency funds.

Town staff was also directed to investigate an apparatus that appears to have been constructed outside the fenced area controlled by Atmos Gas.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve a Guaranteed Maximum Price (GMP) Amendment and the Second Addendum to the Standard Form of Agreement between Dean Electric, Inc., dba Dean Construction, and the Town of Prosper, related to Construction Manager-At-Risk services for the Town of Prosper Frontier Park North Field Improvements Project; and authorize the Town Manager to execute same. The motion was approved by a vote of 7-0.

13. Consider and act upon an ordinance amending the FY 2016-2017 Budget and Capital Improvement Plan. (KN)

Finance Director Kelly Neal presented this item before the Town Council. The purpose of the proposed budget amendment is to provide additional funding to support the Frontier Park North Field Improvements project. Ms. Neal explained the increases to funding allocations for the project.

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 17-04 amending the FY 2016-2017 Budget and Capital Improvement Plan. The motion was approved by a vote of 7-0.

14. Consider and act upon an ordinance amending the Town's Code of Ordinances, Appendix A, "Fee Schedule," Section XI, "Rates for Collection of Solid Waste and Recyclables." (KN)

Finance Director Kelly Neal presented this item before the Town Council. In October 2016, the Town Council approved a new exclusive franchise agreement with Progressive Waste Solutions of TX, Inc., d/b/a Waste Connections. The proposed amendments to the Fee Schedule reflect the changes in the agreement, which goes into effect on February 1, 2017.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 17-05 amending the Town's Code of Ordinances, Appendix A, "Fee Schedule," Section XI, "Rates for Collection of Solid Waste and Recyclables." The motion was approved by a vote of 7-0.

15. Presentation on Waste Connections "3rd Eye Cam" features to the Solid Waste vehicles. (KN)

Finance Director Kelly Neal presented this item before the Town Council. Ms. Neal introduced Elizabeth Keller with Waste Connections, who continued the presentation. Ms. Keller explained the features of the GPS system and 3rd Eye cameras/recording devices that are now installed on all Waste Connections vehicles providing service to Prosper. The cameras are intended to enhance driver safety and improve customer service.

16. Consider and act upon a resolution approving the Town of Prosper and Prosper EDC Investment Policy and Investment Strategy and Addendum B of the Investment Policy: Banks/Broker Dealer Questionnaire. (KN)

Finance Director Kelly Neal presented this item before the Town Council. Recommended revisions to the policy resulted from a thorough review of recommended best practices to evaluate the requirements of the Public Fund Investment Act (PFIA) along with the passage of HB 870 and HB 1148 in the 2015 legislative session. The Town Council Finance Subcommittee as well as the Prosper Economic Development Corporation Board of Directors reviewed the proposed draft in December 2016. Both groups recommend approval. Additionally, the investment policy states the governing body or the Investment Officers acting as the "Investment Committee" shall, at least annually, review, revise and adopt a list of qualified broker/dealers and financial institutions that are authorized to engage in investment transactions with the Town and PEDC. The Broker/Dealer Certification and Questionnaire is included as Addendum B to the proposed Investment Policy.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve Resolution No. 17-06 approving the Town of Prosper and Prosper EDC Investment Policy and Investment Strategy and Addendum B of the Investment Policy: Banks/Broker Dealer Questionnaire. The motion was approved by a vote of 7-0.

17. **Consider and act upon a request for a variance to the Subdivision Ordinance regarding thoroughfare screening, for the Villages at Legacy, located on the northwest and southwest corners of Prairie Drive and Legacy Drive. (V16-0004). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting a variance to the Subdivision Ordinance requirements for thoroughfare screening to reduce the required 25-foot landscape buffer to 15 feet, due to an existing 50-foot gas pipeline easement along the south side of Prairie Drive and along the west side of Legacy Drive. All required landscaping will be provided in accordance with Town standards. Clint Richardson, the applicant, responded to Council's questions about berming and landscaping.

After discussion, Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve the request for a variance to the Subdivision Ordinance regarding thoroughfare screening, for the Villages at Legacy, located on the northwest and southwest corners of Prairie Drive and Legacy Drive. The motion was approved by a vote of 7-0.

18. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, related to the design of the Median Lighting - Coit Road (US 380 - First) project. (SG)**

Steve Glass, Deputy Director of Engineering Services, presented this item before the Town Council. The project will include design services, bidding administration, construction administration assistance and preparation of record drawings for the installation of LED street lights on Coit Road between US 380 and First Street. These lights will be similar to those on Preston Road; however, since the width of Coit Road is less than Preston Road, the wattage of the LED will be reduced to mitigate light spilling into the adjacent neighborhoods. Hulon Webb, Executive Director of Development and Community Services, stated that a photometric study will be conducted to determine the appropriate spacing between light poles.

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between Teague Nall and Perkins Inc., and the Town of Prosper, related to the design of the Median Lighting - Coit Road (US 380 - First) project. The motion was approved by a vote of 7-0.

19. 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:

19a. Section 551.087 – To discuss and consider economic development incentives.

19b. 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.

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

The Town Council recessed into Executive Session at 10:00 p.m.

The Town Council reconvened the Regular Session at 10:37 p.m.

No action was taken as a result of Executive Session

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

• Maintenance Bonds (SG)

Steve Glass, Deputy Director of Engineering Services, updated the Council on a proposed revision to the Town's maintenance bond requirement for the construction of public improvements. Town staff recommends increasing the bond amount to 100% of the cost of public improvements. The proposed revision will be included as part of an upcoming revision to the Subdivision Ordinance.

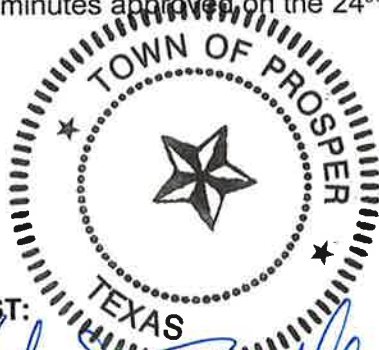
• Update on Town Hall and Town Hall Infrastructure Projects (HW)

Hulon Webb, Executive Director of Development and Community Services, updated the Council on both projects. Construction on Main Street is scheduled for April–August 2017. Construction on Broadway is currently scheduled for September 2017–January 2018; however, this schedule will conflict with the annual Prosper Christmas Festival, unless the Festival is held in an alternate location. Town staff was directed to obtain a recommendation from the Christmas Festival Committee.

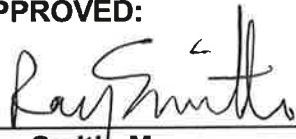
22. Adjourn.

The meeting was adjourned at 10:54 p.m. on Tuesday, January 10, 2017.

These minutes approved on the 24th day of January, 2017.

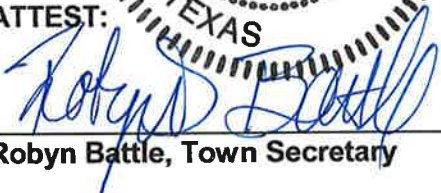


APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary