



Prosper is a place where everyone matters.

Agenda
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, September 10, 2019
5:45 PM

Call to Order/ Roll Call.

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

Announcements of recent and upcoming events.

Presentations.

1. Presentation of a Proclamation to members of the Preston Ridge Chapter of the Daughters of the American Revolution declaring September 17-23, 2019, as *Constitution Week*. **(RB)**

AGENDA BRIEFING:

Questions About Items Listed on the Regular Meeting Agenda.

Discussion Items.

2. Discussion on Revised Empowerment Zones and Architectural Standards for the Downtown Commercial and Residential Areas. **(JW)**
3. Discussion on the Town Hall Lobby Art project. **(RB)**

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.

4. Consider and act upon the minutes from the August 27, 2019, Town Council meeting. **(RB)**
5. Consider and act upon a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2019-2020. **(RB)**
6. Consider and act upon adopting the FY 2019-2020 Prosper Economic Development Corporation budget. **(RS)**
7. Consider and act upon an ordinance approving a tariff authorizing an annual rate review (RRM) mechanism settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the Company's 2019 rates set by the settlement as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code. **(KN)**
8. Consider and act upon approving an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through t

National Cooperative Purchasing Alliance (NCPA); and authorizing the Town Manager to execute the same. **(CS)**

9. Consider and act upon an ordinance amending Chapter 13, "Utilities," of the Town's Code of Ordinances by adopting a new Article 13.13, "Wastewater Inflow Prevention Plan"; and adopting a Wastewater Inflow Prevention Plan. **(FJ)**
10. Consider and act upon authorizing the Town Manager to execute an Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County. **(JW)**
11. Consider and act upon authorizing the Town Manager to execute Amendment Thirteen to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2019-2020, relating to Animal Control Services. **(JW)**
12. Consider and act upon an ordinance abandoning a portion of Fishtrap Road prescriptive right-of-way, located north of the intersection of Fishtrap Road and Gee Road, north of US 380. **(AG)**
13. Consider and act upon an ordinance abandoning portions of Good Hope Road prescriptive right-of-way, located north of US 380 and south of a point 150 feet north of Mill Branch Drive. **(AG)**
14. Consider and act upon an ordinance abandoning a portion of S. Coleman Street right-of-way, located south of First Street, north of Preston Road. **(AG)**
15. 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)**

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.

REGULAR AGENDA:

If you wish to address the Town Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

16. Conduct a Public Hearing, and consider and act upon an ordinance to amend Planned Development-33 (PD-33), on 127.9± acres, located on the southwest corner of Prosper Trail and Cook Lane, to allow for the expansion of a House of Worship (Prestonwood Baptist Church), including a Private School and Gymnasium. (Z19-0012). **(AG)**

- [17.](#) Consider and act upon an ordinance adopting the Fiscal Year 2019-2020 Annual Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020. **(KN)**
- [18.](#) Consider and act upon an ordinance adopting the Town of Prosper 2019 Property Tax Rate. **(KN)**
- [19.](#) Consider and act upon a resolution adopting the Fiscal Year 2019-2020 Capital Improvement Program. **(HW)**
- [20.](#) Consider and act upon an ordinance amending various Town Fees; amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by amending Section 1, "Construction Permits and Fees," by adding a new subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new subsection (d), "Camera Inspection Fee for Wastewater Mains"; amending subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances by adding thereto a new subpart (l), "Engineering Plan Review Fees"; repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates." **(KN)**
- [21.](#) Discussion on the Downtown Open Space. **(DR)**

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:

Section 551.087 – To discuss and consider economic development incentives.

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.

Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.

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

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

22. Discuss Development and Infrastructure Fees. **(JW/HW)**
23. Discuss Tailgate Party. **(RB)**

Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 200 S. Main Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, September 6, 2019, and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
 Council Chambers
 Prosper Town Hall
 200 S. Main Street, Prosper, Texas
 Tuesday, August 27, 2019

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

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

Staff Members Present:

Harlan Jefferson, Town Manager
 Terry Welch, Town Attorney
 Robyn Battle, Town Secretary/Public Information Officer
 Chuck Springer, Executive Director of Administrative Services
 Kelly Neal, Finance Director
 Kala Smith, Human Resources Director
 Hulon Webb, Engineering Services Director
 John Webb, Development Services Director
 Alex Glushko, Planning Manager
 Doug Kowalski, Police Chief
 Stuart Blasingame, Fire Chief
 Pete Anaya, Assistant Director of Engineering Services – Capital Projects
 Dudley Raymond, Parks and Recreation Director

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

Pastor Jim Lugar of Life Journey Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the following announcements:

The Town will host a public meeting on the Proposed FY 2019-2020 Budget this Thursday, August 29, at 6:30 p.m. here in Council Chambers. Town staff will present highlights from the proposed budget and the budget process, and will be available to answer questions.

The public is invited to attend the 8th Annual Town of Prosper Community Picnic on Saturday, September 7, from 4:00-7:00 p.m. in Frontier Park. Free hot dogs will be served by members of the Town Council, courtesy of Lighthouse Christian Fellowship Church. Activities include a petting zoo, pony rides, inflatable games, face painting, food and drinks. Attendees are encouraged to

bring canned goods for the Bethlehem Place "Hunger is No Picnic" food drive, and unwrapped gifts or toys to benefit Cornerstone's "September Santa" gift drive. Families are welcome to bring lawn chairs, blankets, and picnic supplies to this annual community event.

The Town's Water Conservation Division will offer free classes on effective landscaping and watering techniques on September 9 and September 23. More information and online registration is available on the Town website.

The Town's Community Emergency Response Team (or CERT Team) will begin classes for new members on September 19. CERT offers specialized training in disaster response and preparedness for volunteers who live or work within the Town of Prosper. Contact the Town's Office of Emergency Management for more information.

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.

1. **Consider and act upon the minutes from the August 13, 2019, Town Council meeting. (RB)**
2. **Receive the June Financial Report (KN)**
3. **Receive the Quarterly Investment Report (KN)**
4. **Consider and act upon Ordinance No. 19-57 amending Section 3, "Application Submittal and Processing Procedures"; Section 4, "Platting Requirements"; and Section 8, "Definitions" of the Town's Subdivision Ordinance of Chapter 10, "Subdivision Regulations," of the Code of Ordinances. (JW)**
5. **Consider and act upon authorizing the Town Manager to execute the Second Amendment to Development Agreement with Greenspoint f/k/a/ Collinsbrook Development to modify the park maintenance responsibilities of the Town and the Greenspoint HOA. (DR)**
6. **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 Hodges 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.

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.

Paul Parkes, 196 Springbrook Drive, Prosper, spoke on behalf of St. Martin de Porres Catholic Church, regarding a request by the church for a waiver to support a temporary sign to be used two to three times per year.

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.

Items for Individual Consideration:

- 7. Conduct a Public Hearing to consider and discuss the FY 2019-2020 Budget, as proposed. (KN)**
- 8. Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenue from properties on the tax roll in the preceding tax year by 15.16 percent. (KN)**
- 9. Conduct a Public Hearing to consider and discuss proposed Water and Wastewater utility rate structure. (KN)**

Mayor Smith opened Items 7, 8, and 9 concurrently, then read a statement announcing the dates, times, and locations of the two Public Hearings on the proposed tax rate.

Finance Director Kelly Neal presented Items 7, 8, and 9 before the Town Council. The highlights of the Proposed FY 2019-2020 Budget include no property tax rate increase, although there is an increase in property valuations, as well as new properties added to the tax roll. The priorities for the Proposed Budget are to increase service levels to residents, provide improvements to infrastructure, and provide public safety resources. Ms. Neal reviewed the growth pressures the Town is experiencing from increased population and development. The Town’s 2019 certified appraised value increased by 14.8% from the previous year, which means the average homeowner is estimated to pay an average of \$7.58 more per month than last year for property taxes. The Proposed Budget is comprised of the base budget for recurring operational costs and personnel, plus discretionary and non-discretionary supplemental packages for new services, new personnel, or cost increases for existing services and programs. Ms. Neal reviewed residential and commercial construction and permit activity. The Town Council has proposed a tax rate of \$0.52 per \$100 valuation for the thirteenth consecutive year. Ms. Neal provided an overview of the Town’s historical sales tax collections and the sales tax projection for FY 2019-2020. The Town recently conducted a compensation market study which will result in a market increase to be phased in over the next three years. Public Safety personnel are on a step plan with a 3% increase, and civilian pay is based on a merit system with an average 3% increase. Ms. Neal reviewed the 23 proposed new positions in the budget. General Fund expenditures in the proposed budget total \$30.8 million. Town staff considered several assumptions when developing the budget, including the new rollback rate limitation of 3.5% set by the state legislature, continued sales tax growth, and the need for additional civilian and public safety staff as the Town’s population continues to grow. The Town’s Water and Sewer Fund revenue for FY 2019-2020 is estimated at \$24.9 million, with no change to residential water and sewer rates. Ms. Neal reviewed proposed major water and sewer program enhancements. The Town takes advantage

of grant opportunities to fund projects whenever possible, utilizing an Internal Grant Committee to review potential grant sources.

Hulon Webb, Director of Engineering, continued the presentation with an overview of the Capital Improvement Program (CIP). The Town's approach to infrastructure planning is to coordinate with developers and regional partners whenever possible to construct improvements to accommodate the Town's rapid growth, and to mitigate the negative impacts of that growth. Town staff recently proposed the use of alternative construction bidding methods to get the best value. To maximize opportunities for regional funding, the Town has strategically selected projects to design ahead of time so they will be "shovel ready" if/when funding opportunities arise. The current CIP includes over \$1 billion in regional infrastructure, including five overpasses on US 380 between the Dallas North Tollway and Custer Road. Mr. Webb reviewed the major projects in the FY 2019-2020 CIP. The Town Council emphasized the need for collaboration and coordination with Prosper ISD to ensure adequate roads are built in conjunction with new schools opening.

Dudley Raymond, Parks and Recreation Director, responded to questions about specific Parks and Recreation CIP Projects, which are largely dependent on the individual developers' timelines.

Ms. Neal continued the presentation with an overview of the key dates in the budget process, which include the first of two Public Hearings on the FY 2019-2020 Budget and the proposed tax rate.

Mayor Smith opened the Public Hearings for Items 7, 8, and 9 concurrently.

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

No further action was taken.

10. Discussion on the Town Hall Lobby Art project. (RB)

Town Staff requested this item be tabled to the September 10, 2019, Town Council meeting.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to table Item 10 to the September 10, 2019, Town Council meeting. The motion was approved by a vote of 7-0.

- 11. Conduct a Public Hearing, and consider and act upon a request to rezone 11.0± acres from Planned Development-65 (PD-65) to Planned Development-Multifamily (PD-MF), located on the south side of future Prairie Drive, west of future Legacy Drive, to facilitate the development of a Retirement Housing Complex, consisting of one (1) and three (3) story buildings. (Z19-0005). (AG)**
- 12. Conduct a Public Hearing, and consider and act upon a request to rezone 5.7± acres from Planned Development-65 (PD-65) to Office (O), located on the southwest corner of future Prairie Drive and Mahard Parkway. (Z19-0006). (AG)**
- 13. Conduct a Public Hearing, and consider and act upon a request to rezone 15.1± acres of Planned Development-43 (PD-43) and Specific Use Permit-9 (SUP-9), and 3.1± acres of Planned Development-65 (PD-65) to Planned Development (PD), located on the northwest corner of Mahard Parkway and US 380, to**

facilitate the development of a Major Automotive Repair Facility (Toyota/Penske). (Z19-0007). (AG)

Mayor Smith opened Items 11, 12, and 13 concurrently.

Planning Manager Alex Glushko presented all three items concurrently before the Town Council. The purpose of the zoning request in Item 11 is to rezone 11.0± acres from PD-65 to Planned Development-Multifamily to allow for development of an age-restricted retirement housing complex. The complex will consist of a three-story, 217,285 square foot building, containing 180 single and two-bed units. It will also consist of four 3,100 square-foot, two-family, single-story "Villas." In total, the retirement housing complex will consist of 188 dwelling units which will be age-restricted to residents 55 years of age and older.

The purpose of the zoning request in Item 12 is to rezone the property to the Office District to allow for development in the future. At the time of an application for "straight" zoning, the applicant is not required to submit an exhibit depicting how the property will be specifically developed or elevations of the proposed building. Prior to development, the developer will be required to submit a Preliminary Site Plan and/or a Site Plan for review and approval by the Planning & Zoning Commission. The applicant has been advised of the standards necessary for development.

The subject property in Item 13 consists of two tracts; the fifteen-acre tract on which the existing Longo Toyota automobile dealership is located, which is currently zoned PD-43 and SUP-9; and the three-acre undeveloped tract, currently zoned PD-65 for single family residential uses, which is proposed to be developed as a major automobile repair/collision repair facility (Penske). The Toyota and Penske ownership groups are related; therefore, this proposal would put both developments under a common PD zoning district. The proposed zoning for Toyota will remain significantly the same as the existing zoning; however, the layout will be slightly modified in order to provide cross-access from the Toyota dealership to the Penske collision repair facility to the north. The Penske collision repair facility is proposed to consist of a one-story, 29,972 square-foot building, with 145 total parking spaces intended to serve customers, employees, and storage. The Executive Development Team (EDT) recommended on-street parking for customers, employees or other vehicles related to the Toyota Rapid Repair tract shall be prohibited, and that all collision-related vehicles must be stored and screened on the rapid repair tract, not on the Toyota dealership tract. The applicant has included the EDT's recommendation in the proposed development standards.

Responding to a question from Council, Town Attorney Terry Welch confirmed that a violation of the age restrictions in the senior living development would be considered a zoning violation, and any future change in the age restriction requirement would require Council approval.

Clint Richardson, representing the property owner, Greater Texas Land Resources, spoke in favor of the requests, noting that he supports the proposed uses and the dry detention pond.

Tim O'Hanlon, representing the developer of the senior living development, the Alder Group, spoke in favor of the request, and presented photographs of a similar senior living development in an adjacent community. He indicated that the proposed parking is adequate for the development, since most units will only have one car, and only 5

6 staff will work at the facility. Responding to a question from the Council, Steve Rosencast, facility management consultant for the applicant, indicated that the staff are trained to communicate with residents' family members about assisting residents with the transition to more skilled nursing care environments when the need arises. Bart Tinsley of the Alder Group responded to questions about the stone exterior, indicating that the proposed development will use real stone, and not a stone veneer.

Craig Curry, representing the property owner for the Office rezoning request and the adjacent residential development, Greater Texas Land Resources, indicated that he has no plans to request smaller lots at this time. He also indicated that the Office zoning request is a placeholder for now, and may include a hotel use in the future. The Council expressed an interest in adding language to the proposed ordinance that would require the Office development to comply with the Town's development standards as they exist today.

Mayor Smith opened the Public Hearings for Items 11, 12, and 13 concurrently.

Nicholas Smith, 520 Komron Court, Prosper, spoke in favor of the request, noting the importance of enforcing plans once they are approved to ensure developers are held to a high standard.

With no one else speaking, Mayor Smith closed the Public Hearings.

The Council discussed the location and screening of the proposed detention pond. Mr. O'Hanlon and David Bond of Spiars Engineering, Engineer for the Toyota/Penske project, responded to questions about the landscape plan and screening. The changes discussed at tonight's meeting will be incorporated into a proposed ordinance and development agreement which will be brought forward for Council approval at a future meeting.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve the request, subject to: 1. Authorizing a dry detention area as reflected on Exhibit D, the conceptual plan; and 2. Approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with proposed Exhibit F. The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve the request to rezone 5.7± acres from Planned Development-65 (PD-65) to Office (O), located on the southwest corner of future Prairie Drive and Mahard Parkway and approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with the Town's masonry requirements for office structures. The motion was approved by a vote of 7-0.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to rezone 15.1± acres of Planned Development-43 (PD-43) and Specific Use Permit-9 (SUP-9), and 3.1± acres of Planned Development-65 (PD-65) to Planned Development (PD), located on the northwest corner of Mahard Parkway and US 380, to facilitate the development of a Major Automotive Repair Facility (Toyota/Penske), subject to approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with proposed Exhibit F.

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:

Section 551.087 – To discuss and consider economic development incentives.

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 9:20 p.m.

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

The Town Council reconvened the Regular Session at 10:18 p.m. No action was taken as a result of the Closed Session.

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

14. Infrastructure Fee Waivers. (HW)

This item was not discussed.

Adjourn.

The meeting was adjourned at 10:18 p.m. on Tuesday, August 27, 2019.

These minutes approved on the 10th day of September 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

**TOWN SECRETARY/PIO**

To: Mayor and Town Council
From: Robyn Battle, Town Secretary
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2019-2020.

Description of Agenda Item:

Section 2051.049 of the Texas Government Code provides that the Town Council shall select one or more newspapers to publish notices, and Section 11.02 of the Town Charter states that the Town Council shall annually declare an official newspaper of general circulation in the Town. *The Prosper Press* meets these requirements for the purpose of publishing ordinances, election notices, public hearing notices, and other notices required by ordinance, the Town Charter and state law. Town staff recommends the continued use of *The Dallas Morning News* as an alternate advertising source in the event that the Town encounters a situation where an advertising or public notice deadline could not be timely met by *The Prosper Press*.

Legal Obligations and Review:

The proposed resolution is a standard format previously approved by the Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P.

Attached Documents:

1. Resolution

Town Staff Recommendation:

Town staff recommends the Town Council adopt a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2019-2020.

Proposed Motion:

I move to adopt a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2019-2020.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 19-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DESIGNATING *THE PROSPER PRESS* AS THE OFFICIAL NEWSPAPER OF THE TOWN OF PROSPER, AND *THE DALLAS MORNING NEWS* AS AN ALTERNATE ADVERTISING SOURCE, FOR FISCAL YEAR 2019-2020.

WHEREAS, Section 11.02 of the Prosper Town Charter provides that the Town Council shall declare annually an official newspaper of general circulation in the Town. All ordinances, notices and other matters required by the Charter, Town ordinance, or the Constitution and laws of the State of Texas shall be published in the official newspaper; and

WHEREAS, Section 2051.049 of the Texas Government Code provides that the Town Council shall select one or more newspapers to publish notices; and

WHEREAS, Resolution No. 15-31, approved by the Prosper Town Council on May 26, 2015, provides that *The Dallas Morning News* is authorized as an alternate advertising source in the event that the Town encounters a situation where an advertising or public notice deadline could not be timely met by *The Prosper Press*; and

WHEREAS, the Town Council of the Town of Prosper desires to designate the official public newspaper and an alternate newspaper of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The Town Council of the Town of Prosper hereby designates *The Prosper Press*, a public newspaper in and of the Town of Prosper, Texas, as the official newspaper of said Town, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published. The *Dallas Morning News* is hereby designated as an authorized advertising source in the event that the Town encounters a situation where an advertising or public notice deadline cannot be timely met by *The Prosper Press*.

SECTION 2

This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 10TH DAY OF SEPTEMBER 2019.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



To: Prosper Town Council

From: Ray Smith, Mayor and PEDC Board Member

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon adopting the FY 2019-2020 Prosper Economic Development Corporation budget.

Description of Agenda Item:

Section 21 of the Development Corporation Act of 1979 (Texas Revised Civil Statutes Article 5190.6), the “Act,” provides that the Town shall approve all programs and expenditures of the development corporation and shall annually review any financial statements of the corporation. It further provides that at all times the Town will have access to the books and the records of the development corporation. Additionally, Section 23(a)(13) of the Act states that the powers of the corporation shall be subject at all times to the control of the Town’s governing body.

Budget Impact:

There is no impact to the Town of Prosper’s General Fund as the Prosper Economic Development Corporation (Prosper EDC) is funded wholly by a half-cent of the local sales tax revenue. Since approved by Prosper citizens in 1996, the Prosper EDC has endeavored as its mission to “create jobs and capital investment” with the aim of expanding the local commercial property tax base and sales tax base, thereby lessening the property tax burden on homeowners.

Attached Documents:

1. FY 2019-2020 Prosper Economic Development Corporation budget as approved by the Prosper EDC Board on August 21, 2019.

Prosper EDC Board Recommendation:

The Prosper EDC Board recommends that the Town Council review and adopt the FY 2019-2020 Prosper Economic Development Corporation budget.

Proposed Motion:

I move to adopt the FY 2019-2020 Prosper Economic Development Corporation budget.

PROSPER ECONOMIC DEVELOPMENT CORPORATION
 FY 2019-2020 Annual Budget
 Final

Item 6.

	Final FY 2017-2018	Approved/Amended FY 2018-2019	Actual to Date FY 2018-2019	PROPOSED FY 2019-2020
REVENUES				
800 4120 65 00 Sales Tax	\$ 2,047,473.00	\$ 2,455,008	\$ 2,394,619	\$ 2,750,000
800 4610 65 00 Interest on Investments	\$ 36,000.00	\$ 50,000	\$ 95,524	\$ 100,000
800 4910 65 00 Other Revenue		\$ -	\$ 46	
Total Revenues	\$ 2,083,473.00	\$ 2,505,008	\$ 2,490,189	\$ 2,850,000
EXPENSES				
Personnel Services - Salary				
800 5110 65 00 Salaries & Wages	\$ 374,333.00	\$ 385,562	\$ 172,665	\$ 384,092
800 5115 65 00 Salaries - Overtime		\$ -	\$ -	\$ -
800 5140 65 00 Salaries - Longevity Pay	\$ 85.00	\$ 275	\$ 270	\$ 320
800 5141 65 00 Salary Incentive	\$ 20,000.00	\$ 20,000	\$ -	\$ 25,000
800 5142 65 00 Car Allowance	\$ 14,400.00	\$ 14,400	\$ 4,200	\$ 14,400
800 5143 65 00 Cell Phone Allowance	\$ 2,580.00	\$ 2,580	\$ 1,390	\$ 2,880
800 0000 65 00 Temporary Salaries		\$ -	\$ -	\$ -
Total Salary	\$ 411,398.00	\$ 422,817	\$ 178,525	\$ 426,692
Personnel Services - Benefit				
800 5145 65 00 Social Security Expense	\$ 24,044.00	\$ 24,335	\$ 8,222	\$ 24,905
800 5150 65 00 Medicare Expense	\$ 5,624.00	\$ 5,692	\$ 2,401	\$ 5,825
800 5155 65 00 Unemployment (SUTA)	\$ 513.00	\$ 486	\$ 18	\$ 486
800 5160 65 00 Health Insurance	\$ 25,107.00	\$ 26,378	\$ 18,108	\$ 35,381
800 5165 65 00 Dental Insurance	\$ 1,382.00	\$ 1,451	\$ 920	\$ 1,398
800 5170 65 00 Life Insurance	\$ 517.00	\$ 517	\$ 186	\$ 517
800 5175 65 00 Liability (TML) Worker's Comp	\$ 388.00	\$ 746	\$ 338	\$ 764
800 5176 65 00 TML Prop. & Liab. Insurance		\$ -	\$ -	\$ -
800 5180 65 00 TMRs-Expense	\$ 54,137.00	\$ 53,182	\$ 24,058	\$ 54,430
800 5185 65 00 Long Term/Short Term Disability	\$ 712.00	\$ 715	\$ 317	\$ 730
800 5186 65 00 WELLE-Wellness Prog Reimb-Empl	\$ 600.00	\$ 600	\$ 517	\$ 1,200
Total Benefits	\$ 113,024.00	\$ 114,102	\$ 55,084	\$ 125,636
Operating, Land & Incentive Expenses				
800 5189 65 00 Admin. Fees to Town	\$ 15,000.00	\$ 15,000	\$ 12,500	\$ 15,000
800 5190 65 00 Contract Labor		\$ 50,000	\$ -	\$ 50,000
800 5191 65 00 Hiring Cost		\$ -	\$ -	\$ -
800 5210 65 00 Office Supplies	\$ 2,500.00	\$ 2,500	\$ 943	\$ 2,500
800 5212 65 00 Building Supplies	\$ 500.00	\$ 500	\$ 851	\$ 800
800 5220 65 00 Office Equip & Furniture	\$ 45,000.00	\$ 15,000	\$ 2,428	\$ 15,000
800 5230 65 00 Dues & Subscriptions	\$ 30,000.00	\$ 40,000	\$ 13,416	\$ 40,000
800 5240 65 00 Postage & Freight	\$ 1,000.00	\$ 1,000	\$ 255	\$ 1,000
800 5265 65 00 Promotional Expense	\$ 55,000.00	\$ 80,000	\$ 16,546	\$ 85,000
800 5280 65 00 Printing and Reproduction	\$ 15,000.00	\$ 5,000	\$ 213	\$ 5,000
800 5305 65 00 Chapter 380 Program Grant	\$ 81,177.00	\$ 504,515	\$ 410,489	\$ 554,570
800 5310 65 00 Rental/Office Lease	\$ 47,500.00	\$ 65,500	\$ 58,325	\$ 60,000
800 5330 65 00 Copier Expense	\$ 5,500.00	\$ 5,500	\$ 1,662	\$ 5,500
800 5340 65 00 Building Repairs	\$ 500.00	\$ 500	\$ -	\$ 500
800 5410 65 00 Professional Services	\$ 70,000.00	\$ 225,000	\$ 148,893	\$ 225,000
800 5412 65 00 Audit Fees	\$ 1,750.00	\$ 2,375	\$ 2,375	\$ 2,494
800 5414 65 00 Appraisal/Tax Fees		\$ -	\$ 1,676	\$ -
800 5418 65 00 IT Fees		\$ -	\$ -	\$ -
800 5430 65 00 Legal Fees	\$ 15,000.00	\$ 25,000	\$ 5,782	\$ 20,000
800 5480 65 00 Contracted Services	\$ 12,500.00	\$ -	\$ -	\$ -
800 5520 65 00 Telephones-Cable	\$ 4,200.00	\$ 4,200	\$ 547	\$ -
800 5521 65 00 Cell Phone Expense		\$ -	\$ -	\$ -
800 5523 65 00 Water	\$ 500.00	\$ -	\$ -	\$ -
800 5524 65 00 Gas - Office	\$ 400.00	\$ -	\$ -	\$ -
800 5525 65 00 Electricity - Office	\$ 2,100.00	\$ -	\$ -	\$ -
800 5526 65 00 Mobile Data Network		\$ 1,000	\$ 760	\$ 1,000
800 5530 65 00 Travel/Lodging/Meals Expense	\$ 20,000.00	\$ 30,000	\$ 2,800	\$ 30,000
800 5531 65 00 Prospect Mtgs/Business Meals	\$ 6,000.00	\$ 10,000	\$ 2,663	\$ 10,000
800 5533 65 00 Mileage Expense	\$ 500.00	\$ 500	\$ 430	\$ 500
800 5536 65 00 Training/Seminars	\$ 10,900.00	\$ 15,000	\$ 4,868	\$ 15,000
800 6015 65 00 Project Incentives	\$ 4,100.00	\$ 10,000	\$ -	\$ 100,000
800 7100 65 0 Operating Transfer Out			\$ 660	
Total Expenses	\$ 446,627.00	\$ 1,108,090	\$ 689,084	\$ 1,238,864
Total Operating Costs	\$ 971,049	\$ 1,645,009	\$ 922,693	\$ 1,791,192
Net Income	\$ 1,112,424	\$ 859,999	\$ 1,567,496	\$ 1,058,808

FINANCE

To: Mayor and Town Council

From: Kelly Neal, CGFO, CPM, Finance Director

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance approving a tariff authorizing an annual rate review (RRM) mechanism settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the Company's 2019 rates set by the settlement as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code.

Description of Agenda Item:

The Town of Prosper, along with 171 other Mid-Texas municipalities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by the ACSC members in 2018. On or about April 1, 2019, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The company claimed that its cost of service in a test year ending December 31, 2018, entitled it to additional system-wide revenues of \$70 million. Application of the standards set forth in ACSC's RRM tariff required Atmos to reduce its request to \$54 million, \$39.3 million of which would be applicable to ACSC members. ACSC's consultant concluded that the system-wide deficiency under the RRM regime should be \$38.7 million instead of the claimed \$54 million. The amount of the \$38.7 million deficiency applicable to ACS members would be \$28.2 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$35.4 million from ACSC Cities. Atmos generated proof that the rate tariffs attached to the Ordinance will generate \$35.4 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this staff report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

The impact of the settlement on average residential rates is an increase of \$2.05 on a monthly basis, or 3.7 percent. The increase for average commercial usage will be \$6.18 or 2.31 percent. A bill impact comparison is attached as Attachment 2.

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking, ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2019, ACSC residents will have a slight economic monthly advantage over comparable GRIP and comparable DARR rates (see Attachment 3).

The Executive Committee recommends a settlement at this amount. The Effective Date for new rates is October 1, 2019. ACSC members should take action approving the Ordinance before the end of September.

Legal Obligations and Review:

Geoffrey M. Gay, ACSC's general counsel prepared the attached Ordinance and Attachments 1, 2 and 3. Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Exhibit A – Rate Tariffs Effective October 1, 2019
3. Exhibit B – 2019 Benchmark for Pensions and Retiree Medical Benefits
4. Exhibit C – 2019 Amortization Schedule for Regulatory Liability
5. Attachment 1 – Proof of Revenues
6. Attachment 2 – Bill Impact
7. Attachment 3 – RRM Monthly Savings Over GRIP and DARR Rates

Town Staff Recommendation:

Town staff recommends approval of the ordinance approving a tariff authorizing an annual rate review (RRM) mechanism settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the Company's 2019 rate review mechanism filing rates set by the settlement as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code.

Recommended Motion:

I move to approve the ordinance authorizing an annual rate review (RRM) mechanism settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the Company's 2019 rates set by the settlement as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the Town of Prosper, Texas (“Town”), is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the Town is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2019, Atmos Mid-Tex filed its 2019 RRM rate request with ACSC Cities based on a test year ending December 31, 2018; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2019 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$35.4 million applicable to ACSC Cities; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC’s reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

Without prejudice to future litigation of any issue identified by ACSC, the Town Council finds that the settled amount of an increase in revenues of \$35.4 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex’s 2019 RRM filing, is in the public interest, and is consistent with the Town’s authority under Section 103.001 of the Texas Utilities Code.

SECTION 3

The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs, attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$35.4 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION 4

The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex’s next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

SECTION 5

The amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

SECTION 6

Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company’s 2019 RRM filing.

SECTION 7

To the extent any resolution or ordinance previously adopted by the Town is inconsistent with this Ordinance, it is hereby repealed.

SECTION 8

The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 9

If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 10

Consistent with the Town ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2019.

SECTION 11

A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED by the Town Council of the Town of Prosper, Texas, on this the 10th day of September, 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM:

Terrence S. Welch, Town Attorney

EXHIBIT A

EXHIBIT B

EXHIBIT C

Exhibit A
Rate Tariffs Effective October 1, 2019

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 19.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.17423 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2019.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 46.50 per month
Rider CEE Surcharge	\$ 0.02 per month ²
Total Customer Charge	\$ 46.52 per month
Commodity Charge – All Ccf	\$ 0.09924 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2019.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.77	0.1487	88.49	0.7036
Austin	9.04	0.1537	201.48	1.0000
Dallas	13.07	0.2202	184.64	1.1385
Waco	8.77	0.1470	135.70	0.7744
Wichita Falls	11.40	0.1468	117.90	0.5943

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B

2019 Benchmark for Pensions and Retiree Medical Benefits

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2018**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Proposed Benefits Benchmark - Fiscal Year 2019 Willis Towers							
1	Watson Report as adjusted (1) (2) (3)	\$ 2,744,088	\$ 2,267,927	\$ 4,724,119	\$ 193,211	\$ 2,621,842	
2	Allocation to Mid-Tex	43.48%	43.48%	73.88%	100.00%	73.88%	
Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)							
3		\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	\$ 7,799,544
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	81.35%	81.35%	38.28%	16.24%	38.28%	
11							
12							
13	Total Pension Account Plan	\$ 970,514		\$ 1,336,038			\$ 2,306,553
14	Total Post-Employment Benefit Plan		\$ 802,108			\$ 741,489	1,543,597
15	Total Supplemental Executive Benefit Plan				\$ 31,377		31,377
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 970,514	\$ 802,108	\$ 1,336,038	\$ 31,377	\$ 741,489	\$ 3,881,527

18 Notes:

- 19 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
- 20 2. The Company is requesting that the benchmark amount approved by the RRM Cities for future periods include only the expense amount.
- 21 The amount attributable to capital would continue to be recorded to utility plant through the overhead process as described in the CAM.
- 22 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C

2019 Amortization Schedule for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2018
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount (1)	Annual Amortization (2)	End of Year Rate Base Adjustment Amount
	(a)	(b)	(c)	(d)
1	2018	\$ 290,043,948	\$ -	290,043,948
2	2019	290,043,948	12,085,165	277,958,784
3	2020	277,958,784	12,085,165	265,873,619
4	2021	265,873,619	12,085,165	253,788,455
5	2022	253,788,455	12,085,165	241,703,290
6	2023	241,703,290	12,085,165	229,618,126
7	2024	229,618,126	12,085,165	217,532,961
8	2025	217,532,961	12,085,165	205,447,797
9	2026	205,447,797	12,085,165	193,362,632
10	2027	193,362,632	12,085,165	181,277,468
11	2028	181,277,468	12,085,165	169,192,303
12	2029	169,192,303	12,085,165	157,107,139
13	2030	157,107,139	12,085,165	145,021,974
14	2031	145,021,974	12,085,165	132,936,810
15	2032	132,936,810	12,085,165	120,851,645
16	2033	120,851,645	12,085,165	108,766,481
17	2034	108,766,481	12,085,165	96,681,316
18	2035	96,681,316	12,085,165	84,596,152
19	2036	84,596,152	12,085,165	72,510,987
20	2037	72,510,987	12,085,165	60,425,823
21	2038	60,425,823	12,085,165	48,340,658
22	2039	48,340,658	12,085,165	36,255,494
23	2040	36,255,494	12,085,165	24,170,329
24	2041	24,170,329	12,085,165	12,085,165

25	2042	12,085,165	12,085,165	(0)
27				
28				
29	Revenue Related Tax Factor		6.71%	See WP_F-5.1
	Revenue Related Taxes on Annual			Amortization * Tax
30	Amortization (see WP_B-6.3)	\$	810,653	Factor
31	Related Taxes (see WP_B-6.3)	\$	<u>12,905,421</u>	Amortization + Taxes

32

33 Notes:

- 34 1. The beginning 2018 balance is the September, 2018 balance. The regulatory
35 liability for excess deferred taxes is an estimate. This estimate will be
36 finalized when the Company files its federal tax return in July, 2019. To the
37 extent that this estimate changes with the filing of the Company's tax return,
38 the Company will 'true-up' the amount in the 2020 RRM filing.
- 39 2. The annual amortization of a 24 year recovery period is based on the
40 Reverse South Georgia Method.
- 41 3. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.

Attachment 1
Proof of Revenues

**ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - SYSTEMWIDE
TEST YEAR ENDING DECEMBER 31, 2018**

Line No.	Customer Class (a)	Current (b)	Proposed (c)	Bills (d)	Ccf/MmBtu (e)
1	Residential				
2	Customer Charge	\$ 18.85	\$ 19.55	18,572,400	
3	Consumption Charge	0.14846	0.17423		876,575,629
4	Revenue Related Taxes				
5	Total Class Revenue				
6					
7	Commercial				
8	Customer Charge	\$ 43.50	\$ 46.50	1,492,740	
9	Consumption Charge	0.09165	0.09924		576,758,305
10	Revenue Related Taxes				
11	Total Class Revenue				
12					
13	Industrial & Transportation				
14	Customer Charge	\$ 784.00	\$ 845.50	9,804	
15	Consumption Charge Tier 1	\$ 0.3312	\$ 0.3572		10,724,328
16	Consumption Charge Tier 2	\$ 0.2425	\$ 0.2616		12,346,302
17	Consumption Charge Tier 3	\$ 0.0520	\$ 0.0561		22,335,700
18	Revenue Related Taxes				
19	Total Class Revenue				
20					
21	Total Excluding Other Revenue				
22					
23					
24	Revenue Related Tax Factor	6.7078%			

Current Revenues	Proposed Revenues	Increase
(f)	(g)	(h)
\$ 350,089,740	\$ 363,090,420	
130,136,418	152,725,772	
32,212,790	34,600,111	
<u>\$ 512,438,948</u>	<u>\$ 550,416,303</u>	<u>\$ 37,977,356</u>
\$ 64,934,190	\$ 69,412,410	
52,859,899	57,237,494	
7,901,436	8,495,470	
<u>\$ 125,695,525</u>	<u>\$ 135,145,374</u>	<u>\$ 9,449,849</u>
\$ 7,686,336	\$ 8,289,282	
3,551,897	3,830,730	
2,993,978	3,229,793	
1,161,456	1,253,033	
1,032,582	1,113,691	
<u>\$ 16,426,250</u>	<u>\$ 17,716,529</u>	<u>\$ 1,290,278</u>
<u>\$ 654,560,722</u>	<u>\$ 703,278,206</u>	<u>\$ 48,717,483</u>

Attachment 2

Bill Impact

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2018**

Line						<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
1	Rate R @ 47.5 Ccf							
2	Customer charge					\$ 18.85		
3	Consumption charge	47.5	CCF	X \$ 0.14846 =		7.05		
4	Rider GCR Part A	47.5	CCF	X \$ 0.27375 =		13.00		
5	Rider GCR Part B	47.5	CCF	X \$ 0.27485 =		13.06		
6	Subtotal					<u>\$ 51.96</u>		
7	Rider FF & Rider TAX		\$ 51.96	X 0.06708 =		3.49		
8	Total					<u>\$ 55.45</u>		
9								
10	Customer charge						\$ 19.55	
11	Consumption charge	47.5	CCF	X \$ 0.17423 =			8.28	
12	Rider GCR Part A	47.5	CCF	X \$ 0.27375 =			13.00	
13	Rider GCR Part B	47.5	CCF	X \$ 0.27485 =			13.06	
14	Subtotal						<u>\$ 53.89</u>	
15	Rider FF & Rider TAX		\$ 53.89	X 0.06708 =			3.61	
16	Total						<u>\$ 57.50</u>	\$ 2.05
17								3.70%
18								
19	Rate C @ 367.6 Ccf							
20	Customer charge					\$ 43.50		
21	Consumption charge	367.6	CCF	X \$ 0.09165 =		33.69		
22	Rider GCR Part A	367.6	CCF	X \$ 0.27375 =		100.62		
23	Rider GCR Part B	367.6	CCF	X \$ 0.19927 =		73.25		
24	Subtotal					<u>\$ 251.06</u>		
25	Rider FF & Rider TAX		\$ 251.06	X 0.06708 =		16.84		
26	Total					<u>\$ 267.90</u>		
27								
28	Customer charge						\$ 46.50	
29	Consumption charge	367.6	CCF	X \$ 0.09924 =			36.48	
30	Rider GCR Part A	367.6	CCF	X \$ 0.27375 =			100.62	
31	Rider GCR Part B	367.6	CCF	X \$ 0.19927 =			73.25	
32	Subtotal						<u>\$ 256.85</u>	
33	Rider FF & Rider TAX		\$ 256.85	X 0.06708 =			17.23	
34	Total						<u>\$ 274.08</u>	\$ 6.18
35								2.31%

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2018**

Line						<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
36	Rate I @ 4066 MMBTU							
37	Customer charge					\$ 784.00		
38	Consumption charge	1,500	MMBTU	X \$ 0.3312 =		496.80		
39	Consumption charge	2,566	MMBTU	X \$ 0.2425 =		622.14		
40	Consumption charge	0	MMBTU	X \$ 0.0520 =		-		
41	Rider GCR Part A	4,066	MMBTU	X \$ 2.6733 =		10,868.51		
42	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491 =		1,825.85		
43	Subtotal					<u>\$ 14,597.30</u>		
44	Rider FF & Rider TAX			X 0.06708 =		979.16		
45	Total					<u>\$ 15,576.46</u>		
46								
47	Customer charge						\$ 845.50	
48	Consumption charge	1,500	MMBTU	X \$ 0.3572 =			535.80	
49	Consumption charge	2,566	MMBTU	X \$ 0.2616 =			671.14	
50	Consumption charge	0	MMBTU	X \$ 0.0561 =			-	
51	Rider GCR Part A	4,066	MMBTU	X \$ 2.6733 =			10,868.51	
52	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491 =			1,825.85	
53	Subtotal						<u>\$ 14,746.80</u>	
54	Rider FF & Rider TAX			X 0.06708 =			989.19	
55	Total						<u>\$ 15,735.99</u>	\$ 159.53
56								1.02%
57	Rate T @ 4066 MMBTU							
58	Customer charge					\$ 784.00		
59	Consumption charge	1,500	MMBTU	X \$ 0.3312 =		496.80		
60	Consumption charge	2,566	MMBTU	X \$ 0.2425 =		622.14		
61	Consumption charge	0	MMBTU	X \$ 0.0520 =		-		
62	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491 =		1,825.85		
63	Subtotal					<u>\$ 3,728.79</u>		
64	Rider FF & Rider TAX			X 0.06708 =		250.12		
65	Total					<u>\$ 3,978.91</u>		
66								
67	Customer charge						\$ 845.50	
68	Consumption charge	1,500	MMBTU	X \$ 0.3572 =			535.80	
69	Consumption charge	2,566	MMBTU	X \$ 0.2616 =			671.14	
70	Consumption charge	0	MMBTU	X \$ 0.0561 =			-	
71	Rider GCR Part B	4,066	MMBTU	X \$ 0.4491 =			1,825.85	
72	Subtotal						<u>\$ 3,878.29</u>	
73	Rider FF & Rider TAX			X 0.06708 =			260.15	
74	Total						<u>\$ 4,138.44</u>	\$ 159.53
75								4.01%

Attachment 3

RRM Monthly Savings Over GRIP and DARR Rates

ACSC Margin Advantage Over GRIP and DARR Residential Customers
Effective October 1, 2019

Group	Average Monthly Consumption	Customer Charge	Consumption Charge	Average Bill	Average Monthly Savings
ACSC/RRM	47.5 CCF	\$19.55	\$0.17423	\$27.83	X
Environs GRIP	47.5 CCF	\$19.84	\$0.18653	\$28.70	\$0.87
ATM GRIP	47.5 CCF	\$21.69	\$0.14846	\$28.74	\$0.92
DARR	47.5 CCF	\$21.25	\$0.14924	\$28.34	\$0.51



ADMINISTRATION

To: Mayor and Town Council

From: Chuck Springer, Executive Director of Administrative Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon approving an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through the National Cooperative Purchasing Alliance (NCPA); and authorizing the Town Manager to execute the same.

Description of Agenda Item:

In July 2018, the Town Council approved the Facility Management Services Agreement, in order to accommodate the immediate operational needs upon the opening of Town Hall. The initial Agreement included a part-time on-site Building Technician, a Project Manager to oversee the Town's account, and performance of custodial services, pest control services, coffee and vending services, water feature maintenance, and flag maintenance.

The Town's one-year warranty with the construction contractor for Town Hall has expired. In order to adequately maintain the facility and related mechanical systems, the following services are proposed to be added to the Agreement:

- Floor Cleaning and Polishing (as needed)
- HVAC Maintenance (scheduled)
- Interior/Exterior Window Washing (as needed)
- Generator Maintenance (scheduled)
- Fire Suppression System Maintenance (scheduled)
- Annual Roof Inspection (scheduled)

The July 2018 agreement was approved at the amount of \$130,000 for FY 2018-19. The amended agreement will contract for the current and additional services at \$190,000 for FY 2019-20. This maintenance plan was discussed with the Town Hall architectural design firm and they were in agreement with the planned services.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper entered into a Master Interlocal Agreement with NCPA, effective June 1, 2018, which allows our local government to purchase certain goods or services through NCPA. The initial three-year term of the agreement is in effect through July 2021, with automatic

year renewal periods. The Agreement allows for termination by the Town at any time, upon sixty days prior written notice.

Budget Impact:

The estimated annual amount for all Facilities Management Services as outlined is \$190,000, and will be funded from 100-5480-50-05 Facilities Management. Subsequent annual expenditures will be subject to appropriations granted in future fiscal years.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the Amendment as to form and legality.

Attached Documents:

1. Amendment to the Facility Management Services Agreement

Town Staff Recommendation:

Town staff recommends approving an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through the National Cooperative Purchasing Alliance (NCPA); and authorizing the Town Manager to execute the same.

Proposed Motion:

I move to approve an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through the National Cooperative Purchasing Alliance (NCPA); and authorize the Town Manager to execute the same.

**Amendment to
Town of Prosper Facility Management
Services Agreement**

Item 8.

This Amendment to Agreement (hereinafter referred to as "Amendment"), is entered into the day and year set forth below between TDIndustries Inc. (hereinafter referred to as "Contractor") with its principal place of business at 13850 Diplomat Drive, Dallas, Texas 75234 and the Town of Prosper with its principal address at 200 S. Main Street, Prosper, TX 75078 (hereinafter referred to as "Owner"). This amendment is referenced through the National Cooperative Purchasing Alliance (NCPA) with a Registered Quotation Number of 2019-4369986583 for Facility Services. In consideration of the mutual covenants set forth in the original Agreement between the Parties, dated 07/09/2018, hereinafter referred to as "Agreement," and other good and valuable consideration, the parties hereto agree to amend the following Attachments to the original Agreement:

1. Attachment B – NCPA Facility Services Pricing
2. Attachment C - Third-Party Service Providers

**Attachment B – NCPA Facility Services Pricing
(Amendment)**

Personnel - Included Benefits**Standard Benefits****Core Safety Training** - Included**Training related to licensing** - Included**Uniforms** – Included**Communication Device** – Included**Hourly Rates (per NCPA Contract)****Project Manager**

Hourly Bill Rate	\$ 105.86
Annual Hours – 78 hours	\$ 8,257.08

Building Technician - Level One

Hourly Bill Rate	\$ 36.63
Annual Hours – 1,040 hours	\$ 38,095.20

Building Technician – Level One

Hourly Bill Rate	\$ 36.63
Annual Hours – 96 hours	\$ 3,516.48

Additional Facility Services personnel may be added to project on an as needed basis. Hourly bill rates are based on NCPA Dallas labor classifications.

Mark-up on Third Party Contracts (NCPA Pricing)

15%

Computer Maintenance Management System (CMMS)

One license @ \$3,750 per license per year: \$3,750

Overtime pay applies at 1.5 times.

NCPA pricing increases annually.

Coverage for PTO time not included in above pricing.

*Changes in the cost of healthcare due to the Affordable Healthcare Act (AHA) may effective the future cost of healthcare premiums. Any changes will be passed through at cost.

**Attachment C - Third-Party Service Providers
(Amendment)**

Housekeeping Services: AHI Facility Services, Inc.

Pricing (w/o mark-up):

1 Lead Cleaner (1,040 hours): \$13,333.09/year (\$1,111.09/month)
 2 Cleaner Technicians (2,080 hours each): \$25,161.93/year (\$2,096.83/month)
 1 Weekend Cleaner (182 hours): \$2,273.46/year (\$189.45/month)
 Pressure Washing Services (quarterly basis): \$1,580/year (\$395/quarter)
 Supplies: \$6,657/year
Equipment: \$3,593.30/year
 \$52,598.78/year (\$4,383.23/month)

Mark-up (15%): \$7,889.82/year (657.48/month)

Total: \$60,488.60/year (5,040.71/month)

*No annual price increase for years 1-3.

Pest Control Services: Green Pest Guys

Pricing (w/o mark-up):

\$3,468 (\$289 x 12months)
 \$425 (17 one-time bait box installations x \$25 each)
\$495 (bait box services at \$45 x 11 months – 1st month included)
 \$4,388/year

Mark-up (15%): \$658.20

Total: \$5,046.20/year (\$420.52/month)

*No annual price increase for years 1-3.

Coffee Services: Community Coffee

Pricing: \$1,179.95/initial product delivery (without mark-up)

Mark-up (15%): \$176.99

Total: \$1,356.94/initial product delivery

Community Coffee will provide and maintain all coffee equipment at no charge to the Town of Prosper. Additional coffee products will be ordered as needed on an ongoing basis.

Water Feature Maintenance: Prestige Pool & Patio

TDIndustries will manage service provider that will regularly maintain and clean Prosper Town Hall's water feature and filters as needed on an ongoing basis.

Pricing: \$3,654.13/year

Mark-up (15%): \$548.12/year

Total: \$4,202.25/year

Floor Cleaning & Polishing: GBS Group

TDIndustries will manage service provider that will execute deep cleaning and polishing of Prosper Town Hall marble on a quarterly basis. Additionally, the provider will clean and condition the library wood stairs semi-annually and clean and seal tile bathroom floors on an annual basis.

Estimated Pricing: \$18,490/year

Mark-up (15%): \$2,773.50/year

Total: \$21,263.50/year

HVAC Planned Maintenance: TDIndustries - Service

TDIndustries will manage TDIndustries' HVAC Service department to provide semi-annual planned maintenance inspections for Prosper Town Hall's HVAC systems.

Pricing: \$6,536.95/year (\$3,268.47/semi-annually)

Mark-up (15%): \$955.25/year

Total: \$7,492.20/year

Interior / Exterior Window Washing: City Wide Building Services

TDIndustries will manage service provider that will execute semi-annual window washing for all interior and exterior windows for Prosper's Town Hall.

Estimated Pricing: \$12,232/year (\$6,116/semi-annually)

Mark-up (15%): \$1,834.80

Total: \$14,066.80/year

Generator Planned Maintenance: Clifford Power

TDIndustries will manage service provider that will execute semi-annual planned maintenance inspections for Prosper Town Hall's generators.

Pricing: \$2,184/year (\$1,092/semi-annually)

Mark-up (15%): \$327.60/year

Total: \$2,511.60/year

Fire Suppression System Maintenance: Firetrol Protection Systems

TDIndustries will manage service provider that will execute the annual inspection of all of the fire and life safety systems at Prosper's Town Hall.

Pricing: \$2,995/year

Mark-up (15%): \$449.25/year

Total: \$3,444.25/year

Annual Roof Inspection: Supreme Roofing

TDIndustries will manage service provider that will execute the annual roof inspection at Prosper's Town Hall which will include a digital report that documents all findings and deficiencies of each roof section.

Pricing: \$500/year

Mark-up (15%): \$75/year

Total: \$575/year

IN WITNESS WHEREOF, the parties hereto caused this Amendment to the original Agreement to be executed this ____ day of July, 2019.

Contractor

Owner

NAME Brian Lillard
Brian Lillard

NAME _____
Harlan Jefferson

TITLE Vice President

TITLE Town Manager

DATE July 14, 2019

DATE _____

PUBLIC WORKS



Prosper is a place where everyone matters.

To: Mayor and Town Council
From: Frank E. Jaromin, P.E., Director of Public Works
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance amending Chapter 13, "Utilities," of the Town's Code of Ordinances by adopting a new Article 13.13, "Wastewater Inflow Prevention Plan"; and adopting a Wastewater Inflow Prevention Plan.

Description of Agenda Item:

Due to large inflow during rain events, the Town of Prosper is in need of a Wastewater Inflow Prevention (WIP) Plan. The measures included in the WIP Plan are intended to provide non-domestic users of the wastewater collection system standards, education and guidelines for reduction of inflow to protect the public wastewater system of the Town of Prosper.

During construction, all connections to live collection lines shall be protected from inflow. Proper construction practices and materials shall be utilized and maintained to eliminate inflow during construction. Residential and commercial builders are not exempt. All plumbing roughs are required to any necessary device to prevent inflow. Investigation of inflow conditions, inspections of construction, and enforcement of these standards will apply at all times during construction.

The objectives of the WIP Plan are as follows:

- To reduce the amount of inflow entering the public wastewater system.
- To reduce the possibility of a Sanitary Sewer Overflow (SSO).
- To reduce the amount of wastewater sent for treatment.
- To extend the life of current wastewater system by delaying the need to expand infrastructure.

No user may intentionally or unintentionally allow the direct or indirect discharge of any storm water or water into the public wastewater system.

Administrative Fees: The amendment of Appendix A, "Fee Schedule," of the Town's Code of Ordinances will also be updated at this meeting by the Finance Department. Administrative fees for violations to the Town's Wastewater Inflow Prevention Plan of storm water inflow shall be assessed to a user as follows:

Non-plugged wastewater lines and manholes under construction receiving inflow:

First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

Wastewater services plumbing open:

First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

Wastewater services open/broken:

First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

Offenses will be reset in January of even numbered years.

Contesting Violations. A customer may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice. The decision by the Executive Director of Development and Infrastructure Services is final and binding.

Unpaid assessed administrative fees related to violations of wastewater under the Town Plan shall incur late payment penalties and may result in termination of work.

Legal Obligations and Review:

Terrance Welch of Brown & Hofmeister, L.L.P., has reviewed the ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Wastewater Inflow Prevention Plan

Town Staff Recommendation:

Town staff recommends that the Town Council consider and act upon an ordinance amending Chapter 13, "Utilities," of the Town's Code of Ordinances by adopting a new Article 13.13, "Wastewater Inflow Prevention Plan"; and adopting a Wastewater Inflow Prevention Plan.

Proposed Motion:

I move to approve an ordinance amending Chapter 13, "Utilities," of the Town's Code of Ordinances by adopting a new Article 13.13, "Wastewater Inflow Prevention Plan"; and adopting a Wastewater Inflow Prevention Plan.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING CHAPTER 13, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE 13.13, "WASTEWATER INFLOW PREVENTION PLAN"; ADOPTING A WASTEWATER INFLOW PREVENTION PLAN; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas (the "Town"), recognizes that the amount of wastewater capacity available to its customers is limited; and

WHEREAS, the Town recognizes that the major goal of the Wastewater Inflow Prevention Plan is to manage inflow infiltration to reduce the potential threat to human health from sanitary sewer overflows; and

WHEREAS, the Town recognizes that due to natural limitations, heavy rain conditions, system failures and other acts of God which may occur, the Town cannot guarantee an uninterrupted wastewater supply for all purposes at all times; and

WHEREAS, the Town has determined an urgent need in the best interests of the public to adopt a Wastewater Inflow Prevention Plan; and

WHEREAS, pursuant to Chapters 51 and 54 of the Texas Local Government Code, the Town is authorized to adopt any such ordinances necessary to preserve and conserve its wastewater capacity resources; and

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), desires to adopt a Wastewater Inflow Prevention Plan for the Town as official Town policy for wastewater management; and

WHEREAS, the Town Council has investigated and determined that a Wastewater Inflow and Prevention Plan will be advantageous and beneficial to the citizens of Prosper, and will protect the Town's citizens' public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Chapter 13, "Utilities," of the Town's Code of Ordinances, is hereby amended by adding thereto a new Article 13.13, "Wastewater Inflow Prevention Plan," to read as follows:

“ARTICLE 13.13 WASTEWATER INFLOW PREVENTION PLAN

Sec. 13.13.001 Plan Adopted

The Town Council hereby approves and adopts for the Town, its citizens and wastewater customers the new Wastewater Inflow Prevention Plan (the “Plan”), attached to this Ordinance as Exhibit A and incorporated herein for all purposes. A copy of this Ordinance and the Plan are available in the Town Secretary’s Office.

Sec. 13.13.002 Administrative Remedies

The Town may elect to exercise the following administrative remedies for violations of the Plan in lieu of pursuing criminal or civil penalties against a User, as defined in the Plan.

- (1) Administrative Fees. Administrative fees/penalties may be imposed for any violation of the Plan, as established in Appendix A to this Code.
- (2) Contesting Violations: A User may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice of a violation of the Plan. The hearing officer(s) shall evaluate all information offered by the User at the hearing. The User shall bear the burden of proof to show why, by preponderance of the evidence, an administrative fee should not be assessed. The hearing officer(s) shall render a decision in writing within three (3) business days of the conclusion of the hearing. A User may appeal the decision from the hearing officer(s) in writing to the Executive Director of Development and Infrastructure Services within three (3) business days from the receipt of the written appeal. The decision by the Executive Director of Development and Infrastructure Services is final and binding.

Unpaid assessed administrative fees related to violations of the Plan shall incur late payment penalties and if any permit has been issued by the Town to the User, the Town may revoke or otherwise terminate the permit.”

SECTION 3

The Town Council hereby approves and adopts the Plan, as referenced in Section 2 of this Ordinance, as if recited verbatim herein. The Town commits to implement the requirements and procedures set forth in the Plan.

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A
(Wastewater Inflow Prevention Plan)

**WASTEWATER INFLOW PREVENTION (WIP) PLAN
TOWN OF PROSPER**

SEPTEMBER 10, 2019

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1. APPLICABILITY AND PROHIBITIONS

The measures included in this Wastewater Inflow Prevention (WIP) Plan ("Plan") are intended to provide non-domestic users of the Publicly Owned Treatment Works (POTW), standards, education and guidelines for reduction of inflow to protect the public wastewater system for the Town of Prosper.

- This Plan shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section 2 of the Plan.
- Residential homebuilders are not excluded.
- No user may intentionally or unintentionally allow the direct or indirect discharge of any storm water or water into the POTW system in such amounts as to cause interference with the collection and treatment system.

2. DEFINITIONS

1. ACT means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. EPA means the United States Environmental Protection Agency.
3. GENERATOR means any person who owns or operates a wastewater connection.
4. CONNECTION means any device designed to connect to the wastewater system.
5. INDIRECT DISCHARGE or DISCHARGE means the introduction of pollutants into a POTW from any non-domestic source.
6. INFLOW means a rapid inflow of storm water or water into the sanitary sewer system that corresponds closely with a peak rainfall event.
7. INTERFERENCE means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the town's TPDES permit.
8. OFFENSE means any single occurrence revealed during an investigation or inspection that would allow an inflow event to occur.
9. POTW or PUBLICLY OWNED TREATMENT WORKS means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this plan, the terms "sanitary sewer system" and "POTW" may be used interchangeably.
10. TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

11. USER means any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

3. INSTALLATION AND MAINTENANCE REQUIREMENTS

3.1 INSTALLATIONS

- New Construction. During construction, all connections to live collection lines shall be protected from inflow. Proper construction practices and materials shall be utilized and maintained to eliminate inflow during construction. Investigation of inflow conditions, inspections of construction, and enforcement of these standards will apply at all times during construction.
- Rehabilitation. Proper construction practices on existing connections and lines under construction must be maintained to eliminate inflow during construction, unless specified in writing and approved by the POTW. Investigation of inflow conditions, inspections of construction, and enforcement of these standards will apply at all times during construction.
- Where mechanical plugs will not suffice, air gaps may be required. Manhole chimney seals are required to prevent inflow during and after construction.
- Wastewater lines, cleanouts, and manholes shall be camera, mandrel, and pressure inspected prior to acceptance. Once acceptance has been granted, any means to prevent inflow into the wastewater collection system may be eliminated.

3.2 MAINTENANCE

- All physical measures to eliminate inflow will be inspected and maintained until construction is complete and acceptance is granted or unless specified in writing and approved by the POTW.
- All connections to the wastewater system such as new wastewater service connections shall be protected so inflow does not enter the wastewater system.
- An inspection schedule, including the location and type of inflow measures utilized shall be provided by the contractor prior to construction and updated as necessary.
- Detailed records of inflow device inspections shall be on site during construction at all times.
- Wastewater service lines or cleanouts broken during construction or lot maintenance shall be repaired by the owner.

3.3 CLEANING

- Wastewater lines and connections shall be cleaned prior to camera inspections to ensure that sediment and other material do not accumulate and conceal inflow areas.

4. SCHEDULE OF PENALTIES

4.1 WASTEWATER INFLOW ENFORCEMENT FEES

- If the POTW determines that a generator is responsible for inflow in a collection system, the generator shall owe Administrative Fees and may also result in termination of work.
- Administrative Fees. Administrative fees for violations to the Town’s WIP Plan shall be billed to the utility contractor, property owner or builder of record as follows:

Non-plugged wastewater lines and manholes under construction receiving inflow	
First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

Wastewater services plumbing open	
First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

Wastewater services open/broken	
First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

- Offenses will be reset in January of even years.
- Contesting Violations. A customer may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) shall render a decision in writing within three (3) business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the Executive Director of Development and Infrastructure Services within three (3) business days from the receipt of the written appeal. The decision by the Executive Director of Development and Infrastructure Services is final and binding.
- Unpaid assessed administrative fees related to violations of wastewater under the Town Plan shall incur late payment penalties and may result in termination of work.

DEVELOPMENT SERVICES



To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon authorizing the Town Manager to execute an Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County.

Description of Agenda Item:

Collin County, the Town of Prosper, and the Cities and Towns of Anna, Celina, Fairview, Farmersville, Lowry Crossing, McKinney, Melissa, and Princeton (collectively referred to as "Parties") identified a need for an animal shelter in Collin County, for their mutual benefit. In 2006, the Parties entered into an Interlocal Agreement (ILA) for the Facility Construction and Use of an Animal Shelter in Collin County. The shelter was constructed, and the Parties pay an annual fee to Collin County for the maintenance, operations, and use of the shelter. The Animal Sheltering Services provided by the County include, but are not limited to, receiving stray animals, caring for impounded animals, and coordinating adoptions and returns, when possible.

The agreement had an initial term of ten (10) years with year-to-year automatic renewals after ten years. Among the terms of the agreement, an Operating Committee was established to coordinate with the shelter staff to review the budget and provide oversight of the facility. The Operating Committee consists of the City of Frisco, McKinney, and a rotating member, currently the City of Celina. A representative of Prosper previously served on the Committee.

City of Frisco staff worked with McKinney, Celina, and Collin County to amend and extend the Interlocal Agreement. The proposed amendment extends the term through 2023 and creates an automatic renewal term of five years, upon the same terms and conditions contained in this Agreement or as modified by subsequent agreements between the Parties, and shall automatically renew and continue for additional Renewal Terms until such time as the Parties explicitly determine not to renew this Agreement. A Party may decline to automatically renew this Agreement at any time during or after the Initial Term, provided that such Party notifies all other Parties in writing of

its intent to decline automatic renewal three hundred sixty-five (365) days prior to the automatic renewal date. This language ultimately gives the Town flexibility to determine if and when a different animal sheltering facility option is preferred.

Staff believes it is in the best interest of the Town to retain this partnership with Collin County to provide animal sheltering services due to the costs of building and operating a shelter.

Budget Impact:

Prosper's fee for Animal Shelter Services for FY 2019-2020 is \$27,239.00. The fee assessed to the cities and towns is based on their population proportionality. Frisco, McKinney, and Collin County pay 86% of the total fee. Prosper's proportionality is 2.8% of the total costs for FY 2019-2020. The fee will be funded by Code Compliance Contracted Services (100-5480-40-02).

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., reviewed and approved the Amendment to the First Amended ILA as to form and legality.

Attached Documents:

1. Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County

Town Staff Recommendation:

Town staff recommends the Town Council authorize the Town Manager to execute the Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County.

Proposed Motion:

I move to authorize the Town Manager to execute the Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County.

AMENDMENT TO FIRST AMENDED INTERLOCAL AGREEMENT FOR THE FACILITY CONSTRUCTION AND USE OF AN ANIMAL SHELTER IN COLLIN COUNTY

This Amendment to the First Amended Interlocal Agreement for the Facility Construction and Use of an Animal Shelter in Collin County (“Amendment”) is entered into by and among the parties, Collin County, the City of Anna, the City of Celina, the Town of Fairview, the City of Farmersville, the City of Frisco, the City of Lowry Crossing, the City of McKinney, the City of Melissa, the City of Princeton, and the Town of Prosper (sometimes hereinafter collectively referred to as “Parties” or individually referred to as “Party”) through their duly authorized officers or employees.

R E C I T A L S

WHEREAS, the Parties entered into an Interlocal Agreement for the Facility Construction and Use of an Animal Shelter in Collin County in 2006; and

WHEREAS, the Parties entered into that certain First Amended Interlocal Agreement for the Facility Construction and Use of an Animal Shelter in Collin County dated to be effective as of September 26, 2006 (“Agreement”), which Agreement specifically superseded and replaced all prior agreements between the parties regarding the construction and use of the Shelter in Collin County; and

WHEREAS, the Parties now desire to amend the Agreement as set forth in this Amendment and to agree as set forth herein.

NOW, THEREFORE, in consideration of the above recitals, the mutual promises that follow and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

1. **Incorporation of Recitals.** The recitals that appear above are found by the Parties to be true and correct in all respects and are incorporated into this Amendment by reference.
2. **Defined Terms.** Any term not defined herein shall be deemed to have the same meaning ascribed to it under the Agreement.
3. **Amendment to Section 4, “Initial Term/Renewal Term”.** Section 4, entitled “Initial Term/Renewal Term,” of the Agreement is hereby amended by deleting Sections 4.01 and 4.02 replacing said sections in their entirety with new Sections 4.01 and 4.02 to read as follows:

“4.01 Initial Term. This Agreement shall commence on November 14, 2006 and shall continue for an initial term of seventeen (17) years, unless terminated earlier as provided in this Agreement or by law.

4.02. Automatic Renewal Term(s). Unless terminated in accordance with this Agreement or by law or modified because of additional construction,

this Agreement will automatically renew for a “Renewal Term” following the Initial Term, unless a Party expressly declines automatic renewal. The duration of the Renewal Term shall be for a period of five (5) years, upon the same terms and conditions contained in this Agreement or as modified by subsequent agreements between the Parties, and shall automatically renew and continue for additional Renewal Terms until such time as the Parties explicitly determine not to renew this Agreement. A Party may decline to automatically renew this Agreement at any time during or after the Initial Term, provided that such Party notifies all other Parties in writing of its intent to decline automatic renewal three hundred sixty-five (365) days prior to the automatic renewal date.”

4. **Amendments to Section 9, “Operation of Facilities”**. Section 9, entitled “Operation of Facilities,” of the Agreement is hereby amended by and through the amendment of the following Sections:

- (a) **Section 9.01, “Operating Committee Authority,” is hereby deleted in its entirety and replaced with a new Section 9.01 that is also entitled “Operating Committee Authority” to read as follows:**

“9.01 **Operating Committee Authority.** The Operating Committee shall be entitled to make nonbinding recommendations regarding: (a) ongoing operational issues, including scheduling, replacement of furniture and equipment, problems associated with breakage of personal property and fixtures, and related issues; and (b) the annual apportionment of Shelter Operating Expenses among the Parties and for making any adjustments that will result in a true apportionment of costs based on the actual benefit to and use by each Party of the Shelter.”

- (b) **Sections 9.10.2, entitled “Maintenance and Operation Payments,” and 9.10.2.1, entitled “Adjusted Maintenance and Operation Payments,” are hereby deleted in their entirety and replaced with a new Section 9.10.2 that is also entitled “Maintenance and Operation Payments” and a new Section 9.10.2.1 entitled “Adjusted Maintenance and Operation Payments,” which Sections shall read as follows:**

“9.10.2 **Maintenance and Operation Payments.** A portion of each Party’s Quarterly Payment shall be designated as Maintenance and Operation Payments for the Shelter, such payments being derived from the Shelter Operating Expenses incurred as a result of the operation of the Shelter. For the period beginning on the Effective Date of this Agreement and ending upon the termination of this Agreement, the Maintenance and Operation Payments due by each Party will be shared on a pro-rata basis on the basis of the Parties’ respective populations as set forth in the North Central Texas Council of Government population estimates. The Maintenance and Operation Payments due from any Party not included in

the North Central Texas Council of Government population estimates will be based on a flat fee at rates set by the County.

9.10.2.1 **Adjusted Maintenance and Operation Payments.** The estimated Maintenance and Operation Payments that are anticipated to be due by each Party for the first year of Shelter operations are fully set forth in the Shelter Operations Budget, attached as “Exhibit B”. Following the expiration of the first year of Shelter operations, the amount of each Party’s subsequent Maintenance and Operation Payments will be adjusted on an annual basis in accordance with the greater of (.1) changes in the North Central Texas Council of Government population estimates or (.2) the Animal Intake Rates by each Party, as applicable, and calculated on the actual Shelter Operating Expenses incurred in connection with the operation of the Shelter.”

(c) **A new Section 9.10.4 entitled “Shelter Capital Improvements Fund Payments,” including Sections 9.10.4.1, 9.10.4.2, and Sections 9.10.4.2.1 through 9.10.4.2.3 are hereby adopted to read as follows:**

“9.10.4 **Shelter Capital Improvements Fund Payments.** On at least an annual basis the Operating Committee, with the assistance of the Parties, shall evaluate the physical condition of the Shelter to identify any permanent structural changes that need to be made to the Shelter or physical aspects of the Shelter that need restoration which will either enhance the Shelter’s use as an animal shelter or increase its useful life as an animal shelter (collectively, “Capital Improvements”). If the Operating Committee determines that Capital Improvements are necessary, the Operating Committee shall prepare a written plan and estimated budget for the proposed Capital Improvements and forward such plan and estimated budget to the Commissioners Court for its consideration. The Commissioners Court will have the final authority on whether or not to move forward with the Capital Improvements recommended by the Operating Committee, but in making such decisions may solicit input from the other Parties’ governing boards as to their willingness to budget and appropriate funding so as to share proportionately in the costs of the proposed Capital Improvements.

If approved by the Commissioners Court and the governing boards of the other Parties, each Party hereto agrees to pay on an annual basis a new Shelter Capital Improvements Fund Payment for the purpose of funding (either up front or over time) the costs of necessary Capital Improvements that are identified and approved by both the Operating Committee and the Commissioners Court.

For those Capital Improvements that are initially approved by the Operating Committee and the Commissioners Court, the total annual amount of Capital Improvements Fund Payments due and payable by the respective Parties shall be subject to approval by the governing boards of the Parties. Capital Improvements Fund Payments shall be allocated on a proportionate basis to the Parties in accordance with the terms and conditions described herein. No portion of a Party's Shelter Capital Improvements Fund Payment shall be used to pay depreciation, interest or principal payments on mortgages or other debt costs, if any. In addition, no portion of a Party's Shelter Capital Improvements Fund Payment shall be used to pay for any expenditure save and except the specific Capital Improvements recommended by the Operating Committee and approved by the governing boards of the Parties.

Each Party warrants that, as of the Effective Date of the Amendment establishing this Section, it has appropriated and has committed funds in the amount of its approved Shelter Capital Improvements Fund Payment requirements to the extent such payments will become due during the Party's current fiscal year. Each Party further warrants that it will make every reasonable effort in the future to appropriate and commit funds in the amount of its anticipated Shelter Capital Improvements Fund Payment that will become due during any subsequent fiscal year subject to the Party's right to terminate this Agreement pursuant to Section 10.12.

Each Party hereby covenants and agrees to pay promptly when due all approved Shelter Capital Improvements Fund Payments, all adjustments to such payments, and any other charges payable to the County under the provisions of this Agreement. Each Party agrees that any approved Shelter Capital Improvements Fund Payment due to the County which is not paid on or before the due date shall bear interest at the rate of interest prescribed by the Texas Prompt Payment Act (Tex. Gov't Code § 2251.025) from the date due until paid.

All Party payments received shall be expended by County solely for reimbursement of costs for Capital Improvements that have been initially approved by both the Operating Committee and the Commissioners Court, and thereafter approved by the Parties respective governing boards. County shall track receipts and expenditures through its existing project code system (or any similar tracking system) to enable the Parties to verify that all Party payments received are expended by the County solely for reimbursement of the Capital Improvements. County shall maintain a separate Shelter Capital Improvements Fund Payments account for the Shelter.

9.10.4.1 Calculation of Shelter Capital Improvements Fund Payments for approved Capital Improvements. Beginning on the Effective Date of the Amendment establishing this Section, the Shelter Capital Improvements Fund Payments due from each Party will be shared on a pro-rata basis, calculated on the basis of the Parties' respective populations as set forth in the North Central Texas Council of Government population estimates. The Shelter Capital Improvements Fund Payments due from any Party not included in the North Central Texas Council of Government population estimates will be based on a flat fee at rates set by the County.

9.10.4.2 Adjusted Shelter Capital Improvements Fund Payments. The estimated Shelter Capital Improvements Fund Payments that are anticipated to be due by each Party for the year following the Effective Date of the Amendment establishing this Section are set forth in "Exhibit G," attached hereto. On the first anniversary of the Effective Date of the Amendment establishing this Section and for each subsequent year thereafter, the amount of each Party's Shelter Capital Improvements Fund Payments will be adjusted on an annual basis in accordance with changes in the North Central Texas Council of Government population estimates, and calculated based on the actual Capital Improvements costs incurred.

9.10.4.2.1 Review. Each year the County shall review and compare the total budgeted amount of the Shelter Capital Improvements expenses to the actual Shelter Capital Improvements expenses that were incurred by the County during the preceding fiscal year. Such review shall be conducted and all calculations computed by January 31st. The County will rely on the County Auditor's closing financial statements to determine the actual Shelter Capital Improvements expenses that were incurred by the County during the preceding fiscal year.

9.10.4.2.2 Surplus. If the aggregate Shelter Capital Improvements Fund Payments as budgeted and collected for the preceding fiscal year are greater than the Shelter Capital Improvements expenses for that fiscal year, the County shall promptly notify each Party of the overage and of such Party's proportionate share of the overage. The overage amounts shall be credited to the Parties in accordance with such Party's proportionate share of the payments it made to the County as compared to the preceding year's overage, with such credits beginning on May 1st of the subsequent fiscal year. In no event shall a Party be entitled to a

proportionate share of the Overage if the Party did not pay money to the County that contributed to the Overage.

9.10.4.2.3 **Deficit.** If the Shelter’s aggregate Shelter Capital Improvements Fund Payments as budgeted and collected for the preceding fiscal year are less than the Shelter Capital Improvements expenses for that fiscal year, the County shall promptly notify each Party of the deficit and of such Party’s proportionate share of the total amount of such deficit. Each Party shall thereafter pay to the Shelter Capital Improvements fund account such Party’s proportionate share of the preceding year’s deficit as an additional payment due hereunder within thirty (30) days of the date of an invoice from the County reflecting the amount due by such Party subject to the availability of funds for such purpose.”

- 5. **Amendment to Section 10, “Termination”.** Section 10, “Termination,” of the Agreement is hereby amended by deleting Section 10.12, “By a City,” and replacing said section with a new Section 10.12 also entitled “By a City” to read as follows:

“10.12 **By a City.** Any City that is a Party to this Agreement may voluntarily terminate its rights and obligations under this Agreement, if at any time such City determines that adhering to the Agreement is no longer in its best interest. To invoke its right to terminate this Agreement, a City must give at least one hundred eighty (180) days’ notice of its intent to terminate its rights and obligations under the Agreement to all other Parties.”

“10.12.1 **No Refund of Shelter Operating Expense.** No prior payments shall be refunded to any City that voluntarily terminates its rights and obligations under this Agreement to the extent that such prior payments have been committed to and used exclusively in accordance with the terms of this Agreement for Shelter Operating Expenses incurred as a result of the operation of the Shelter. If, however, a surplus of money exists in the Shelter Operations Budget at the end of the then applicable fiscal year, a proportionate share of such overage based on the contributions of the then participating Parties shall be refunded to any City that voluntarily terminates its rights and obligations under this Agreement for the then-current fiscal year under Section 9.10.2.”

“10.12.2 **Refund of Shelter Capital Improvements Fund Payment.** Any City that is a Party to this Agreement and voluntarily terminates its rights and obligations under this Agreement shall have refunded to it on or before the date of termination any and all

payments made by such City to the Shelter Capital Improvements Fund Payment account to the extent that such money has (a) NOT been previously refunded to said City as an overage under Section 9.10.4.2.2 herein-above, (b) NOT actually been expended for one or more specific Capital Improvements recommended for approval by the Operating Committee and approved by the governing boards of the Parties, or (3) NOT been committed for expenditure by a fully executed written contract entered into before the City's notice of termination and which fully executed written contract is for one or more specific Capital Improvements recommended for approval by the Operating Committee and approved by the governing boards of the Parties.

Notwithstanding the foregoing and anything contained herein to the contrary, any City that is a Party to this Agreement and voluntarily terminates its rights and obligations under this Agreement shall have no further responsibility or liability for any additional payments to the Shelter Capital Improvements Fund Payment following the effective date of such City's termination of this Agreement."

6. **Ratification.** The Parties hereby ratify and confirm that all of the terms, provisions, covenants and conditions of the Agreement remain in full force and effect, except as amended in this Amendment.
7. **Controlling Agreement.** To the extent that any provision contained in this Amendment conflicts with the Agreement, the provision contained in this Amendment shall supersede and control over the conflicting provision contained in the Agreement.
8. **Entire Agreement/ Amendment.** This Amendment and the Agreement contain the entire agreement of the Parties with respect to the matters contained herein. This Amendment may not be modified or terminated except by the written agreement of the Parties.
9. **Authority to Execute.** The individuals executing this Amendment on behalf of the respective Parties below represent that all appropriate and necessary action has been taken to authorize the individual who is executing this Amendment to do so for and on behalf of the Party for which his or her signature appears, that there are no other parties or entities required to execute this Amendment in order for the same to be an authorized and binding agreement on the Party for whom the individual is signing this Amendment and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
10. **Counterparts.** This Amendment may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes, and all such counterparts shall, collectively, constitute one Amendment. An electronic mail or facsimile signature will

also be deemed to constitute an original if properly executed and delivered to the other Parties.

[Signature pages follow.]

IN WITNESS WHEREOF, the Parties have executed this Amendment and caused this Amendment to be effective when all the Parties have signed it. The date this Amendment is signed by the last Party to sign it (as indicated by the date associated with that Party's signature below) will be deemed the effective date of this Amendment ("Effective Date").

COLLIN COUNTY, TEXAS

CITY OF ANNA, TEXAS

By: _____

By: _____

BY: _____
NAME: _____

BY: _____
NAME: _____

Name: _____
Title: _____

Name: _____
Title: _____

TITLE: City Manager
Date: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Attest: _____
Title: _____

CITY OF CELINA, TEXAS

CITY OF FARMERSVILLE, TEXAS

By: _____

By: _____

BY: _____
NAME: _____

BY: _____
NAME: _____

Name: _____

Name: _____

Title: _____

Title: _____

TITLE: City Manager
Date: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Attest: _____
Title: _____

CITY OF FRISCO, TEXAS

CITY OF LOWRY CROSSING, TEXAS

By: _____

By: _____

BY: _____
NAME: _____

BY: _____
NAME: _____

Name: _____
Title: _____

Name: _____
Title: _____

TITLE: City Manager
Date: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Attest: _____
Title: _____

TOWN OF FAIRVIEW, TEXAS

CITY OF MCKINNEY, TEXAS

By: _____

By: _____

BY: _____
NAME: _____

BY: _____
NAME: _____

Name: _____
Title: _____

Name: _____
Title: _____

TITLE: City Manager
Date: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Attest: _____
Title: _____

CITY OF MELISSA, TEXAS

CITY OF PRINCETON, TEXAS

By: _____

By: _____

BY: _____
NAME: _____

BY: _____
NAME: _____

Name: _____
Title: _____

Name: _____
Title: _____

TITLE: City Manager
Date: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Attest: _____
Title: _____

TOWN OF PROSPER, TEXAS

By: _____

BY: _____
NAME:

Name: _____
Title: _____

TITLE: City Manager
Date: _____

Attest: _____
Title: _____

Exhibit G

FY 2020 Animal Shelter Billing Worksheet

Larger Entities / Original Entities									
% of Charges	FY20 Budgeted M&O and Per.	FY20 Capital Contribution**	FY20 Total Cost before Adjust.	Less FY18 Fees Collected	Less Adjustments for FY18 Budget vs. Actual	FY20 Total Billed			
2.47%	\$ 28,475	\$ 1,481	\$ 29,956	\$ 1,413	\$ 4,509	\$ 24,034			
1.56%	\$ 17,948	\$ 933	\$ 18,882	\$ 891	\$ 2,842	\$ 15,149			
2.72%	\$ 31,409	\$ 1,634	\$ 33,043	\$ 1,559	\$ 4,973	\$ 26,510			
1.00%	\$ 11,563	\$ 601	\$ 12,164	\$ 574	\$ 1,831	\$ 9,759			
32.03%	\$ 369,489	\$ 19,216	\$ 388,705	\$ 18,338	\$ 58,507	\$ 311,861			
37.97%	\$ 438,002	\$ 22,779	\$ 460,782	\$ 21,738	\$ 69,355	\$ 369,688			
1.38%	\$ 15,877	\$ 826	\$ 16,703	\$ 788	\$ 2,514	\$ 13,401			
1.91%	\$ 22,090	\$ 1,149	\$ 23,239	\$ 1,096	\$ 3,498	\$ 18,645			
2.80%	\$ 32,272	\$ 1,678	\$ 33,950	\$ 1,602	\$ 5,110	\$ 27,239			
16.17%	\$ 186,557	\$ 9,702	\$ 196,259	\$ 9,259	\$ 29,540	\$ 157,460			
100.00%	\$ 1,153,682	\$ 60,000	\$ 1,213,682	\$ 57,258	\$ 182,679	\$ 973,745			

FY20 Billing Breakout	
Total Billed:	\$ 1,183,352
Smaller Entities:	\$ 29,670
TOTAL for Original:	\$ 1,153,682

Adjust for FY18 Budget vs. Actual	
FY18 Billed:	\$ 878,047
FY18 Actual:	\$ 695,368
Total +/- back	\$ 182,679

Smaller Entities / Added Later									
% of Charges	FY20 Budgeted M&O and Per.	FY20 Capital Contribution**	FY20 Total Cost before Adjust.	Less FY18 Fees Collected	Less Adjustments for FY18 Budget vs. Actual	FY20 Total Billed			
	\$ 3,100		\$ 3,100			\$ 3,100			
	\$ 14,970		\$ 14,970			\$ 14,970			
	\$ 1,550		\$ 1,550			\$ 1,550			
	\$ 2,050		\$ 2,050			\$ 2,050			
	\$ 5,500		\$ 5,500			\$ 5,500			
	\$ 2,500		\$ 2,500			\$ 2,500			
TOTAL	\$ 29,670		\$ 29,670			\$ 29,670			

Grand Total: \$ 1,003,415

Grand Total is the total billed amount for the larger and smaller entities combined.

DEVELOPMENT SERVICES



To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon authorizing the Town Manager to execute Amendment Thirteen to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2019-2020, relating to Animal Control Services.

Description of Agenda Item:

The Town of Prosper and Collin County entered into an Interlocal Agreement in 2006, authorizing Collin County to provide Animal Control Services for the Town of Prosper. The initial term of the agreement was one year, with automatic one-year renewal terms. This is amendment Number Thirteen to the agreement for the period of October 1, 2019, to September 30, 2020, and the associated fee for services.

The Animal Control Services provided by the County include, but are not limited to, vaccination of animals, reporting of human exposure to rabies, quarantine and testing of biting animals, reduction of the stray animal population, restraint of dangerous animals, prohibition of dogs running at large and of inhumane treatment of animals, and to prescribe penalties for violation of such provisions in accordance with Chapters 822, 825, and 826 of the Texas Health & Safety Code, and Chapter 142 of the Agriculture Code.

Local governments are authorized by the Interagency Cooperation Act, V.T.C.A. Government Code, Title 7, Chapter 771, to agree or contract with another agency for the provision of necessary and authorized services and resources. The Town of Prosper, and several other municipalities, contract with Collin County for Animal Control Services.

Budget Impact:

The fee for Animal Control Services for FY 2019-2020 is \$49,473.00. This is a \$4,532.00 decrease from FY 2018-2019. The higher cost in FY 2018-2019 was due to the County incorporating a one-time adjustment for overhead and staffing costs. The fee will be funded by Code Compliance Contracted Services (100-5480-40-02).

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has previously approved these amendments to the ILA as to form and legality.

Attached Documents:

1. Collin County Contract Amendment Thirteen – Interlocal Agreement for Animal Control Services

Town Staff Recommendation:

Town staff recommends the Town Council authorize the Town Manager to execute Amendment Thirteen to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2019-2020, relating to Animal Control Services.

Proposed Motion:

I move to authorize the Town Manager to execute Amendment Thirteen to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2019-2020, relating to Animal Control Services.



Contract Amendment THIRTEEN (13)

Office of the Public Information Officer
Collin County Administration
2300 Bloomdale Rd, Ste 3160
McKinney, TX 75071
972-548-4165

Item 11.

Vendor: Town of Prosper
P.O. Box 307
Prosper, TX 75078

Effective Date 10/1/2019
Contract No. 10110-09
Contract Interlocal Agreement for Animal Control Services

Awarded by Court Order No.:			<u>2006-879-09-26</u>
Contract Amendment No.:	<u>1</u>	Court Order No.	<u>2008-047-01-22</u>
Contract Amendment No.:	<u>2</u>	Court Order No.	<u>2008-894-10-14</u>
Contract Amendment No.:	<u>3</u>	Court Order No.	<u>2009-852-10-12</u>
Contract Amendment No.:	<u>4</u>	Court Order No.	<u>2011-018-01-10</u>
Contract Amendment No.:	<u>5</u>	Court Order No.	<u>2011-684-09-19</u>
Contract Amendment No.:	<u>6</u>	Court Order No.	<u>2013-017-01-07</u>
Contract Amendment No.:	<u>7</u>	Court Order No.	<u>2014-012-01-06</u>
Contract Amendment No.:	<u>8</u>	Court Order No.	<u>2014-1004-12-15</u>
Contract Amendment No.:	<u>9</u>	Court Order No.	<u>2016-030-01-04</u>
Contract Amendment No.:	<u>10</u>	Court Order No.	<u>2017-043-01-23</u>
Contract Amendment No.:	<u>11</u>	Court Order No.	<u>2017-871-10-23</u>
Contract Amendment No.:	<u>12</u>	Court Order No.	<u>2019-016-01-07</u>
Contract Amendment No.:	<u>13</u>	Court Order No.	

YOU ARE DIRECTED TO MAKE THE FOLLOWING AMENDMENT TO THIS CONTRACT

Extension of agreement for a one (1) year period as provided for in section 5.0 of the contract documents. Agreement shall be in effect from October 1, 2019, continuing through and including September 30, 2020.

Total amount for fiscal year 2020: \$ 49,473.00

Except as provided herein, all terms and conditions of the contract remain in full force and effect and may only be modified in writing signed by both parties.

ACCEPTED BY:

TOWN OF PROSPER

P.O. Box 307
Prosper, TX 75078

ACCEPTED AND AUTHORIZED BY
AUTHORITY OF COLLIN COUNTY
COMMISSIONERS' COURT

Collin County Administration Building
2300 Bloomdale Rd, Ste 3160
McKinney, Texas 75071

SIGNATURE _____
TITLE: _____
DATE: _____

Michalyn Rains, CPPO, CPPB
Purchasing Agent
DATE: _____

PLANNING



To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance abandoning a portion of Fishtrap Road prescriptive right-of-way, located north of the intersection of Fishtrap Road and Gee Road, north of US 380.

Description of Agenda Item:

The purpose of this request is to abandon the prescriptive right-of-way for a 975± foot long segment of Fishtrap Road, just north of the intersection of Fishtrap Road and Gee Road, north of US 380. This segment of Fishtrap Road is no longer needed as the extension of Gee Road and the bridge currently under construction will completely bypass this former section of road. Abandoning this segment is not a closing of Fishtrap Road but is essentially a realignment of Fishtrap Road and Gee Road. Right-of-way for Gee Road and other sections of Fishtrap Road were acquired through subdivision plats for various phases of Windsong Ranch.

Staff initiated this request to insure that there are no future issues involving the prescriptive right-of-way. With the abandonment the land will become the property of VP Windsong Operations, LLC who owns the land on both sides of prescriptive right-of-way. Notice of this abandonment was sent to the various utility providers in Prosper. Staff supports this request.



Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Attached Documents:

- 1. Ordinance
- 2. Exhibit A

Town Staff Recommendation:

Staff recommends the Town Council approve the ordinance.

Proposed Motion:

I move to approve an ordinance abandoning this portion of the Fishtrap Road prescriptive right-of-way, located north of the intersection of Fishtrap Road and Gee Road, north of US 380.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ABANDONING AND VACATING CERTAIN PRESCRIPTIVE RIGHT-OF-WAY (FISHTRAP ROAD) AS REFLECTED ON EXHIBIT A; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas (“Town”), is a duly organized political subdivision and home-rule municipality of the State of Texas; and

WHEREAS, the Town obtained certain prescriptive right-of-way along a street (indicated as Fishtrap Road) located north of the intersection of Fishtrap Road and Gee Road, north of US 380 as shown on Exhibit A, a copy of which is attached and is incorporated by reference; and

WHEREAS, Exhibit A reflects an approximately 60-foot (60’) wide prescriptive right-of-way (or street), approximately 975 feet in length, as indicated above, and the property upon which the right-of-way (or street) is located has never been dedicated to the Town; and

WHEREAS, since the prescriptive right-of-way (or street) is no longer utilized as such, the Town has determined that the approximately 60’ prescriptive right-of-way (or street) should be abandoned and vacated, and that any and all rights that the Town may have in the prescriptive right-of-way (or street) should be released to the adjacent property owner, which abandonment and vacation the Town Council has determined is in furtherance of the public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, the Town’s prescriptive right-of-way (or street) and any and all rights and interests that the Town may have in such right-of-way (or street), as set forth in the attached Exhibit A, are hereby abandoned and vacated by the Town, and the Town hereby disclaims any interest in the right-of-way (or street).

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the Town Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

Effective Date. This Ordinance shall become effective from and after its adoption and publication, as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

Ray Smith, Mayor

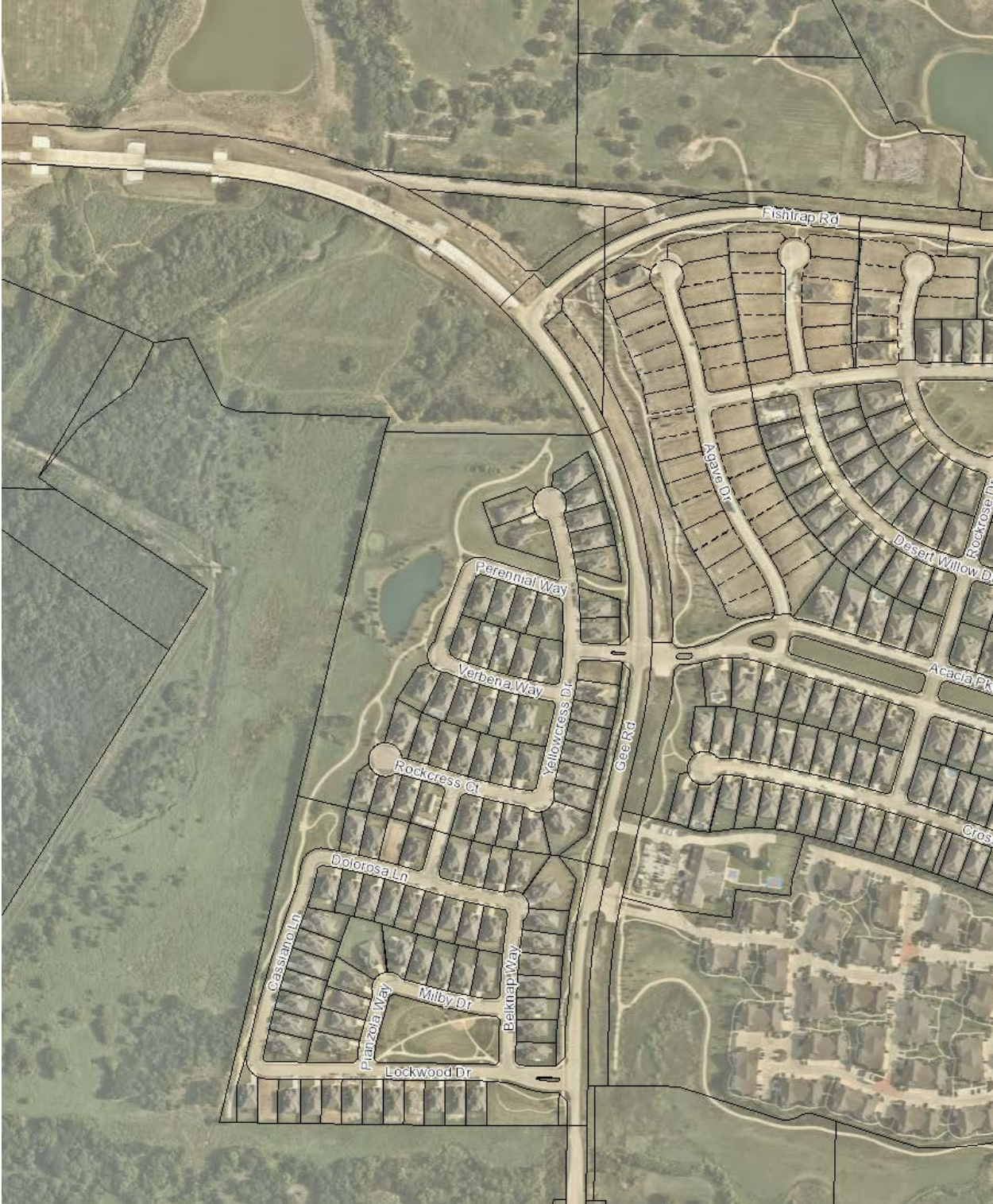
ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

FISHTRAP ROAD SEGMENT ABANDONMENT



PLANNING



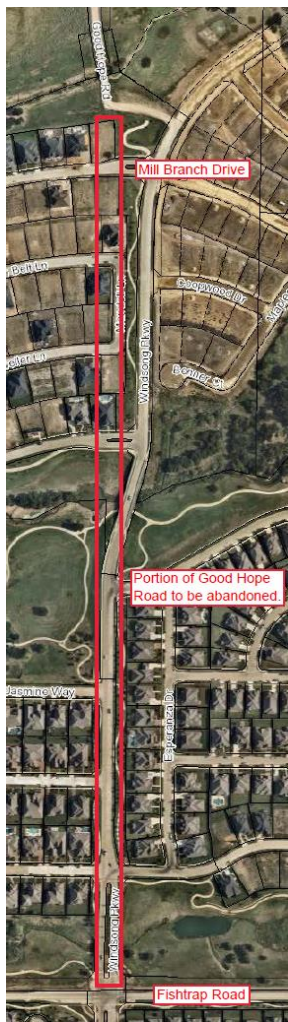
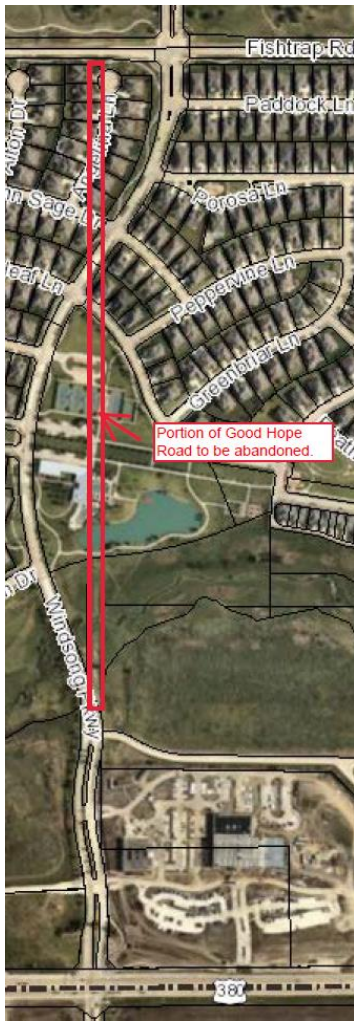
To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance abandoning portions of Good Hope Road prescriptive right-of-way, located north of US 380 and south of a point 150 feet north of Mill Branch Drive.

Description of Agenda Item:

The purpose of this request is to abandon the prescriptive right-of-way for portions of Good Hope Road, from north of US 380 to a point 150 feet north of Mill Branch Drive. Staff initiated this request and has been working with VP Windsong Operations, LLC, the developers of Windsong Ranch, to abandon portions of the prescriptive right-of-way that have been platted as phases of Windsong Ranch. This is being done to ensure that there are no future issues involving the prescriptive right-of-way. Other portions of Good Hope Road will be abandoned as future phases of Windsong Ranch are developed. Staff provided notification to utility providers and other entities to inform them of the proposed abandonment. To date, staff has not been contacted regarding this request. Staff supports this request.



Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the abandonment ordinance as to form and legality.

Attached Documents:

- 1. Ordinance
- 2. Ordinance Exhibit A

Town Staff Recommendation:

Staff recommends the Town Council approve the request.

Proposed Motion:

I move to approve an ordinance abandoning portions of Good Hope Road prescriptive right-of-way, located north of US 380 and north of Mill Branch Drive.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ABANDONING AND VACATING CERTAIN PRESCRIPTIVE RIGHT-OF-WAY (GOOD HOPE ROAD) AS REFLECTED ON EXHIBIT A; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas (“Town”), is a duly organized political subdivision and home-rule municipality of the State of Texas; and

WHEREAS, the Town obtained certain prescriptive right-of-way along a street (indicated as Good Hope Road) located north of US 380 and south of a point 150 feet north of Mill Branch Drive as shown on Exhibit A, a copy of which is attached and is incorporated by reference; and

WHEREAS, Exhibit A reflects an approximately 60-foot (60’) wide prescriptive right-of-way (or street), approximately 6,135 feet in length, as indicated above, and the property upon which the right-of-way (or street) is located has never been dedicated to the Town; and

WHEREAS, since the prescriptive right-of-way (or street) is no longer utilized as such, the Town has determined that the approximately 60’ prescriptive right-of-way (or street) should be abandoned and vacated, and that any and all rights that the Town may have in the prescriptive right-of-way (or street) should be released to the adjacent property owner, which abandonment and vacation the Town Council has determined is in furtherance of the public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, the Town’s prescriptive right-of-way (or street) and any and all rights and interests that the Town may have in such right-of-way (or street), as set forth in the attached Exhibit A, are hereby abandoned and vacated by the Town, and the Town hereby disclaims any interest in the right-of-way (or street).

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the Town Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

Effective Date. This Ordinance shall become effective from and after its adoption and publication, as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

Ray Smith, Mayor

ATTEST:

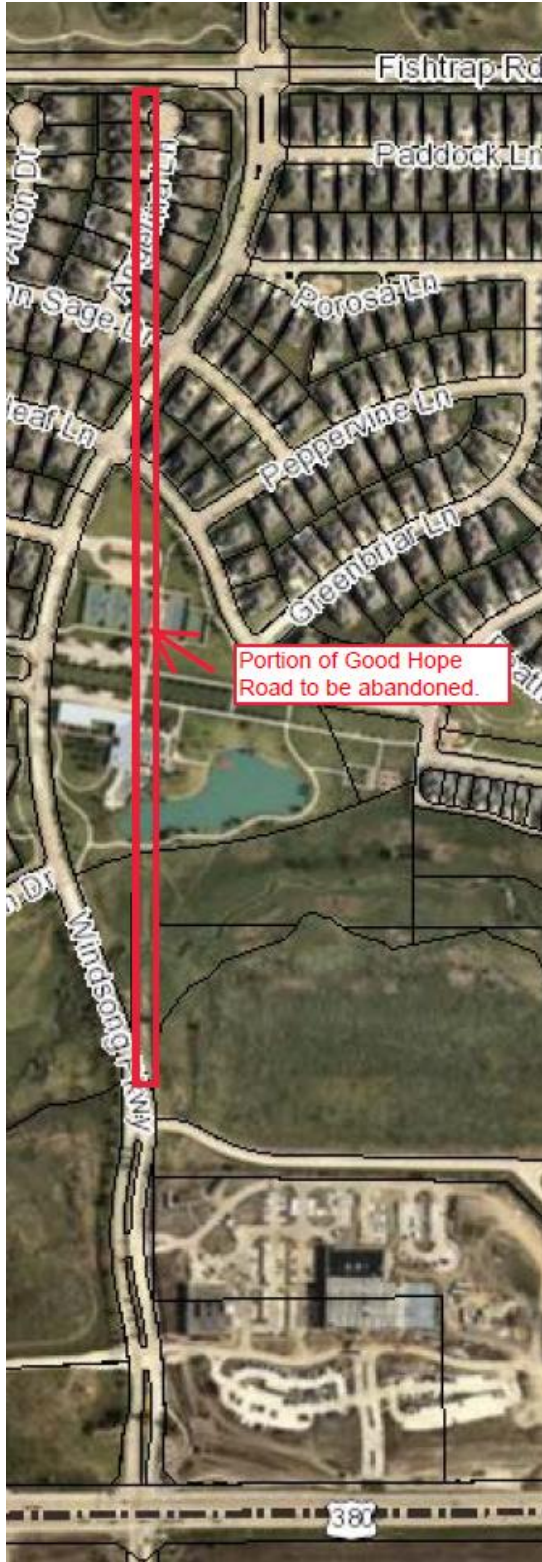
Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

PORTIONS OF GOOD HOPE ROAD TO BE ABANDONED



PLANNING



To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance abandoning a portion of S. Coleman Street right-of-way, located south of First Street, north of Preston Road.

Description of Agenda Item:

The purpose of this request is to abandon the prescriptive right-of-way for a portion of S. Coleman Street, from a point 595 feet north of future Lovers Lane, currently under construction, to the intersection of S. Coleman Street and Preston Road, a distance of approximately 3,390 feet. Blue Star has requested that this segment of prescriptive right-of-way be abandoned in order to allow for the development of Phase 2 of the Gates of Prosper as well as future phases. That portion of S. Coleman Street has been realigned to the west as shown on the following aerial. The request is outlined in the attached Request Letter. The Coleman Street prescriptive right-of-way was transferred from the Texas Department of Transportation to the Town of Prosper in August, 2018. Staff supports this request.



Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the abandonment ordinance as to form and legality.

Attached Documents:

- 1. Ordinance
- 2. Ordinance Exhibit A

3. Blue Star Request Letter

Town Staff Recommendation:

Staff recommends the Town Council approve the request.

Proposed Motion:

I move to approve an ordinance to abandoning a portion of S. Coleman Street right-of-way, located on the south side of First Street and north of Preston Road.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ABANDONING AND VACATING CERTAIN PRESCRIPTIVE RIGHT-OF-WAY (S. COLEMAN STREET) AS REFLECTED ON EXHIBIT A; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a duly organized political subdivision and home-rule municipality of the State of Texas; and

WHEREAS, the Town obtained certain prescriptive right-of-way along a street (indicated as S. Coleman Street) located south of First Street and north of Preston Road as shown on Exhibit A, a copy of which is attached and is incorporated by reference; and

WHEREAS, Exhibit A reflects an approximately 60-foot (60') wide prescriptive right-of-way (or street), approximately 3,390 feet in length, as indicated above, and the property upon which the right-of-way (or street) is located has never been dedicated to the Town; and

WHEREAS, since the prescriptive right-of-way (or street) is no longer utilized as such, the Town has determined that the 60' prescriptive right-of-way (or street) should be abandoned and vacated, and that any and all rights that the Town may have in the prescriptive right-of-way (or street) should be released to the adjacent property owner, which abandonment and vacation the Town Council has determined is in furtherance of the public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, the Town's prescriptive right-of-way (or street) and any and all rights and interests that the Town may have in such right-of-way (or street), as set forth in the attached Exhibit A, are hereby abandoned and vacated by the Town, and the Town hereby disclaims any interest in the right-of-way (or street).

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the Town Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

Effective Date. This Ordinance shall become effective from and after its adoption and publication, as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

S. Coleman Street Abandonment





July 3, 2019

Mr. Scott Ingalls, AICP
Senior Planner
Town of Prosper
200 S. Main
Prosper, Texas 75078

Mr. Ingalls

The Town of Prosper ("Town") has requested the following letter to initiate the Town's abandonment process for a portion of the prescriptive right of way for Coleman Road ("Coleman").

Coleman was removed from the State Highway System from FM 1193 to US 380 and transferred to the Town of Prosper by Minute Order on August 30, 2018. As part of the Gates of Prosper Development Coleman, from First Street south, will be relocated from its current location, in phases. A new Right of Way has been dedicated for a portion of the relocated Coleman by the attached plat, filed on April 1, 2019. This letter formally requests the Town abandon existing Coleman from a point 595' north of its intersection with Lovers Lane, south to US 380.

Please contact us if you have any questions or need any additional information for this request. Our address is 8000 Warren Parkway, Frisco, Texas 75034.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Mitchell", is written over a light blue circular stamp.

George Mitchell
Assistant Treasurer
Blue Star Land

PLANNING



To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

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.

Description of Agenda Item:

Attached are the Preliminary Site Plans and Site Plans that were acted on by the Planning & Zoning Commission at their September 3, 2019, meeting. Per the Zoning Ordinance, the Town Council has the ability to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department for any Preliminary Site Plan or Site Plan acted on by the Planning & Zoning Commission.

Attached Documents:

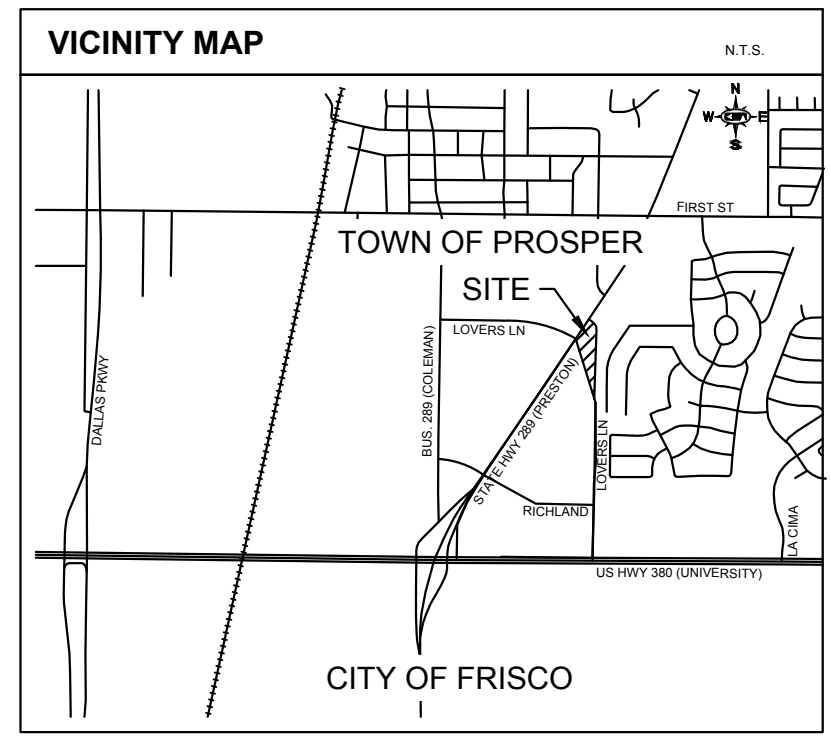
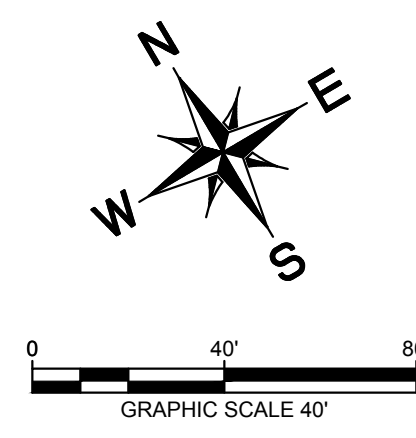
1. Preliminary Site Plan for Gates of Prosper, Phase 2
2. Preliminary Site Plan for Prosper Town Center
3. Site Plan for Prosper Town Center Medical Office Buildings

Town Staff Recommendation:

Town staff recommends that the Town Council take no action on this item.

LEGEND

FL	PROPOSED FIRE LANE	TP	TRANSFORMER PAD
FL	EXISTING PAVEMENT	CI	CURB INLET
PROPOSED BUILDING	PROPOSED BUILDING	GI	GRATE INLET
EXISTING CONTOUR LINE - MAJOR	EXISTING CONTOUR LINE - MAJOR	WI	WYE INLET
EXISTING CONTOUR LINE - MINOR	EXISTING CONTOUR LINE - MINOR	JB	JUNCTION BOX
BARRIER FREE RAMP (BFR)	BARRIER FREE RAMP (BFR)	MH	MANHOLE
ACCESSIBLE PARKING SYMBOL	ACCESSIBLE PARKING SYMBOL	EX	EXISTING
NUMBER OF PARKING SPACES	NUMBER OF PARKING SPACES	PROP.	PROPOSED
WM	WATER METER (AND VAULT)		
FH	FIRE HYDRANT		
FDC	FIRE DEPARTMENT CONNECTION		
SM	SANITARY SEWER MANHOLE		
		TP	TRANSFORMER PAD
		CI	CURB INLET
		GI	GRATE INLET
		WI	WYE INLET
		JB	JUNCTION BOX
		MH	MANHOLE
		EX	EXISTING
		PROP.	PROPOSED



**BLOCK C, LOT 1
 SITE DATA SUMMARY TABLE**

ZONING/PROPOSED USE	PD-67/PD MEDICAL OFFICE
LOT AREA/ SQ. FT. AND AC	59,952 SF, 1.38 AC
BUILDING AREA (gross square footage)	3,880 GSF
BUILDING HEIGHT (number of stories) MAX HEIGHT = 40'	1 STORY; (REF FINAL DESIGN FOR HEIGHT)
LOT COVERAGE	6.5%
FLOOR AREA RATIO (for non-residential zoning)	0.065:1
TOTAL PARKING REQUIRED (1,250 MEDICAL OFFICE)	16 SPACES
TOTAL PARKING PROVIDED	63 SURFACE SPACES
TOTAL HANDICAP REQUIRED	3 SPACES
TOTAL HANDICAP PROVIDED	3 SPACES
INTERIOR LANDSCAPING REQUIRED	945 SQ. FT.
INTERIOR LANDSCAPING PROVIDED	945 SQ. FT.
IMPERVIOUS SURFACE	37,341 SQ. FT.
USABLE OPEN SPACE REQUIRED	4,197 SQ. FT. (7%)
USABLE OPEN SPACE PROVIDED	4,388 SQ. FT. (7%)

**BLOCK C, LOT 2
 SITE DATA SUMMARY TABLE**

ZONING/PROPOSED USE	PD-67/PD GAS STATION
LOT AREA/ SQ. FT. AND AC	58,024 SF, 1.33 AC
BUILDING AREA (gross square footage)	2,780 GSF
BUILDING HEIGHT (number of stories) MAX HEIGHT = 40'	1 STORY; (REF FINAL DESIGN FOR HEIGHT)
LOT COVERAGE	4.7%
FLOOR AREA RATIO (for non-residential zoning)	0.047:1
TOTAL PARKING REQUIRED (1,250 GAS/CONVENIENT STORE)	12 SPACES
TOTAL PARKING PROVIDED	16 SURFACE SPACES
TOTAL HANDICAP REQUIRED	1 SPACES
TOTAL HANDICAP PROVIDED	1 SPACES
INTERIOR LANDSCAPING REQUIRED	255 SQ. FT.
INTERIOR LANDSCAPING PROVIDED	255 SQ. FT.
IMPERVIOUS SURFACE	32,650 SQ. FT.
USABLE OPEN SPACE REQUIRED	4,062 SQ. FT. (7%)
USABLE OPEN SPACE PROVIDED	4,220 SQ. FT. (7%)

**BLOCK C, LOT 3
 SITE DATA SUMMARY TABLE**

ZONING/PROPOSED USE	PD-67/PD OPEN SPACE
LOT AREA/ SQ. FT. AND AC	138,795 SF, 3.19 AC
BUILDING AREA (gross square footage)	N/A
BUILDING HEIGHT (number of stories)	N/A
LOT COVERAGE	N/A
FLOOR AREA RATIO (for non-residential zoning)	N/A
TOTAL PARKING REQUIRED	N/A
TOTAL PARKING PROVIDED	16 SURFACE SPACES
TOTAL HANDICAP REQUIRED	N/A
TOTAL HANDICAP PROVIDED	0 SPACES
INTERIOR LANDSCAPING REQUIRED	N/A
INTERIOR LANDSCAPING PROVIDED	N/A
IMPERVIOUS SURFACE	17,961 SQ. FT.
USABLE OPEN SPACE REQUIRED	9,716 SQ. FT. (7%)
USABLE OPEN SPACE PROVIDED	83,476 SQ. FT. (60%)

*HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH TAS STANDARDS

*HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH TAS STANDARDS

*HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH TAS STANDARDS

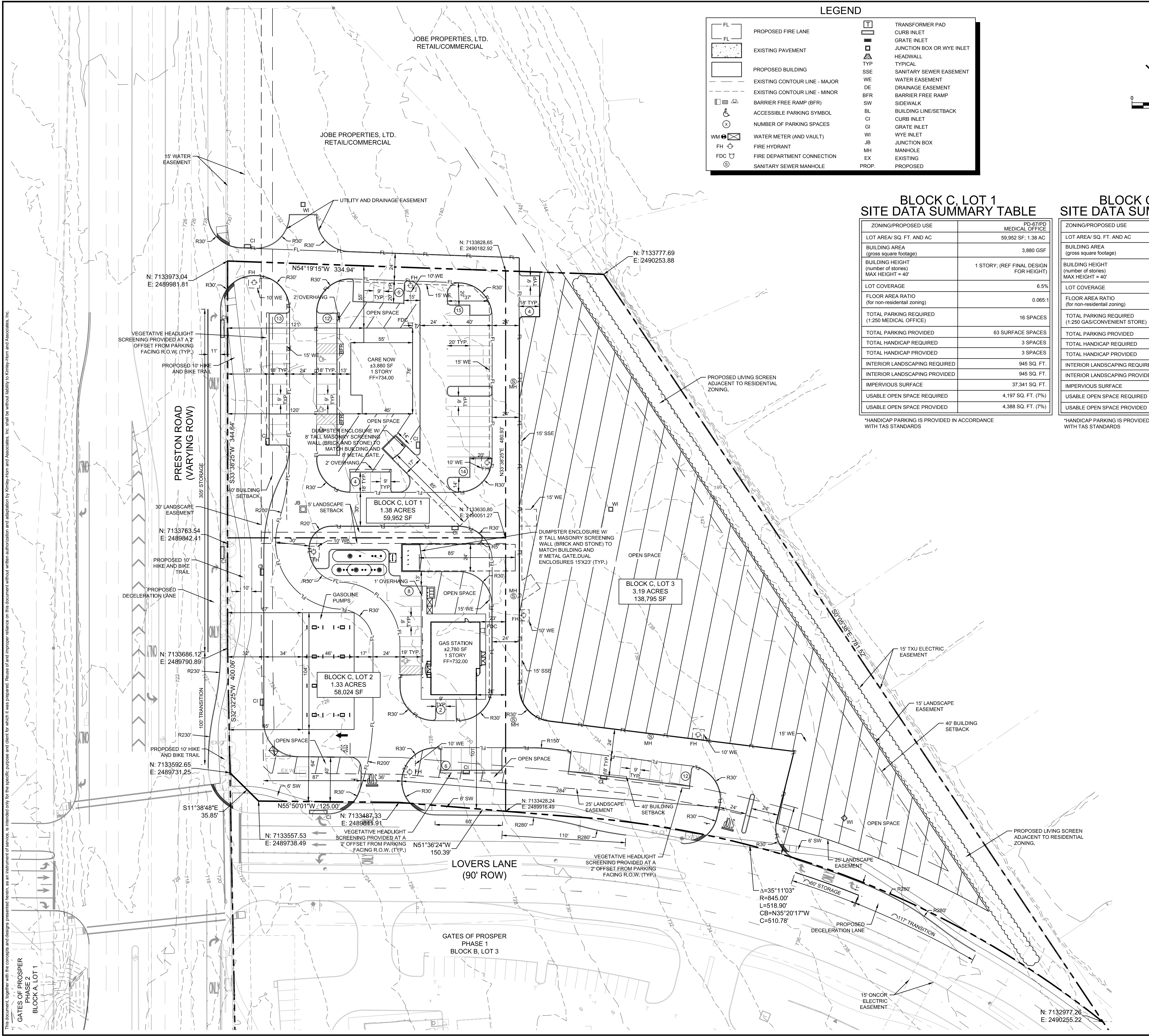
TOWN SITE PLAN NOTES

- ANY REVISION TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
- DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE. ANY ADDITIONAL ENCLOSURES WILL REQUIRE REAPPROVAL BY TOWN STAFF.
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 - BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
 - FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
 - TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
 - SPEED BUMPS/HUMPS ARE NOT PERMITTED WITHIN A FIRE LANE.
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 - ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
 - ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
 - ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE PLAN.
 - SIDEWALKS OF NOT LESS THAN SIX (6) FEET IN WIDTH ALONG THOROUGHFARES AND COLLECTORS AND FIVE (5) FEET IN WIDTH ALONG RESIDENTIAL STREETS, AND BARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED PER TOWN STANDARDS.
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**PRELIMINARY SITE PLAN
 GATES OF PROSPER
 BLOCK C, LOTS 1, 2 & 3
 D18-0134**
 Being 5.88 Acres Out Of The
**BEN RENNISON SURVEY Abstract No. 755
 COLLIN COUNTY SCHOOL LAND NO. 12 SURVEY
 Abstract No. 147**
 Town of Prosper, Collin County, Texas
 Submitted: December 17, 2018
 Resubmitted: August 26, 2019

Owner: 380 & 289 LP
 1 Cowboys Way
 Frisco, Texas 75034
 Contact: Nicholas Link
 Phone: (972)-497-4854

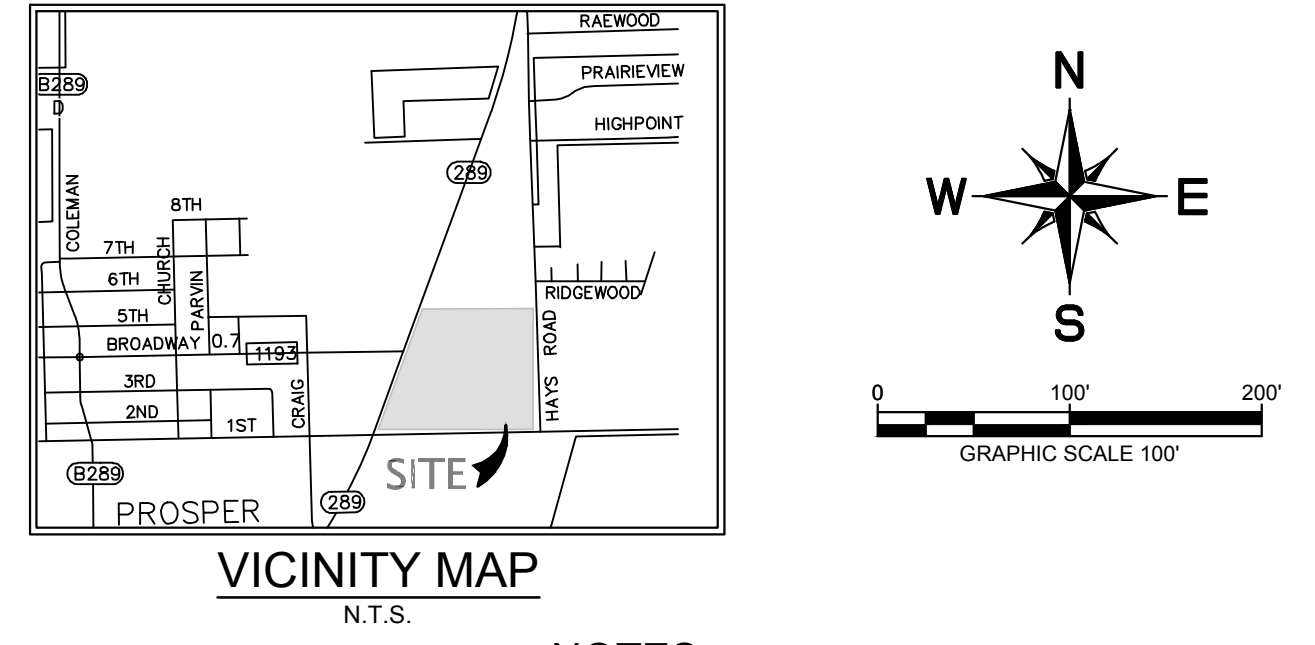
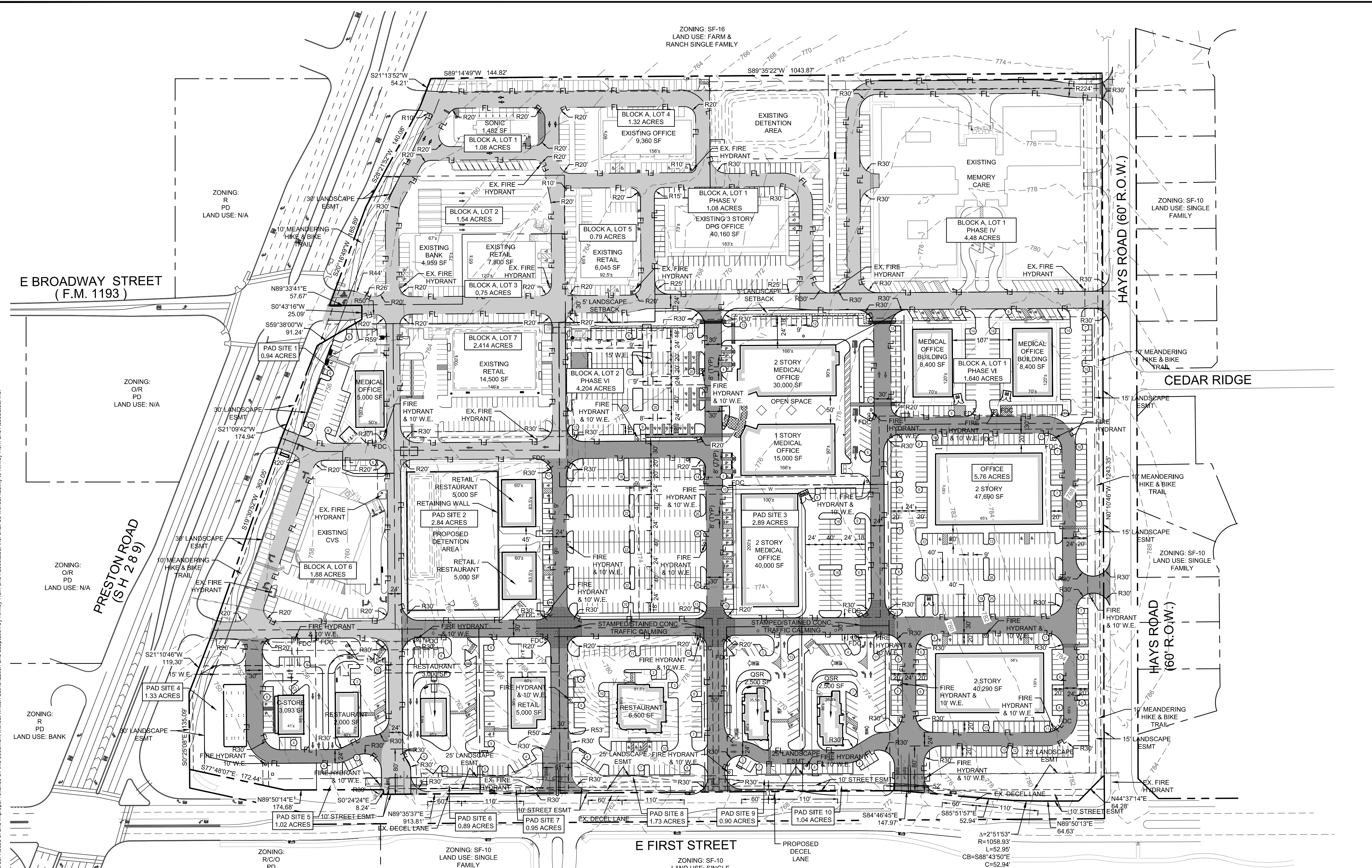
Engineer/Surveyor: Kimley-Horn and Associates, Inc.
 260 East Davis Street Suite 100
 McKinney, Texas 75069
 Contact: Joe Riccardi, P.E.
 Phone: (469)-301-2580



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND DERIVATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

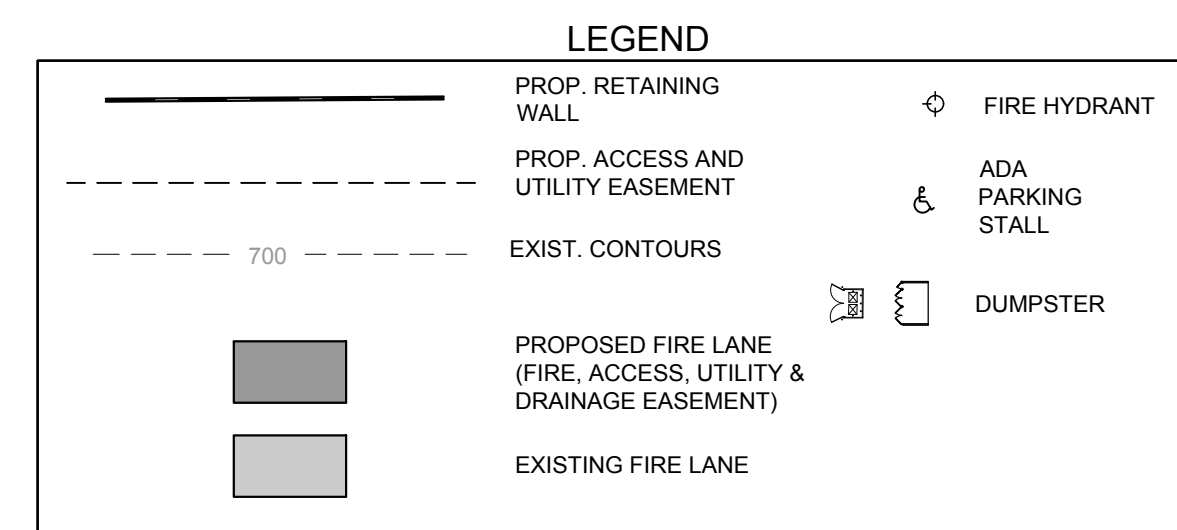
**GATES OF PROSPER
 PHASE 2
 BLOCK A, LOT 1**

DATE PLOTTED: 01/10/2019 10:00 AM
 PLOT SCALE: 1"=40'
 PLOT SHEET: 106 OF 106



NOTES

1. DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
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21. THE APPROVAL OF A PRELIMINARY SITE PLAN SHALL BE EFFECTIVE FOR A PERIOD OF TWO (2) YEARS FROM THE DATE THAT THE PRELIMINARY SITE PLAN IS APPROVED BY THE PLANNING AND ZONING COMMISSION. AT THE END OF WHICH THE APPLICANT MUST HAVE SUBMITTED AND RECEIVED APPROVAL OF A SITE PLAN BY THE PLANNING & ZONING COMMISSION. IF A SITE PLAN IS NOT APPROVED WITHIN SUCH TWO (2) YEAR PERIOD, THE PRELIMINARY SITE PLAN APPROVAL IS NULL AND VOID. IF SITE PLAN APPROVAL IS ONLY FOR A PORTION OF THE PROPERTY, THE APPROVAL OF THE PRELIMINARY SITE PLAN FOR THE REMAINING PROPERTY SHALL BE NULL AND VOID.
22. DEVELOPMENT OF FUTURE PAD SITES WILL REQUIRE A REVISED PRELIMINARY SITE PLAN IF NOT IN GENERAL CONFORMANCE WITH THIS PRELIMINARY SITE PLAN.



- NOTE:**
1. ALL OPEN SPACE AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN PD-7.
 2. FINAL DUMPSTER/TRASH SERVICE LAYOUTS TO BE PROVIDED WITH FINAL DESIGN OF EACH BLOCK AND LOT.
 3. TRASH AND LOADING ZONES ARE TO BE PLACED BEHIND RETAIL BUILDINGS.
 4. ALL DIMENSIONS PROVIDED ARE FROM THE FACE OF CURB.
 5. PERMANENT LANDSCAPE & IRRIGATION TO BE INSTALLED ON EAST & SOUTH SIDES OF DETENTION BASIN UPON CONSTRUCTION OF ADJACENT FIRE LANES.

LANDSCAPE REQUIRED	3,465 SF
LANDSCAPE PROVIDED	18,988 SF
OPEN SPACE REQUIRED	12,198 SF
OPEN SPACE PROVIDED	14,610 SF

**** NOTE ****
 ALL ITEMS SHOWN AND LISTED WITH (*) ARE FOR CONCEPTUAL PURPOSES ONLY AND DO NOT NECESSARILY REFLECT ULTIMATE BUILD OUT, BUT ARE INTENDED TO CONVEY THE OVERALL INTENT OF THE FUTURE DEVELOPMENT WITHIN THE PROSPER TOWN CENTER.
 THIS PRELIMINARY SITE PLAN SHOWS HOW BLOCK A, LOT 2 PHASE VI WILL FUNCTION WITH THE EXISTING INFRASTRUCTURE AS WELL AS HOW IT FITS WITH THE OVERALL GENERAL SITE.
 THE CONCEPTUAL ITEMS SHOWN DO NOT NECESSARILY REFLECT CURRENT TOWN STANDARDS.
 AS NEW DEVELOPMENT IS PROPOSED, THE PRELIMINARY SITE PLAN WILL BE MODIFIED TO REFLECT NEW CONDITIONS AND A FINAL SITE PLAN FOR EACH SPECIFIED PARCEL WILL BE SUBMITTED TO THE TOWN OF PROSPER FOR REVIEW.
 ALL FINAL SITE PLAN LAYOUTS MUST MEET CURRENT TOWN STANDARDS AND REGULATIONS WHICH INCLUDE, BUT ARE NOT LIMITED TO DIMENSIONS, FIRE COVERAGE, DUMPSTER LAYOUTS, BUILDING AND LANDSCAPE SETBACKS, SCREENING, DRIVEWAY THROAT DEPTH, EASEMENT DEDICATION, PARKING REQUIREMENTS, AND LANDSCAPE REQUIREMENTS.

SITE DATA TABLE	** BLOCK A, LOT 1 PHASE VI	BLOCK A, LOT 2 PHASE VI	** PAD SITE 1	** PAD SITE 2	** PAD SITE 3	** PAD SITE 4	** PAD SITE 5	** PAD SITE 6	** PAD SITE 7	** PAD SITE 8	** PAD SITE 9	** PAD SITE 10	** OFFICE
EXISTING ZONING	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL	PD - COMMERCIAL
PROPOSED USE	MEDICAL OFFICE	MEDICAL OFFICE	MEDICAL OFFICE	RETAIL / RESTAURANT	MEDICAL OFFICE	CONVENIENCE STORE	RESTAURANT W/DRIVE-THRU	RESTAURANT W/DRIVE-THRU	RETAIL	RESTAURANT	RESTAURANT W/DRIVE-THRU	RESTAURANT-THRU	OFFICE
BUILDING HEIGHT	1 STORY	2 STORY / 1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	1 STORY	2 STORY
BUILDING AREA	16,800 SF	30,000 SF 15,000 SF	5,000 SF	5000 REST. SF 5000 RETAIL SF	40,000 SF	3,093 SF	2,000 SF	3,000 SF	5,000 SF	6,500 SF	2,500 SF	2,500 SF	87,980 SF
PARKING REQUIRED	68 SPACES	180 SPACES	20 SPACES	70 SPACES	160 SPACES	3 SPACES	20 SPACES	30 SPACES	20 SPACES	87 SPACES	25 SPACES	25 SPACES	252 SPACES
REQUIRED PARKING RATIO	1/250	1/250	1/250	1/100 & 1/250	1/250	3 SPACES FOR EMPLOYEES	1/100	1/100	1/250	1/75	1/100	1/100	1/350
PARKING PROVIDED	96 SPACES	228 SPACES	37 SPACES	98 SPACES	170 SPACES	18 SPACES	20 SPACES	30 SPACES	27 SPACES	90 SPACES	26 SPACES	33 SPACES	345 SPACES
LAND AREA AC	1.64 ACRES	4.204 ACRES	0.94 ACRES	2.84 ACRES	2.89 ACRES	1.33 ACRES	1.02 ACRES	0.89 ACRES	0.95 ACRES	1.73 ACRES	0.9 ACRES	1.04 ACRES	5.76 ACRES
LAND AREA SF	71,438 SF	183,126 SF	40,946 SF	123,710 SF	125,888 SF	57,935 SF	44,431 SF	38,768 SF	41,382 SF	75,359 SF	39,204 SF	45,302 SF	250,906 SF
IMPERVIOUS AREA	62,120 SF	166,893 SF	35,856 SF	75,154 SF	113,850 SF	41,200 SF	32,000 SF	31,000 SF	31,489 SF	58,284 SF	30,926 SF	35,401 SF	221,158 SF
HANDICAP REQUIRED	4 SPACES	7 SPACES	2 SPACES	4 SPACES	6 SPACES	1 SPACES	1 SPACES	2 SPACES	2 SPACES	4 SPACES	2 SPACES	2 SPACES	8 SPACES
VAN HANDICAP PROVIDED	2 SPACES	5 SPACES	1 SPACES	2 SPACES	2 SPACES	0 SPACES	1 SPACES	1 SPACES	1 SPACES	1 SPACES	1 SPACES	1 SPACES	8 SPACES
TOTAL HANDICAP PROVIDED	6 SPACES	24 SPACES	2 SPACES	4 SPACES	12 SPACES	4 SPACES	2 SPACES	2 SPACES	2 SPACES	4 SPACES	2 SPACES	2 SPACES	8 SPACES
COVERAGE	23.52%	16.38%	12.21%	8.08%	31.77%	5.34%	4.50%	7.74%	12.08%	8.63%	6.38%	5.52%	8.77%
FLOOR AREA RATIO	0.235	0.246	0.12	0.08	0.32	0.05	0.05	0.08	0.12	0.09	0.06	0.06	0.18

**PRELIMINARY SITE PLAN
 PROSPER TOWN CENTER
 D19-0044**

**Being 44.61 Acres Out Of The
 COLLIN COUNTY SCHOOL LAND #12 SURVEY
 Abstract No. 147**

**Town of Prosper, Collin County, Texas
 Submitted: JUNE 3, 2019**

Owner:
 OTX Prosper Land LLC
 14891 Quorum Drive Suite 190
 Dallas, Texas 75254
 Contact: Mike Wells
 Phone: (972)-458-2588

Engineer/Surveyor:
 Kimley-Horn and Associates, Inc.
 280 East Davis Street Suite 100
 McKinney, Texas 75069
 Contact: Michael Doggett, P.E.
 Phone: (469)-301-2580

Kimley-Horn

PRELIMINARY
 FOR REVIEW ONLY
 Not for construction or permit purposes.
 Kimley-Horn
 Engineer: MICHAEL L. DOGGETT
 P.E. No. 98828 Date August 2019

**PROSPER TOWN CENTER
 NEC 1ST ST & PRESTON RD**

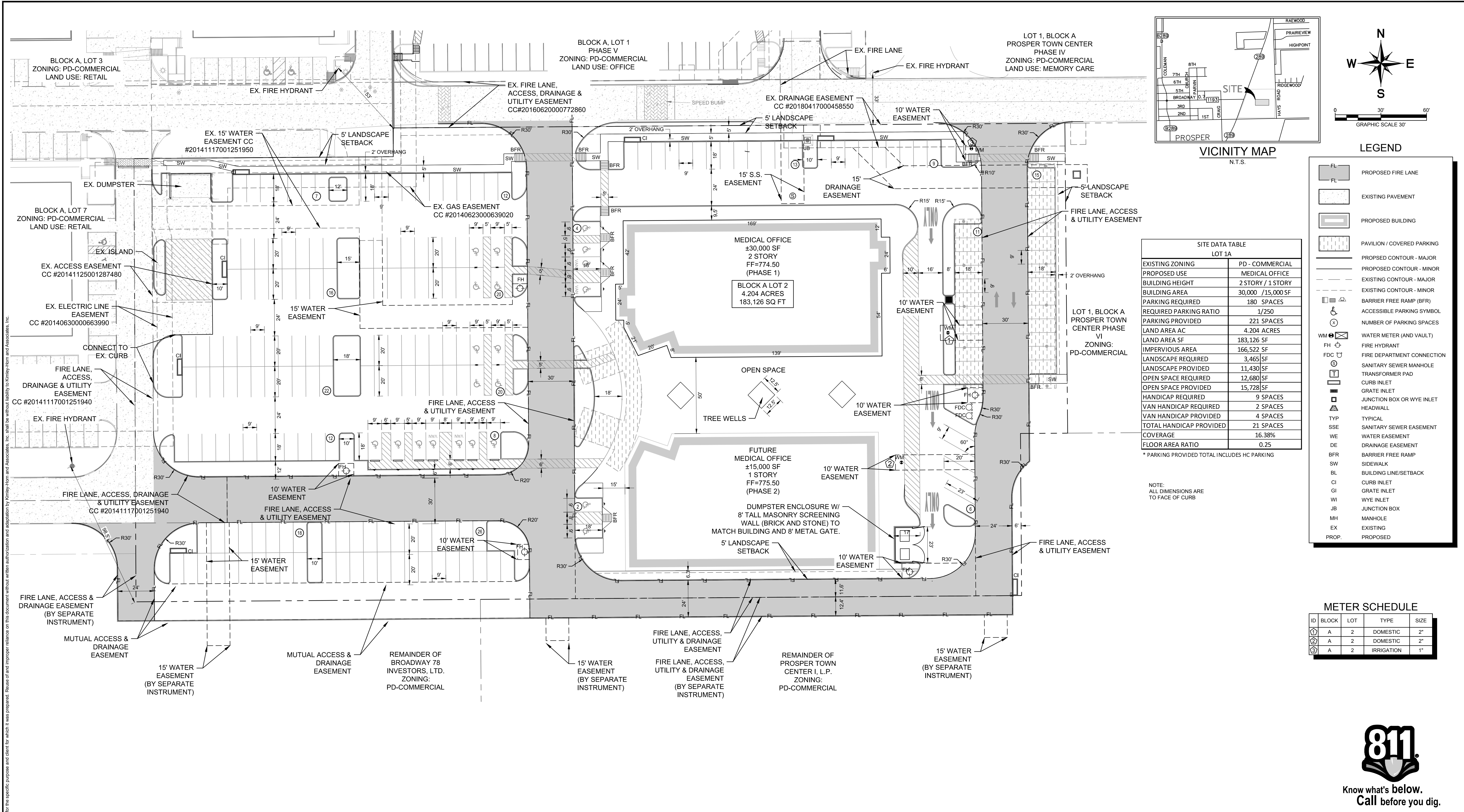
PRELIMINARY SITE PLAN

DATE	AUGUST 2019	SCALE	AS SHOWN	DESIGNED BY	MTD	DRAWN BY	ADB	CHECKED BY	MTD
KHA PROJECT	064543101								

PROSPER, TEXAS

SHEET NUMBER
1-1
 Page 107

08/13/19 MTD
 08/05/19 MTD
 07/30/19 MTD
 07/22/19 MTD
 06/18/19 MTD
 Item 15.
 DATE
 REVISIONS
 No.



SITE DATA TABLE
LOT 1A

EXISTING ZONING	PD - COMMERCIAL
PROPOSED USE	MEDICAL OFFICE
BUILDING HEIGHT	2 STORY / 1 STORY
BUILDING AREA	30,000 / 15,000 SF
PARKING REQUIRED	180 SPACES
REQUIRED PARKING RATIO	1/250
PARKING PROVIDED	221 SPACES
LAND AREA AC	4.204 ACRES
LAND AREA SF	183,126 SF
IMPERVIOUS AREA	166,522 SF
LANDSCAPE REQUIRED	3,465 SF
LANDSCAPE PROVIDED	11,430 SF
OPEN SPACE REQUIRED	12,680 SF
OPEN SPACE PROVIDED	15,728 SF
HANDICAP REQUIRED	9 SPACES
VAN HANDICAP REQUIRED	2 SPACES
VAN HANDICAP PROVIDED	4 SPACES
TOTAL HANDICAP PROVIDED	21 SPACES
COVERAGE	16.38%
FLOOR AREA RATIO	0.25

* PARKING PROVIDED TOTAL INCLUDES HC PARKING

LEGEND

- FL PROPOSED FIRE LANE
- FL EXISTING PAVEMENT
- PROPOSED BUILDING
- PAVILION / COVERED PARKING
- PROPOSED CONTOUR - MAJOR
- PROPOSED CONTOUR - MINOR
- EXISTING CONTOUR - MAJOR
- EXISTING CONTOUR - MINOR
- BARRIER FREE RAMP (BFR)
- ACCESSIBLE PARKING SYMBOL
- NUMBER OF PARKING SPACES
- WATER METER (AND VAULT)
- FH FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- SANITARY SEWER MANHOLE
- TRANSFORMER PAD
- CURB INLET
- GRATE INLET
- JUNCTION BOX OR WYE INLET
- HEADWALL
- TYP TYPICAL
- SSE SANITARY SEWER EASEMENT
- WE WATER EASEMENT
- DE DRAINAGE EASEMENT
- BFR BARRIER FREE RAMP
- SW SIDEWALK
- BL BUILDING LINE/SETBACK
- CI CURB INLET
- GI GRATE INLET
- WI WYE INLET
- JB JUNCTION BOX
- MH MANHOLE
- EX EXISTING
- PROP PROPOSED

METER SCHEDULE

ID	BLOCK	LOT	TYPE	SIZE
1	A	2	DOMESTIC	2"
2	A	2	DOMESTIC	2"
3	A	2	IRRIGATION	1"

NOTE: ALL DIMENSIONS ARE TO FACE OF CURB

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SITE PLAN
PROSPER TOWN CENTER
D19-0076
Being 4.204 Acres Out Of The
COLLIN COUNTY SCHOOL LAND #12 SURVEY
Abstract No. 147
Block A, Lot 2, Prosper Town Center,
Phase VI
Town of Prosper, Collin County, Texas
Submitted: AUGUST 5, 2019

Owner:
OTX Prosper Land LLC
14891 Quorum Drive Suite 100
Dallas, Texas 75254
Contact: Mike Wells
Phone: (972)-458-2588

Engineer/Surveyor
Kimley-Horn and Associates, Inc.
260 East Davis Street Suite 100
McKinney, Texas 75069
Contact: Michael Doggett, P.E.
Phone: (469)-301-2580

Item 15.

REVISIONS	DATE
7	06/18/19
6	07/22/19
5	07/30/19
4	08/05/19
3	08/19/19
2	08/27/19
1	08/27/19

Kimley-Horn
© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
260 EAST DAVIS STREET, SUITE 100, MCKINNEY, TX 75069
PHONE: 469-301-2580 FAX: 972-293-9820
WWW.KIMLEY-HORN.COM TX F-928

PROSPER TOWN CENTER
NEC 1ST ST & PRESTON RD
PROSPER, TEXAS

811
Know what's below.
Call before you dig.

SITE PLAN

SHEET NUMBER
C-3. Page 108

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KIMLEY-HORN AND ASSOCIATES, INC.
 260 EAST DAVIS STREET, SUITE 100, MCKINNEY, TEXAS 75069
 PHONE: 469-301-2580 FAX: 972-293-9820
 WWW.KIMLEY-HORN.COM

PLANNING



To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Conduct a Public Hearing, and consider and act upon an ordinance to amend Planned Development-33 (PD-33), on 127.9± acres, located on the southwest corner of Prosper Trail and Cook Lane, to allow for the expansion of a House of Worship (Prestonwood Baptist Church), including a Private School and Gymnasium. (Z19-0012).

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development-33-Office	Prestonwood Baptist Church	Business Park
North	Planned Development-8-Single Family	Single Family Residences (Lakes of Prosper)	Medium Density Residential
East	Planned Development-26-Office/Industrial and Specific Use Permit-8 (S-8)	Undeveloped and Office/Warehouse (Prosper Business Park)	Business Park
South	Agricultural and Planned Development-95-Office	Undeveloped and Public Safety Facilities (under construction)	Business Park
West	Planned Development-66-Retail	Undeveloped	Tollway District

In October 2006, the Town Council approved Planned Development-33 (PD-33) for the Prestonwood Baptist Church North Campus. With this amendment, Prestonwood is proposing to update the proposed conceptual site plan and conceptual elevations to reflect the existing development, as well as to allow for the expansion of the existing building. The proposed building expansion is for a total of 37,441 square feet, two (2) stories in height, and includes classrooms and a gymnasium.

The conceptual site plan, Exhibit D, has been revised to show the proposed building expansion and the existing and future athletic fields. The development standards, Exhibit C, have been modified to include private athletic field uses. Exhibits F and G have been revised to show the elevations and landscaping associated with the building expansion. Town staff believes this amendment is reasonable and recommends approval.

Future Land Use Plan – The Future Land Use Plan recommends Business Park for the property; the proposed amendment conforms to the Future Land Use Plan.

Thoroughfare Plan – The property has direct access to Prosper Trail, a four-lane divided minor thoroughfare, Cook Lane and the future Safety Way, which are two-lane undivided commercial collectors. The zoning exhibit complies with the Thoroughfare Plan.

Parks Master Plan – The required hike & bike trails along Prosper Trail and Cook Lane are provided in accordance with the Parks Master Plan.

Legal Obligations and Review:

Notification was provided to neighboring property owners, as required by state law. Town staff has not received any Public Hearing Notice Reply Forms. Terrence Welch of Brown & Hofmeister, L.L.P., has approved the ordinance as to form and legality.

Attached Documents:

1. Location and Zoning Maps
2. Proposed Exhibits A, B, C, D, E, F, and G
3. Ordinance

Planning & Zoning Commission Recommendation:

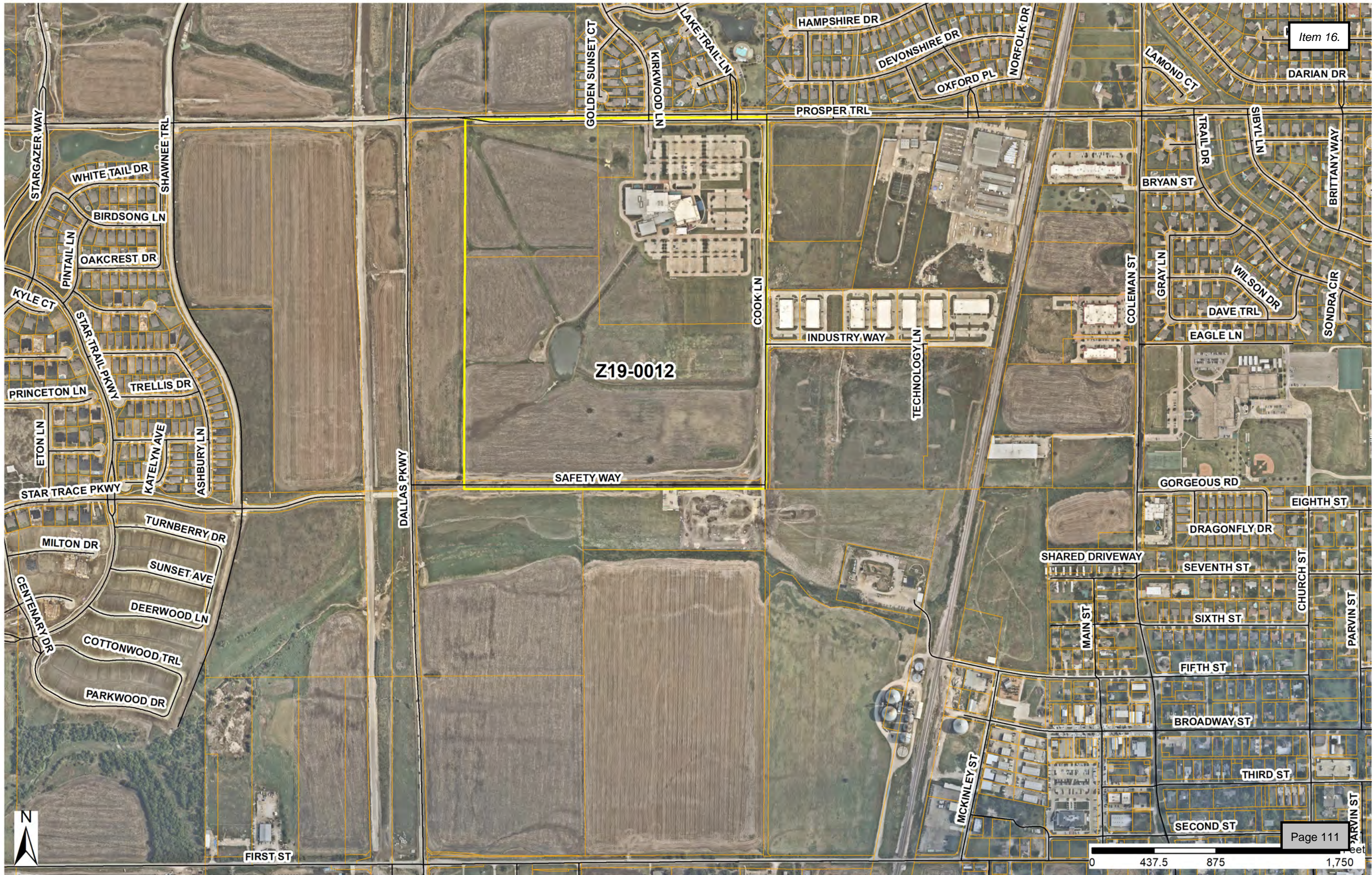
At their August 20, 2019 meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 6-0.

Town Staff Recommendation:

Staff recommends the Town Council approve the request.

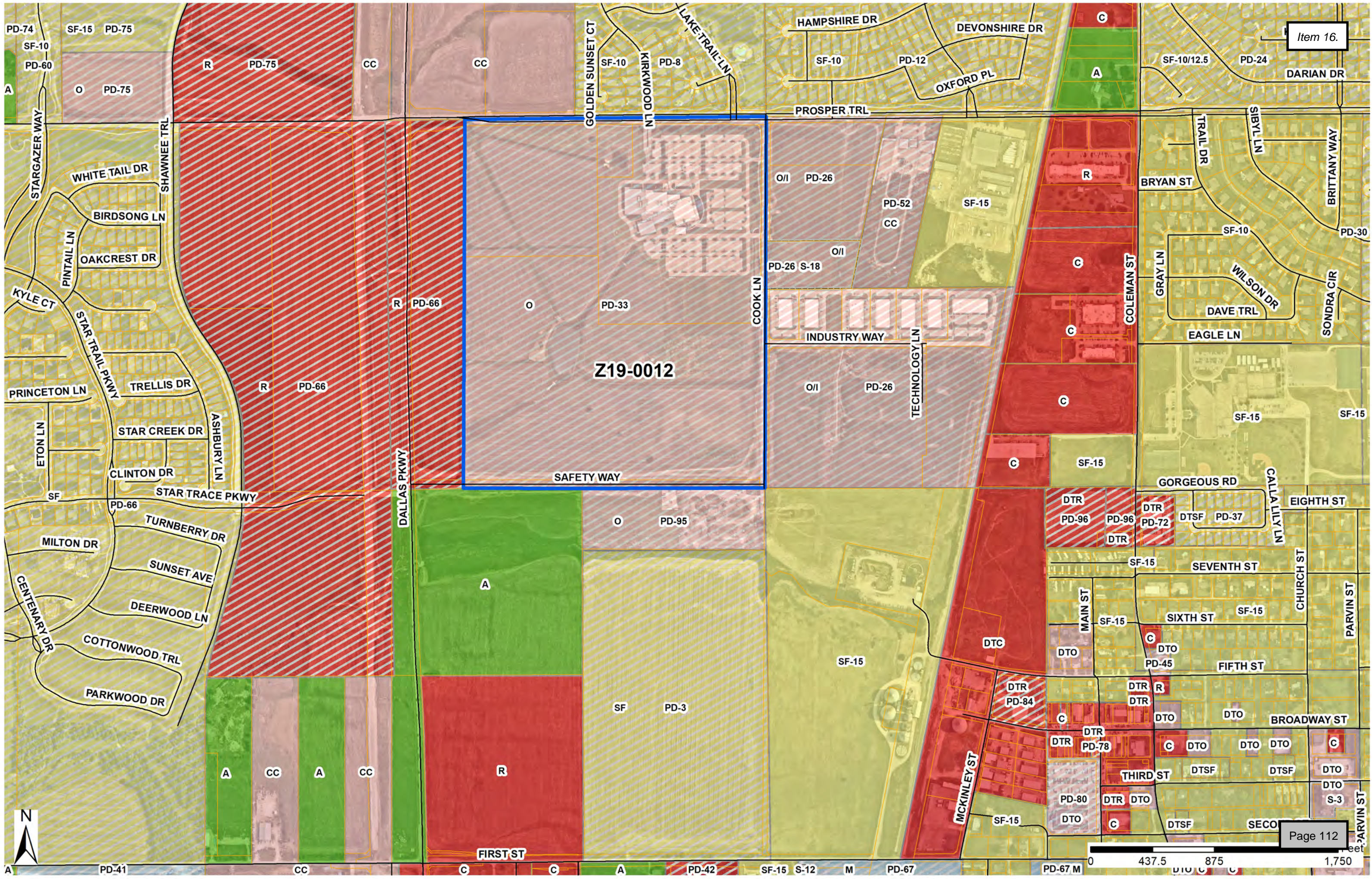
Proposed Motion:

I move to approve an ordinance to amend Planned Development-33 (PD-33), on 127.9± acres, located on the southwest corner of Prosper Trail and Cook Lane, to allow for the expansion of a House of Worship (Prestonwood Baptist Church), including a Private School and Gymnasium.



Item 16.

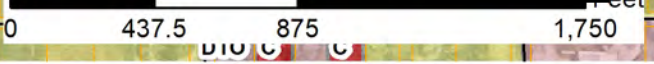
Z19-0012

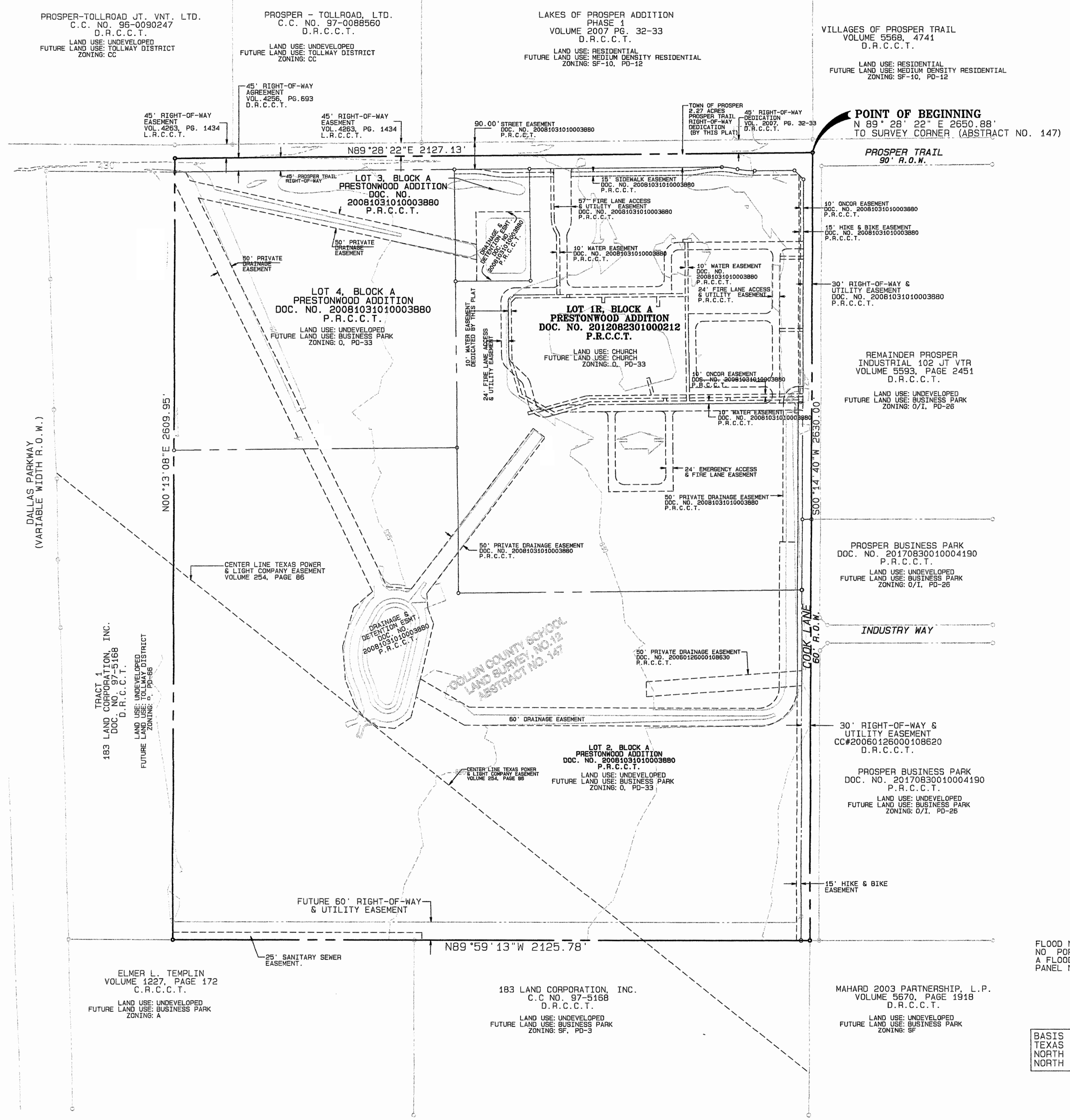
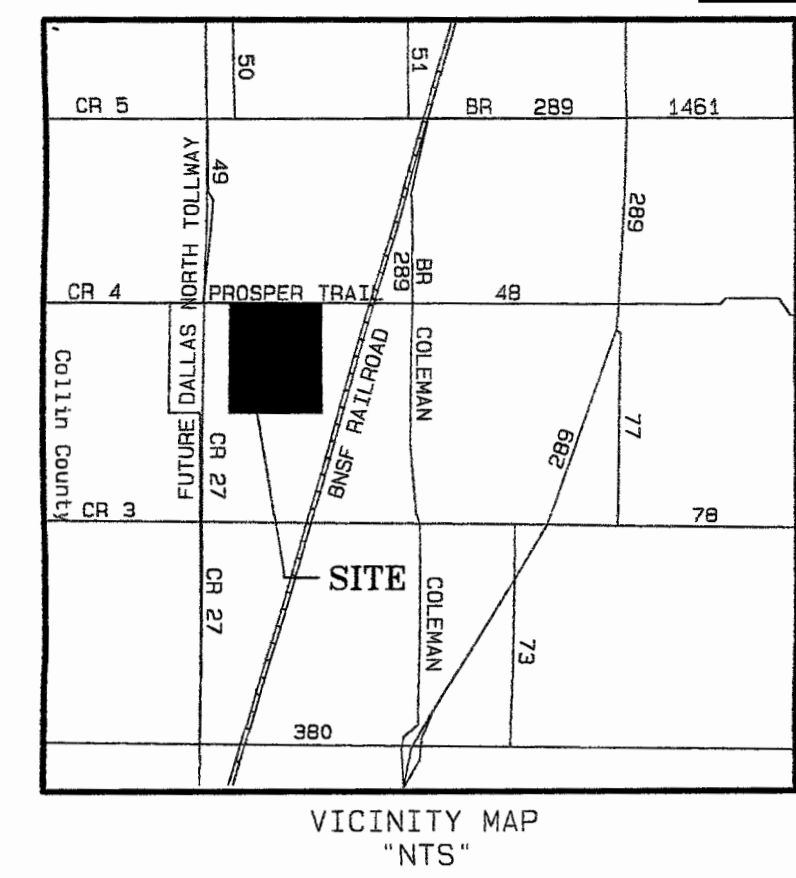


Item 16.

Z19-0012

Map labels include street names such as STARGAZER WAY, WHITE TAIL DR, BIRDSONG LN, OAKCREST DR, PINTAIL LN, STAR TRAIL PKWY, TRELLIS DR, STAR CREEK DR, CLINTON DR, STAR TRACE PKWY, TURNBERRY DR, MILTON DR, SUNSET AVE, DEERWOOD LN, COTTONWOOD TRL, PARKWOOD DR, CENTENARY DR, GOLDEN SUNSET CT, KIRKWOOD LN, LAKE TRAIL LN, HAMPSHIRE DR, DEVONSHIRE DR, OXFORD PL, PROSPER TRL, DARIAN DR, TRAIL DR, SIBYL LN, BRITANNY WAY, BRYAN ST, GRAY LN, WILSON DR, SONDR A CIR, EAGLE LN, COLEMAN ST, INDUSTRY WAY, TECHNOLOGY LN, SAFETY WAY, GORGEOUS RD, EIGHTH ST, SEVENTH ST, SIXTH ST, FIFTH ST, BROADWAY ST, THIRD ST, SECOND ST, MCKINLEY ST, CHURCH ST, PARVIN ST, and various zoning codes like PD-74, SF-15, PD-75, R, CC, PD-66, PD-33, PD-26, PD-52, PD-26 S-18, PD-30, PD-26, PD-95, PD-96, PD-72, PD-37, PD-45, PD-84, PD-78, PD-80, PD-41, PD-42, SF-15 S-12, M, PD-67, PD-67 M, DTR, DTSF, DTO, DTC, O/I, C, A, SF, O, R, CC, D, S-3, and SF-10/12.5.





LEGAL DESCRIPTION
LOTS 1R, 2, 3, AND 4, BLOCK A
PRESTONWOOD ADDITION
COLLIN COUNTY SCHOOL LAND SURVEY NO. 12
ABSTRACT NO. 147
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

Being a 127.9 acre tract of land situated in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas, and being all of Lot 1R, Block A, Prestonwood Addition, an addition to the Town of Prosper, as recorded in Document No. 20120823010002120, Plat Records, Collin County, Texas, and being all of Lot 2, Lot 3, and Lot 4, Block A, Prestonwood Addition, an addition to the Town of Prosper, as recorded in Document No. 20081031010003880, Plat Records, Collin County, Texas, being more particularly described by metes and bounds as follows:

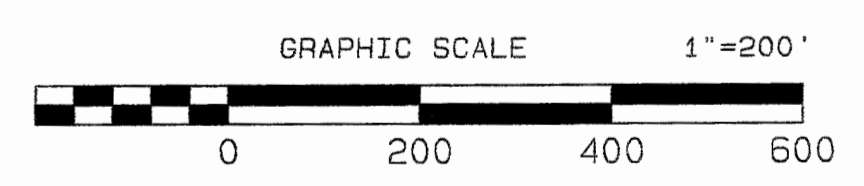
BEGINNING at a found 1/2 inch iron rod, being in the intersection of the centerline of Prosper Trail (having a 90 foot Right-Of-Way), and the centerline of Cook Lane (having a 60 foot Right-Of-Way);

THENCE South 00°14'40" West, along said centerline of Cook Lane, for a distance of 2630.00 feet to a point, being in the north line of a tract of land conveyed by deed to Mahard 2003 Partnership, L.P., as recorded in Volume 5670, Page 1918, Deed Records, Collin County, Texas;

THENCE North 89°59'13" West, along the south line of said Lot 2 a distance of 2125.78 feet to a point for corner;

THENCE North 00°13'08" East, along the west line of said Lot 2 a distance of 1636.66 to a point being the northwest corner of said Lot 2 and the southwest corner of said Lot 4, and continuing along the west line of said Lot 4 for a total distance of 2609.94 feet to a point being in the centerline of said Prosper Trail;

THENCE North 89°28'22" East, along the centerline of said Prosper Trail a distance of 2127.13 feet to the POINT OF BEGINNING and CONTAINING 5,570,986 square feet, or 127.9 acres of land, more or less.



FLOOD NOTE:
 NO PORTION OF THE TRACT LIES IN A 100-YEAR FLOOD PLAIN OR IN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP, PANEL NO. 48085C0230 J, DATED JUNE 2, 2009 AND PUBLISHED BY FEMA.

BASIS OF BEARING IS
 TEXAS STATE PLANE COORDINATE SYSTEM
 NORTH CENTRAL TEXAS ZONE
 NORTH AMERICAN DATUM-1983 (SURFACE)

CASE #: Z19-0012

ZONING EXHIBIT A
LOT 1R, 2, 3, AND 4, BLOCK A
PRESTONWOOD ADDITION
COLLIN COUNTY SCHOOL
LAND SURVEY NO. 12
ABSTRACT NO. 147

TOWN OF PROSPER, TEXAS
COLLIN COUNTY, TEXAS

Graham Associates Inc.
 CONSULTING ENGINEERS & PLANNERS
 600 SIX FLAGS DRIVE, SUITE 900
 ARLINGTON, TEXAS 76011 (817) 640-8535
 TAPE FILE: F-1181/TBPLS FILE: 101528-00

OWNER/DEVELOPER
PRESTONWOOD BAPTIST CHURCH
6801 WEST PARK BLVD.
PLANO, TEXAS
PHONE: 972-820-5123

Z19-0012

**EXHIBIT "B"
STATEMENT OF INTENT AND PURPOSE**

The purpose of this Planned Development proposal is to develop the North Campus of Prestonwood Baptist Church to meet the growing needs of the community.

The Prestonwood North Campus Planned Development will comply with the requirements of the Office Zoning District as a base; with the exceptions as noted in Exhibit "C" Prestonwood North Campus Development Standards.

Z19-0012**EXHIBIT "C"
DEVELOPMENT STANDARDS**

Conformance with the Town's Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the regulations of the Town's Zoning Ordinance, as it exists or maybe amended, and the Subdivision Ordinance as it exists or may be amended shall apply.

Except as noted below, the property shall develop in accordance with the Office District, as it exists or may be amended.

Use of Land and Buildings

1. Use is Permitted - Athletic Stadium or Field, Private

Maximum Building Height:

1. Three (3) stories, not greater than one hundred fifty (150) feet. Where buildings exceed forty (40) feet in height, such buildings shall not be located closer to any residential district boundary line than two hundred (200) feet.
2. Ornamental features may exceed the maximum building height provided that the ornamental feature does not contain habitable floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features include, but are not limited to towers, spires, steeples, and cupolas.

Landscaping:

Landscaping shall be provided in accordance with The Town of Prosper Zoning Ordinance No. 05-20, Chapter 4, Section 2, Landscaping. The intention of differing from the Town of Prosper Landscape requirements is to provide a clean, modern, campus-like appearance to be in harmony with the aesthetic of the building and to enhance the serenity of the outdoor environment.

With the following exceptions:

1. Perimeter requirements
 - a. The use of small and large trees, in addition to a limited number of small shrubs in lieu of the shrub counts required in the Town Landscape ordinance shall be allowed as approved by Town Staff. Other landscaped area requirements such as widths, etc. shall meet the zoning ordinance.
2. Interior Parking Requirements
 - a. Landscaped areas may not be required to be protected by a raised six (6) inch concrete curb.
 - b. Landscaped areas shall meet the minimum planting requirements and are allowed to be grouped to the perimeter of the parking areas in a tree lined walkway fashion as approved by town staff.

General Compliance:

Except as amended by these conditions, development of property within The Prestonwood North Campus Planned Development shall comply with the requirements of all ordinances, rules, and regulations of the Town of Prosper.

Z19-0012

**EXHIBIT "E"
DEVELOPMENT SCHEDULE**

The development of the Prestonwood Baptist North Campus Planned Development is a multi-phased development.

- Phase 1 2007 constructed Multi-Purpose/Fellowship 44,000± square feet, Education and Administration 46,000± square feet, and Atrium Commons 46,000± square feet.
- Phase 2 2012 constructed 75,000± square foot expansion.
- Phase 3 Gymnasium/Classroom Expansion 37,441± square feet, estimated construction completion late 2020.

Phases 1, 2, & 3 are constructed on Lot 1R, Block A, Prestonwood Addition being 35.3± acres. It is furthermore anticipated that future phases will commence over the next ten (10) to twenty (20) years.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE NO. 05-20, ORDINANCE NO. 06-114, AND ORDINANCE NO. 08-044, BY REZONING A TRACT OF LAND CONSISTING OF 127.9 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND NO. 12 SURVEY, ABSTRACT NO. 147 IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-33 (PD-33) IS HEREBY AMENDED IN ITS ENTIRETY AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-33-OFFICE (PD-33-O); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that the Town's Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper"), has received a request (Case Z19-0012) from Prestonwood Baptist Church ("Applicant"), to rezone 127.9 acres of land, more or less, situated in the Collin County School Land No. 12 Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendments to Zoning Ordinance No. 05-20, Ordinance No. 06-114, and Ordinance No. 08-044. The Town's Zoning Ordinance, adopted by Ordinance No. 05-20, Ordinance No. 06-114, and Ordinance No. 08-044 are amended as follows: The zoning designation of the below-described property containing 127.9 acres of land, more or less, situated in the Collin County School Land No. 12 Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas; (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby is

hereby amended in its entirety and rezoned as Planned Development-33-Office (PD-33-O). The property as a whole is more particularly described in Exhibit A and attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the Statement of Intent and Purpose, attached hereto as Exhibit B; 2) the Development Standards, attached hereto as Exhibit C; 3) the Site Plan, attached hereto as Exhibit D; 4) the Development Schedule, attached hereto as Exhibit E; and 5) the Elevations, attached hereto as Exhibit F; and 6), the Landscape Plans, attached hereto as Exhibit G, which are incorporated herein for all purposes as if set forth verbatim.

Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

Savings/Repealing Clause. Prosper’s Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

Effective Date. This Ordinance shall become effective from and after its adoption and publications, as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

FINANCE



To: Mayor and Town Council

From: Kelly Neal, CGFO, CPM, Finance Director

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance adopting the Fiscal Year 2019-2020 Annual Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020.

Description of Agenda Item:

Approval of this item will appropriate funds for the FY 2019-2020 Budget. Prior to this meeting, the Town published required notices, held public hearings that included staff presentations about the budget, and 2019 tax rate, and gave interested taxpayers the opportunity to be heard by the Town Council.

During the 2007 Texas legislative session, House Bill 3195 was passed, amending section 102.007 of the Local Government Code. Subsection C was added to state that adoption of a budget that requires raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to, and separate from, the vote to adopt the budget or a vote to set the tax rate as required by Chapter 26 of the Tax Code.

The FY 2019-2020 Proposed Budget raises more in property tax revenues than in the previous year. Although the overall budget is made up of sixteen separate funds, it is helpful to compare the six primary funds from year to year:

Fund	FY 2019 Amended Budget	FY 2020 Proposed Budget (9/10/2019)	\$ Change	% Change
General	\$33,476,508	\$29,865,198	(\$3,611,310)	-10.79%
Water/Sewer	\$20,753,886	\$24,956,201	\$4,202,315	20.25%
Debt Service	\$6,198,439	\$7,022,740	\$824,301	13.30%
SPD-Crime/Fire	\$2,465,008	\$2,616,408	\$151,400	6.14%
TIRZ # 1	\$1,718,313	\$1,766,715	\$ 48,402	2.82%
Impact Fee Funds	\$15,515,928	\$6,001,303	(\$9,514,625)	-61.32%
Total	\$80,128,082	\$72,228,565	(\$7,899,517)	- 9.86%

The Proposed FY 2019-2020 budget is composed of discretionary and non-discretionary supplemental requests. The tables below display the most prominent requests from the General Fund and Water/Sewer Fund.

General Fund Supplemental Requests

<u>Request Title</u>	<u>Amount</u>
Two Lieutenants	\$ 372,412
Two Traffic Officers	\$ 292,904
Increase to Annual Street Maintenance Program	\$ 250,000
New Street Maintenance Crew	\$ 147,397
Fire - new engine loose equipment	\$ 150,000
Frontier Park Storage Buildings	\$ 147,927
Park Operations Maintenance/Equipment	\$ 200,200
Failover virtual server cluster	\$ 151,000

Water/Sewer Fund Supplemental Requests

<u>Request Title</u>	<u>Amount</u>
Additional Water Purchase-NTMWD	\$ 341,042
7 Water/WW FTE Personnel Positions	\$ 489,424
Sewer Management Fees	\$ 519,409
CIP Water and Wastewater Projects	\$ 850,000
CCTV camera truck, manhole camera, pole driver	\$ 189,380

The Town of Prosper FY 2019-2020 Annual Budget addresses increased service levels to Town residents in response to continued growth. The proposed budget also provides essential or money-saving capital investments in infrastructure and other public improvements, as well as additional public safety resources. The growth in the value of the Town’s tax base is very strong, and the Town’s reputation as a quality community is spreading. Notwithstanding the Town’s current and future growth potential and general optimism, this budget has been prepared with conservative revenue and expenditure assumptions in mind.

The table below displays the proposed changes to individual fund budgets from the proposed budget presented on August 13, 2019.

<u>Fund Name</u>	<u>8/13/2019</u>	<u>9/10/2019</u>	<u>\$ Change</u>
General Fund	\$30,793,960	\$29,865,198	(\$928,762)
Park Dedication/Improvement Fund	\$650,000	\$665,955	\$15,955
Special Revenue Fund	\$1,454,577	\$1,509,577	\$55,000

Legal Obligations and Review:

Terrence Welch with Brown & Hofmeister, L.L.P., has reviewed and approved the attached ordinance as to form and legality.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

Town staff recommends that the Town Council adopt the Fiscal Year 2019-2020 Annual Budget as proposed.

This item requires a record vote.

Recommended Motions:

I move to approve an ordinance adopting the Fiscal Year 2019-2020 Annual Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020, as proposed.

Second motion to comply with state law:

I move to ratify the property tax revenue increase as reflected in the Fiscal Year 2019-2020 Adopted Budget.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING THE FISCAL YEAR 2019-2020 ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; FOR THE TOWN OF PROSPER, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Annual Budget for the Town of Prosper, Texas, was prepared by the Town Manager and presented to the Town Council on August 13, 2019, in accordance with the Town Charter of the Town of Prosper, Texas; and

WHEREAS, the proposed annual budget document was posted on the Town's Internet website and also made available for public review; and

WHEREAS, a Notice of a Public Hearing concerning the proposed Annual Town Budget was published as required by state law and said Public Hearing thereon were held by the Town Council on August 27, 2019, and September 5, 2019; and

WHEREAS, following the Public Hearing, and upon careful review of the proposed Fiscal Year 2019-2020 Annual Budget, it is deemed to be in the best financial interests of the citizens of the Town of Prosper, Texas, that the Town Council approve said budget as presented by the Town Manager.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2

The official budget for the Town of Prosper, Texas, for the fiscal year beginning October 1, 2019, and ending September 30, 2020, is hereby adopted by the Town Council of the Town of Prosper, Texas, and the Town Secretary is directed to keep and maintain a copy of such official budget on file in the office of the Town Secretary and, upon request, make same available to the citizens and the general public.

SECTION 3

The sums specified in Exhibit A are hereby appropriated from the respective funds for the payment of expenditures on behalf of the Town government as established in the approved budget document.

SECTION 4

Should any part, portion, section, or part of a section of this Ordinance be declared invalid, or inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way affect the remaining provisions, parts, sections, or parts of sections of this Ordinance, which provisions shall be, remain, and continue to be in full force and effect.

SECTION 5

All ordinances and appropriations for which provisions have heretofore been made are hereby expressly repealed if in conflict with the provisions of this Ordinance.

SECTION 6

In accordance with state law and the Town’s Code of Ordinances, proper Notice of Public Hearing was provided for said Ordinance to be considered and passed, and this Ordinance shall take effect and be in full force and effect from and after its final passage.

SECTION 7

Specific authority is hereby given to the Town Manager to transfer appropriations budgeted from one account classification or activity to another within any individual department or activity.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___ ON THIS THE 10TH DAY OF SEPTEMBER, 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT "A"

		PROPOSED BUDGET 2019-2020			
		AMENDED BUDGET 2018-2019	AS ORIGINALLY TRANSMITTED	CHANGES	FINAL PROPOSED
GENERAL FUND	Administration	\$ 7,253,305	\$ 5,492,763	\$ (50,000)	\$ 5,442,763
	Police Services	4,793,966	5,496,662	-	5,496,662
	Fire Services	7,917,834	7,175,800	(791,689)	6,384,111
	Public Works	4,621,430	2,963,896	-	2,963,896
	Community Services	4,266,002	4,718,211	(87,073)	4,631,138
	Development Services	3,098,212	3,211,835	-	3,211,835
	Engineering	1,525,759	1,734,793	-	1,734,793
	General Fund Total	\$ 33,476,508	\$ 30,793,960	\$ (928,762)	\$ 29,865,198
WATER/SEWER FUND	Administration	\$ 2,264,795	\$ 2,396,949	\$ -	\$ 2,396,949
	Debt Service	3,493,726	3,930,237	-	3,930,237
	Water Purchases	5,324,510	5,690,642	-	5,690,642
	Public Works	9,670,855	12,938,373	-	12,938,373
	Water/Sewer Total	\$ 20,753,886	\$ 24,956,201	\$ -	\$ 24,956,201
DEBT SERVICE (I&S)		\$ 6,198,439	\$ 7,022,740	\$ -	\$ 7,022,740
TIRZ # 1		1,718,313	1,766,715	-	1,766,715
TIRZ # 2		346,161	342,549	-	342,549
CRIME CONTROL AND PREVENTION SPECIAL PURPOSE DISTRICT		1,232,504	1,308,204	-	1,308,204
FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES SPECIAL PURPOSE DISTRICT		1,232,504	1,308,204	-	1,308,204
PARKS IMPROVEMENT AND DEDICATION FEES		665,490	650,000	15,955	665,955
IMPACT FEES		15,515,928	6,001,303	-	6,001,303
SPECIAL REVENUE		85,310	1,454,577	55,000	1,509,577
STORM DRAINAGE		256,800	642,309	-	642,309
VERF		1,635,870	896,167	-	896,167
HEALTH INSURANCE TRUST		2,716,921	3,111,941	-	3,111,941
	Other Funds Total	\$ 31,604,240	\$ 24,504,709	\$ 70,955	\$ 24,575,664
	GRAND TOTAL	\$ 85,834,634	\$ 80,254,870	\$ (857,807)	\$ 79,397,063

Unspent project funds for Capital Projects, Park Improvement and Dedication Fees, and Impact Fees as of September 30, 2019, will automatically be re-apportioned to their respective projects for FY 2019-2020. Funds encumbered for the VERF will also be re-apportioned for FY 2019-2020.



To: Mayor and Town Council
From: Kelly Neal, CGFO, CPM, Finance Director
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance adopting the Town of Prosper 2019 Property Tax Rate.

Description of Agenda Item:

This item is to adopt the 2019 tax rate to generate sufficient revenues as required in the Adopted FY 2019-2020 Budget. The attached ordinance sets the 2019 ad valorem tax rate at \$0.52 cents per \$100 assessed valuation, to be distributed as follows:

	\$0.367500 for Maintenance and Operations
	<u>\$0.152500 for Debt Service</u>
<i>Totaling</i>	\$0.520000 Total Tax Rate

Legal Obligations and Review:

Terrence Welch with Brown & Hofmeister, L.L.P., has reviewed and approved the attached ordinance as to form and legality.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

The tax code is specific in the form of making a motion to set the tax rate.

Town staff recommends that the Town Council approve an ordinance adopting the 2019 tax rate using the language below.

This item requires a record vote.

Recommended Motion:

Please make your motion in this form:

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.52 per \$100 assessed valuation, which is effectively a 5.06 percent increase in the tax rate.”

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING THE TOWN OF PROSPER 2019 PROPERTY TAX RATE; LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AT THE RATE OF \$0.52 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF PROSPER, TEXAS, IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF ON THE TOWN'S HOME PAGE OF ITS WEBSITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas (hereinafter referred to as the "Town"), hereby finds that the tax for the fiscal year beginning October 1, 2019, and ending September 30, 2020, hereinafter levied for current expenditures of the Town and the general improvements of the Town and its property, must be levied to provide revenue requirements for the budget for the ensuing year; and

WHEREAS, the Town Council has approved, by separate ordinance to be adopted on the 10th day of September, 2019, the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with by the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

The Town Council of the Town of Prosper, Texas, does hereby adopt and levy the following tax rate of \$0.520000 per \$100 assessed valuation for the Town for tax year 2019 as follows:

\$0.367500 for the purpose of maintenance and operation; and

\$0.152500 for payment of principal and interest on debt service.

SECTION 3

The rate adopted is higher than the effective rate and lower than the rollback rate as calculated according to the Truth In Taxation provisions of the Texas Tax Code, as amended, and the total levy for maintenance and operations exceeds last year's levy for same.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 5.06 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$18.

The Town’s website shall reflect the foregoing statements, pursuant to applicable provisions of the Texas Tax Code, as amended.

SECTION 4

The Tax Assessor-Collectors for Collin County and Denton County are hereby authorized to assess and collect the taxes of the Town of Prosper in accordance with this Ordinance. The Town shall have all rights and remedies provided by the law for the enforcement of the collection of taxes levied under this ordinance.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed; however, such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 6

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 7

This Ordinance shall become effective from and after its adoption and publication, as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___, ON THIS THE 10TH DAY OF SEPTEMBER, 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

ENGINEERING SERVICES



To: Mayor and Town Council
From: Hulon Webb, Jr., P.E., Director of Engineering Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon a resolution adopting the Fiscal Year 2019-2020 Capital Improvement Program.

Description of Agenda Item:

Town staff has prepared the Fiscal Year (FY) 2019-2020 Proposed Capital Improvement Program (CIP) for adoption by the Town Council. This program includes budgeted capital projects for the 2019-2020 fiscal year and major planned capital projects to 2029. The projects for FY 2019-2020 are as follows:

Street Projects

- Prosper Trail (Kroger – Coit): (Construction) \$ 190,846
- West Prosper Roads Improvements: (Design & Construction) \$ 3,404,618
- Gates of Prosper, TIRZ 1: (Richland, Lovers Lane Detention) \$ 3,125,025
- Victory Way (Coleman – Frontier): (Construction) \$ 2,250,000
- Prosper Trail (Coit – Custer) – 2 lanes: (Design & Construction) \$ 6,000,000
- FM 2478 (US 380 – FM 1461): (ROW Payment) \$ 69,000
- Coleman Street (at Prosper HS): (Construction by First Texas) \$ 90,000
- Fishtrap Segment 1 (Teel – Middle School): (Construction) \$ 1,190,000
- Coit Road and US 380 (SB Right Turn Lane): (Construction) \$ 35,000
- Prosper Trail / DNT Intersection Improvements: (Construction) \$ 1,600,000
- Fishtrap (Teel Intersection Improvements): (Construction) \$ 1,350,000
- Cook Lane (First – End): (Construction) \$ 2,100,000
- First Street (Coit – Custer) – 4 lanes: (Design) \$ 1,000,000
- Fishtrap (Teel – Gee Road): (Design by Tellus) \$ 400,000
- Gee Road (Fishtrap – Windsong Retail): (Design by Tellus) \$ 250,000

- Fishtrap (Elem – DNT) – 2 lanes: (Design) \$ 700,000
- Coit Road (First – Frontier) – 4 lanes: (ROW Acquisition) \$ 800,000
- Teel (US 380 Intersection Improvements): (Design) \$ 100,000

Traffic Projects

- Traffic Signal – Fishtrap & Teel Parkway: (Construction) \$ 300,000
- Traffic Signal – Fishtrap & Gee Road: (Design) \$ 50,000
- Traffic Signal – Fishtrap & Gee Road: (Construction) \$ 300,000
- Traffic Signal – SH 289 & Lovers: (Design & Constr. TIRZ #1) \$ 350,000
- Traffic Signal – Coit & Richland: (Design) \$ 50,000
- Traffic Signal – Coit & Richland: (Construction) \$ 300,000
- Traffic Signal – Fishtrap & Windsong Parkway: (Design) \$ 50,000

Parks Projects

- Hays Park: (Design) \$ 35,000
- Pecan Grove Irrigation: (Design & Construction) \$ 85,000
- Star Trail Park #2: (Construction) \$ 535,000
- Pecan Grove Phase 2: (Design) \$ 67,500
- Windsong H&B Trail Phases 3C,5,6A,6B,7,8,9: (Construction) \$ 450,524
- Pecan Grove H&B Trail: (Design) \$ 30,000
- Star Trail H&B Trail Phases 1,2,3 and 4: (Construction) \$ 100,000
- Whitley Place H&B Trail (Power Esmnt): (Design) \$ 10,000
- Whitley Place H&B Trail (Power Esmnt): (Construction) \$ 270,000
- Frontier Park Storage: (Design & Construction) \$ 147,927

Water Projects

- Custer Road Meter Station & WL Reloc.: (Non-Reimb. \$300k) \$ 2,501,275
- Cook Lane (First – End): (Construction) \$ 400,000
- Broadway (Parvin – Craig): (Construction) \$ 150,000

Wastewater Projects

- Church / Parvin Wastewater Reconstruction: (Construction) \$ 100,000

Drainage Projects

- Old Town Drainage – Church & Parvin: (Construction) \$ 460,000
- Old Town Regional Retention – Broadway: (Construction) \$ 622,765
- Frontier Park / Preston Lakes Drainage: (Design) \$ 100,000

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard resolution as to form and legality.

Attached Documents:

1. Resolution
2. FY 2019-2020 Capital Improvement Program

Town Staff Recommendation:

Town staff recommends that the Town Council approve a resolution adopting the Fiscal Year 2019-2020 Capital Improvement Program.

Proposed Motion:

I move to approve a resolution adopting the Fiscal Year 2019-2020 Capital Improvement Program.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 19-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING THE CAPITAL IMPROVEMENT PROGRAM OF THE TOWN OF PROSPER; REPEALING ALL CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Town staff has presented the Town Council with a recommended Fiscal Year 2019-2020 Capital Improvement Program which includes budgeted revenues and expenditures for Fiscal Year 2019-2020 and planned revenues and expenditures for future years; and

WHEREAS, the recommendation includes funding from a variety of sources including general obligation bonds, certificates of obligation, revenue bonds, impact fees, grant funds, escrows, developer agreements, park fees, general fund appropriations, and other sources; and

WHEREAS, the Town Council wishes to formally adopt the Fiscal Year 2019-2020 Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The Town Council of the Town of Prosper, Texas, hereby adopts the Fiscal Year 2019-2020 Capital Improvement Program, which is attached hereto as Exhibit A and fully incorporated herein and made a part of this Resolution for all purposes.

SECTION 2

Any and all ordinances, resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Resolution are hereby repealed and rescinded to the extent of any conflict herewith.

SECTION 3

This Resolution shall be effective from and after its passage by the Town Council.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

FISCAL YEAR 2019-2020 CAPITAL IMPROVEMENT PROGRAM

**Summary of Capital Improvement Program - 09/10 FINAL
General Fund Projects**

01

Index	Street Projects	Funding Sources							Unissued Debt Schedule					Index								
		Prior Years	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized		Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	
01	DNT Southbound Frontage Road	17,000,000							17,000,000	17,000,000	X											01
02	Matthews Southwest, TIRZ No. 2	628,953	-						628,953	628,953	J											02
03	1511-ST Prosper Trail (Kroger - Coit): (Design)	305,000							305,000	305,000	A											03
04	1511-ST Prosper Trail (Kroger - Coit): (Construction)	4,503,209	190,846						4,694,055	4,465,846	A,D,K	228,209										04
05	1512-ST First Street (DNT - Coleman): (Design)	2,786,567							2,786,567	2,439,915	A,D	346,652										05
06	1512-ST First Street (DNT - Coleman): (Construction)							10,500,000	10,500,000			10,500,000									10,500,000	06
07	1507-ST West Prosper Road Improvements: (Design & Construction)	12,781,000	3,404,618						16,185,618	9,780,069	B,C,K	6,405,549	2,100,000									07
08	Gates of Prosper, TIRZ No. 1 (Richland, Lovers Lane, Detention)	11,906,669	3,125,025						15,031,694	15,031,694	H											08
09	1708-ST E-W Collector (Cook Lane - DNT); design done w/ Cook Lane	1,375,000							1,375,000	1,375,000	A											09
10	1820-ST First Street/DNT Intersection Improvements: (Design)	137,000							137,000	137,000	D											10
11	1820-ST First Street/DNT Intersection Improvements: (Construction)	1,250,000							1,250,000	1,250,000	A											11
12	1823-ST Victory Way (Coleman - Frontier) - 2 lanes: (Design)	250,000							250,000	250,000	D											12
13	1823-ST Victory Way (Coleman - Frontier) - 2 lanes: (Construction)		2,250,000						2,250,000			2,250,000										13
14	1709-ST Prosper Trail (Coit - Custer) - 4 lanes: (Design)	810,000							810,000	810,000	A											14
15	1709-ST Prosper Trail (Coit - Custer) - 4 lanes: (Construction)							16,000,000	16,000,000			16,000,000									16,000,000	15
16	2008-ST Prosper Trail (Coit - Custer) - 2 lanes: (Design & Construction)		6,000,000						6,000,000	1,250,000	D		4,750,000		4,750,000							16
17	1825-ST Coleman (Gorgeous - Prosper Trail) - 4 lanes: (Design)	375,000						250,000	625,000	625,000	D											17
18	1825-ST Coleman (Gorgeous - Prosper Trail) - 4 lanes: (Construction)							2,000,000	2,000,000			2,000,000									2,000,000	18
19	1805-ST FM 2478 (US 380 - FM 1461)	323,205	69,000	57,000,000					57,392,205	57,392,205	A,K,X											19
20	1819-ST Coleman Street (at Prosper HS): (Design & Construction)	700,000	90,000						790,000	790,000	C,K											20
21	1923-ST Fishtrap (Segments 1, 4); (Elem to DNT) schematic: (Design)	778,900							778,900	778,900	D											21
22	2009-ST Fishtrap, Segment 1 (Teel - Middle School): (Construction)		1,190,000						1,190,000			1,190,000										22
23	1932-ST Coit Road and US 380 (SB Right Turn Lane): (Design)	6,300							6,300	6,300	A,D											23
24	1932-ST Coit Road and US 380 (SB Right Turn Lane): (Construction)		35,000						35,000	35,000	A											24
25	Craig Street (Preston - Fifth): (Construction)			1,250,000					1,250,000	1,250,000	D											25
26	1830-ST Prosper Trail/DNT Intersection Improvements: (Design)	88,000							88,000	88,000	A,D											26
27	1830-ST Prosper Trail/DNT Intersection Improvements: (Construction)		1,600,000						1,600,000			1,600,000			1,600,000							27
28	1824-ST Fishtrap (Teel Intersection Improvements): (Design)	150,000							150,000	150,000	D											28
29	1824-ST Fishtrap (Teel Intersection Improvements): (Construction)		1,350,000						1,350,000			1,350,000			1,350,000							29
30	1708-ST Cook Lane (First - End): (Design)	150,000							150,000	150,000	A											30
31	1708-ST Cook Lane (First - End): (Construction)		2,100,000						2,100,000			2,100,000			2,100,000							31
32	1934-ST DNT Overpass at US380			90,000,000		10,000,000			100,000,000	95,000,000	D,J,X		5,000,000				5,000,000					32
33	First Street (Coit - Custer) - 4 lanes: (Design)		1,000,000						1,000,000			1,000,000			1,000,000							33
34	First Street (Coit - Custer) - 4 lanes: (Construction)							15,000,000	15,000,000			15,000,000									15,000,000	34
35	First Street (Coit & Custer) Intersection Improvements: (Construction)						1,000,000		1,000,000			1,000,000					1,000,000					35
36	2010-ST Fishtrap (Teel - Gee Road): (Design)		400,000						400,000	400,000	C											36
37	2010-ST Fishtrap (Teel - Gee Road): (Construction)							5,000,000	5,000,000			5,000,000									5,000,000	37
38	2011-ST Gee Road (Fishtrap - Windsong Retail): (Design)		250,000						250,000	250,000	C											38
39	2011-ST Gee Road (Fishtrap - Windsong Retail): (Construction)							2,500,000	2,500,000			2,500,000									2,500,000	39
40	2012-ST Fishtrap (Elem - DNT) - 2 lanes: (Design)		700,000						700,000	200,000	K		500,000		500,000							40
41	2012-ST Fishtrap (Elem - DNT) - 2 lanes: (Construction)							15,750,000	15,750,000			15,750,000									15,750,000	41
42	1710-ST Coit Road (First - Frontier) - 4 lanes: (Design)	1,289,900							1,289,900	1,289,900	A,X											42
43	1710-ST Coit Road (First - Frontier) - 4 lanes: (ROW)		800,000						800,000			800,000			800,000							43
44	1710-ST Coit Road (First - Frontier) - 4 lanes: (Construction)					15,500,000			15,500,000	12,312,930	A,X		3,187,070				3,187,070					44
45	1307-ST Frontier Parkway (BNSF Overpass)	3,650,000		25,664,464					29,314,464	26,254,464	A,X	949,004			2,110,996							45
46	1933-ST Fishtrap (Segment 2) - PISD reimbursement				1,164,000				1,164,000			1,164,000					1,164,000					46
47	Fishtrap, Segment 4 (Middle - Elem) - 4 lanes: (Construction)			2,270,000					2,270,000			2,270,000			2,270,000							47
48	2013-ST Teel (US 380 Intersection Improvements): (Design)		100,000						100,000	100,000	A,K											48
49	2013-ST Teel (US 380 Intersection Improvements): (Construction)			275,000					275,000	275,000	A											49
50	Coleman Road (Prosper Trail - High School): (Design)			350,000					350,000			350,000			350,000							50
51	Coleman Road (Prosper Trail - High School): (Construction)							4,000,000	4,000,000			4,000,000									4,000,000	51
52	Parvin Road (FM 1385 - Legacy Drive): (Design)				800,000				800,000			800,000					800,000					52
53	Parvin Road (FM1385 - Legacy Drive): (Construction)							8,500,000	8,500,000			8,500,000									8,500,000	53
54	Legacy Drive (Prosper Trail - Parvin): (Design)							567,500	567,500			567,500									567,500	54
55	Legacy Drive (Prosper Trail - Parvin): (Construction)							5,107,500	5,107,500			5,107,500									5,107,500	55
56	1936-ST US 380 (US 377 - Denton County Line)			178,000,000					178,000,000	178,000,000	X											56
57	1937-ST DNT Main Lane (US 380 - FM 428)			87,500,000				262,500,000	350,000,000	350,000,000	X											57
58	Sixth Street (Main - End)							150,000	150,000			150,000									150,000	58
59	Crown Colony (Meadow Run - High Point)							1,025,000	1,025,000			1,025,000									1,025,000	59
60	Ridgewood (Hays - Crown Colony)							600,000	600,000			600,000									600,000	60
61	Waterwood (Ridgewood - End)							175,000	175,000			175,000									175,000	61
62	Colonial (Ridgewood - End)							175,000	175,000			175,000									175,000	62
63	Shady Oaks Lane (Ridgewood - End)							175,000	175,000			175,000									175,000	63
64	Riverhill (Ridgewood - End)							175,000	175,000			175,000									175,000	64
65	Plymouth Colony (Bradford - High Point) & Plymouth Colony Circle							650,000	650,000			650,000									650,000	65
66	Prestonview (Hays - Betts)							775,000	775,000			775,000									775,000	66
67	Betts Lane (Prestonview - High Point)							275,000	275,000			275,000									275,000	67
68	High Point Drive (Hays - Betts)							750,000	750,000			750,000									750,000	68
69	West Yorkshire Drive (High Point - Bradford)							275,000	275,000			275,000									275,000	69
70	Bradford Drive (West Yorkshire-Plymouth Colony)							625,000	625,000			625,000									625,000	70
71	Chandler Circle (Preston Road-Hays)							725,000	725,000			725,000									725,000	71
72	Parvin Road (Good Hope - FM 1385)							300,000	300,000			300,000									300,000	72
73	Pasewark (Preston - Hickory)							425,000	425,000			425,000									425,000	73
74	1938-ST FM 1461 (SH 289 - CR 165)							53,000,000	53,000,000	53,000,000	X											74
75	Coleman (Prosper HS - Preston): (Design)							650,000	650,000			650,000									650,000	75
76	Coleman (Prosper HS - Preston): (Construction)							5,850,000	5,850,000			5,850,000									5,850,000	76
77	Teel Parkway (US 380 - Fishtrap): (Design)							475,000	475,000			475,000										

Index	Traffic Projects		Prior Years	Funding Sources						Total Cost	Funding Sources			Unissued Debt Schedule						Index		
				2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029		Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023		2023-2024	2024-2029
01	1827-TR	Median Lighting - US 380 (Denton County - Custer)	485,000							485,000	485,000	D										01
02		Median Lighting - Coit Road (First - Frontier): (Design)						100,000		100,000	100,000	D										02
03		Median Lighting - Coit Road (First - Frontier): (Construction)						900,000		900,000	900,000	D										03
04		Median Lighting - First Street (Craig - Coit): (Design)						62,500		62,500	62,500	D										04
05		Median Lighting - First Street (Craig - Coit): (Construction)						562,500		562,500	562,500	D										05
06		Median Lighting - Prosper Trail (Dallas Pkwy - Preston): (Design)						82,500		82,500	82,500	D										06
07		Median Lighting - Prosper Trail (Dallas Pkwy - Preston): (Construction)						742,500		742,500	742,500	D										07
08		Median Lighting - Prosper Trail (Preston - Coit): (Design)						62,500		62,500	62,500	D										08
09		Median Lighting - Prosper Trail (Preston - Coit): (Construction)						562,500		562,500	562,500	D										09
10	1909-TR	Traffic Signal - Coit Rd & First Street: (Construction)	288,244							288,244	288,244	AD										10
11	1939-TR	Traffic Signal - DNT & Frontier: (Collin County)	400,000							400,000	400,000	X										11
12	1940-TR	Traffic Signal - DNT & Prosper Trail: (Collin County)	400,000							400,000	400,000	X										12
13	1928-TR	Traffic Signal - Fishtrap & Teel Parkway: (Design)	34,100							34,100	34,100	A										13
14	1928-TR	Traffic Signal - Fishtrap & Teel Parkway: (Construction)		300,000						300,000	300,000	A										14
15	2004-TR	Traffic Signal - Fishtrap & Gee Road: (Design)		50,000						50,000	50,000	A										15
16	2004-TR	Traffic Signal - Fishtrap & Gee Road: (Construction)		300,000						300,000	300,000	A										16
17	2007-TR	Traffic Signal - SH 289 & Lovers Lane (TIRZ #1)		350,000						350,000	350,000	H										17
18	2005-TR	Traffic Signal - Coit Rd & Richland: (Design)		50,000						50,000	50,000	A										18
19	2005-TR	Traffic Signal - Coit Rd & Richland: (Construction)		300,000						300,000	300,000	A										19
20	2006-TR	Traffic Signal - Fishtrap & Windsong Pkwy: (Design)		50,000						50,000	50,000	A										20
21	2006-TR	Traffic Signal - Fishtrap & Windsong Pkwy: (Construction)			300,000					300,000	300,000	A										21
22	1935-TR	Traffic Signal - FM 1385 & Fishtrap: (TxDOT)			125,000					125,000	125,000	X										22
23		Traffic Signal - FM 2478 (Custer Rd) & First Street: (TxDOT)				300,000				300,000	300,000	X										23
24		Traffic Signal - First Street & La Cima: (Design)				50,000				50,000	50,000	A										24
25		Traffic Signal - First Street & La Cima: (Construction)				325,000				325,000	325,000	A										25
26		Traffic Signal - First Street & Coleman: (Design)					50,000			50,000	50,000	A										26
27		Traffic Signal - First Street & Coleman: (Construction)					350,000			350,000	350,000	A										27
	Subtotal		1,607,344	1,400,000	425,000	675,000	400,000	0	3,075,000	7,582,344	7,582,344	0	0	0	0	0	0	0	0	0	0	0

Design	34,100	500,000	0	50,000	50,000	0	307,500	941,600
Construction	288,244	900,000	300,000	325,000	350,000	0	2,767,500	4,930,744
Design & Construction	1,285,000	350,000	125,000	300,000	0	0	0	2,060,000
Land/Easements	0	0	0	0	0	0	0	0

Index	Park Projects	Prior Years	Funding Sources						Unissued Debt Schedule						Index						
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Issued 2018-2019		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029
Neighborhood Park																					
01	1806-PK Star Trail Park #1 (7.5 Acres / No Lights): (Construction)	985,000							985,000	985,000	c, g										
02	Lakewood Preserve (22 Acres / Lights): (Design)		85,000						85,000	85,000	c										
03	Lakewood Preserve (22 Acres / Lights): (Construction)	423,000	2,007,500						2,430,500	882,500	c		1,548,000								
04	1802-PK Hays Park (2 Acres / No Lights): (Design)	50,000	35,000						85,000	85,000	g										
05	1802-PK Hays Park (2 Acres / No Lights): (Construction)			310,000					310,000	310,000	g										
06	Prairie Park (6.7 Acres / No Lights)	300,000							300,000	300,000	c										
07	Tanners Mill Park: (Construction)	468,000			600,000				1,068,000	468,000	c		600,000								
08	Town Hall Open Space Park: (Design)	55,000					2,000,000		2,055,000	55,000	d					600,000			2,000,000		
09	Pecan Grove Irrig. (21.5 Acres / No Lights): (Design)								0	0	g										
10	Pecan Grove Irrig. (21.5 Acres / No Lights): (Construction)		85,000						85,000	85,000	g										
11	Star Trail Park #2 (7.5 Acres / No Lights): (Construction)		535,000						535,000	535,000	c										
12	Windsong Ranch Park #2 (7.5 Acres / No Lights): (Construction)			260,000					260,000	260,000	c										
13	Pecan Grove Phase 2 (21.5 Acres / No Lights) (basketball, pavilion, parking, security lighting): (Design)		67,500						67,500	500	g		67,000		67,000						
14	Pecan Grove Phase 2 (21.5 Acres / No Lights) (basketball, pavilion, parking, security lighting): (Construction)			675,000					675,000	249,500	g		425,500		425,500						
15	Park Operations Park (Convert area where Ops is into park) (17 Acres / No Lights): (Design)					51,000			51,000				51,000				51,000				
16	Park Operations Park (Convert area where Ops is into park) (17 Acres / No Lights): (Construction)						475,000		475,000				475,000					475,000			
17	Windsong Ranch Park #3 (7.5 Acres / No Lights): (Construction)				1,300,000				1,300,000	260,000	c		1,040,000		1,040,000						
18	Star Trail Park #3 7.5 Acres / No Lights): (Construction)				1,160,000				1,160,000	785,000	c, g		375,000								
19	Cedar Grove Phase 2 (9.8 Acres / No Lights): (Design)				20,000				20,000				20,000				375,000				
20	Cedar Grove Phase 2 (9.8 Acres / No Lights): (Construction)				305,000				305,000				305,000				20,000				
21	1303-PK Cockrell Park (8.4 Acres / No Lights)(Construction)	90,000						1,150,000	1,240,000	90,000	g		1,150,000						1,150,000		
22	Legacy School ILA (Playground cost share)	35,000							35,000	35,000	g										
Trails																					
23	1801-PK Whitley Place H&B Trail Extension: (Design)	70,000							70,000	70,000	g										
24	1801-PK Whitley Place H&B Trail Extension: (Construction)	680,000							680,000	500,000	g	180,000	180,000								
25	Windsong H&B Trail Ph 3C,5,6A, 6B, 7, 8, and 9: (Construction)	901,048	450,524	475,000	495,000				2,321,572	2,321,572	c										
26	1910-PK Hike and Bike Master Plan: (Design)	68,000							68,000	68,000	d										
27	1911-PK Pecan Grove H&B Trail: (Design)		30,000						30,000	30,000	g										
28	1911-PK Pecan Grove H&B Trail: (Construction)			410,000					410,000	220,000	g		190,000		190,000						
29	Star Trail H&B Trail Phases 1, 2, 3, and 4: (Construction)	100,000	100,000				1,000,000		1,200,000	1,200,000	c										
30	1926-PK Whitley Place H&B Trail (OH Easement): (Design)		10,000						10,000				10,000		10,000						
31	1926-PK Whitley Place H&B Trail (OH Easement): (Construction)		270,000						270,000				270,000		270,000						
32	H&B Trail Heads / H&B Trail Gateways: (Design)			13,000		15,000		60,000	88,000				88,000						60,000		
33	H&B Trail Heads / H&B Trail Gateways: (Construction)			90,000		95,000		440,000	625,000				625,000		13,000		15,000		440,000		
34	Future unnamed H&B Trail						1,000,000		1,000,000				1,000,000		90,200		95,000		1,000,000		
Community Park																					
35	1603-PK Frontier Park - North Field Improvements (17 Acres / Lights)	11,392,010							11,392,010	1,834,590	B, G	9,557,420									
36	1808-PK West Park Land (200 Acres / Lights)	50,000							50,000	50,000	d										
37	Frontier Park Storage: (Design & Construction)		147,927						147,927	147,927	d										
38	Town Lake Improvements (24 Acres / Lights): (Design)			16,000					16,000				16,000		16,000						
39	Town Lake Improvements (24 Acres / Lights): (Construction)				320,000				320,000				320,000				320,000				
40	Sexton Park (69 Acres / Lights) (Sports Fields): (Design)				1,200,000				1,200,000				1,200,000				1,200,000				
41	Sexton Park (69 Acres / Lights) (Sports Fields): (Construction)						12,500,000		12,500,000				12,500,000						12,500,000		
42	Sexton Park Phase 2 (Lights) (Addtl Sports Fields): (Design)						1,200,000		1,200,000				1,200,000						1,200,000		
43	Sexton Park Phase 2 (Lights) (Addtl Sports Fields): (Construction)						10,800,000		10,800,000				10,800,000						10,800,000		
44	Windsong Ranch Community Park (51 Acres / Lights): (Design)						1,700,000		1,700,000				1,700,000						1,700,000		
45	Windsong Ranch Community Park (51 Acres / Lights): (Construction)						15,300,000		15,300,000				15,300,000						15,300,000		
46	Prosper Center Community Park (30 Acres / no lights): (Design)						1,500,000		1,500,000				1,500,000						1,500,000		
47	Prosper Center Community Park (30 Acres / no lights): (Construction)						13,500,000		13,500,000				13,500,000						13,500,000		
48	Star Trail Park Community Park (30 Acres / Lights): (Design)						1,500,000		1,500,000				1,500,000						1,500,000		
49	Star Trail Park Community Park (30 Acres / Lights): (Construction)						13,500,000		13,500,000				13,500,000						13,500,000		
Medians																					
50	1417-PK Richland Boulevard Median Landscaping	5,000					170,000		175,000	175,000	d										
51	1723-PK State Highway 289 Gateway Monument	474,752							474,752	474,752	d										
52	1818-PK Additional Turf Irrigation SH 289	80,000							80,000	80,000	d										
53	1813-PK SH 289/US 380 Green Ribbon Landscape Irrigation	809,250							809,250	809,250	B, D										
54	1922-PK Downtown Monument (Broadway/Preston)	300,000							300,000	300,000	c										
Subtotal		17,336,060	1,730,951	4,341,500	5,400,000	161,000	475,000	77,320,000	106,764,511	13,751,591	0	9,737,420	0	83,275,500	180,000	347,000	3,322,700	2,820,000	161,000	475,000	76,150,000
Design		243,000	142,500	114,000	1,220,000	66,000	0	7,960,000	9,745,500												
Construction		17,043,060	1,440,524	4,227,500	4,180,000	95,000	475,000	69,360,000	96,821,084												
Design & Construction		0	147,927	0	0	0	0	0	147,927												
Land/Easements		50,000	0	0	0	0	0	0	50,000												

Index	Facility Projects		Prior Years	Funding Sources					Unissued Debt Schedule					Index								
				2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized		Unissued Debt Unauthorized	Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029
01	1713-FC	Police Station and Dispatch - Professional Services	1,644,696							1,644,696	31,293 D	1,613,403			385,000							01
02	1904-FC	Police Station and Dispatch - Development Costs	550,000							550,000		550,000			550,000							02
03	1905-FC	Police Station and Dispatch - Construction	12,645,804							12,645,804	1,435,000 D	11,210,804			11,065,000							03
04	1906-FC	Police Station and Dispatch - Furniture, Fixtures, and Equipment	1,165,000							1,165,000	1,165,000 D											04
05	1809-FC	Parks Operations and Public Works Complex	3,450,000						10,900,000	14,350,000	2,550,000 E, G	900,000		10,900,000							10,900,000	05
06		Westside Radio Tower for Public Safety		500,000						500,000				500,000		500,000						06
07		Central Fire Station Administration							2,546,000	2,546,000				2,546,000							2,546,000	07
08		Central Fire Station, Phase II (Bunk Gear Climate Storage)							850,000	850,000				850,000							850,000	08
09		Fire Station #3							8,000,000	8,000,000				8,000,000							8,000,000	09
10		Recreation Center							15,000,000	15,000,000				15,000,000							15,000,000	10
11		Senior Facility							9,000,000	9,000,000				9,000,000							9,000,000	11
Subtotal			19,455,500	0	500,000	0	0	0	46,296,000	66,251,500	5,181,293	14,274,207	0	46,796,000	12,000,000	0	500,000	0	0	0	46,296,000	

Design	2,194,696	0	0	0	0	0	0	0	2,194,696
Construction	13,810,804	0	0	0	0	0	0	0	13,810,804
Design & Construction	0	0	500,000	0	0	0	35,396,000	0	35,896,000
Land/Easements	3,450,000	0	0	0	0	0	10,900,000	0	14,350,000

Grand Total General Fund	99,643,607	27,785,440	447,575,964	23,539,000	11,561,000	262,975,000	283,391,000	1,156,471,011	859,586,404	0	35,541,041	0	261,343,566	17,880,000	12,287,000	8,553,696	7,971,070	6,161,000	475,000	225,896,000
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Design	9,598,463	3,092,500	464,000	2,070,000	116,000	0	10,210,000	25,550,963
Construction	41,920,317	11,056,370	33,986,964	21,169,000	1,445,000	475,000	173,885,000	283,937,651
Design & Construction	44,624,827	13,186,570	413,125,000	300,000	10,000,000	262,500,000	88,396,000	832,132,397
Land/Easements	3,500,000	800,000	0	0	0	0	10,900,000	15,200,000

##	Design
##	Construction
##	Design & Construction

Description Codes - Other Sources			
A	Impact Fees	D	General Fund
B	Grant and Interlocal Funds	E	Water / Wastewater Fund
C	Developer Agreements	F	Stormwater Drainage Fund
G	Park Development Fund	K	Escrows
H	TIRZ #1	X	Non-Cash Contributions
J	TIRZ #2	Z	Other Sources (See Detail)

**Summary of Capital Improvement Program - 09/10 FINAL
Enterprise Fund Projects**

Index	Water Projects	Prior Years	Funding Sources					Unissued Debt Schedule					Index										
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized		Unissued Debt Unauthorized	Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029		
01	1902-WA Custer Road Meter Station and WL Relocations: (Design)	290,325							290,325	E													01
02	1902-WA Custer Road Meter Station and WL Relocations: (Construction)		2,501,275						2,501,275	E													02
03	1715-WA Fishtrap 2.5 MG Elevated Storage Tank: (Design)	325,700							325,700	A													03
04	1715-WA Fishtrap 2.5 MG Elevated Storage Tank: (Construction)	6,108,000							6,108,000	A	2,965,000			207,500									04
05	1716-WA LPP Water Line Phase 1a & 1b: (Design)	829,850							829,850	A													05
06	1716-WA LPP Water Line Phase 1a & 1b: (Construction)	10,658,200							10,658,200	A	10,483,200			4,420,311									06
07	1716-WA LPP Water Line Phase 1 Easement Costs	1,691,500							1,691,500	A	1,691,500												07
08	1501-WA LPP Pump Station and LPP WL Phase 2: (Design)	1,585,100							1,585,100	A	1,308,019												08
09	1501-WA LPP Pump Station and LPP WL Phase 2: (Construction)				15,200,000				15,200,000	A			11,200,000				5,600,000	5,600,000					09
10	1810-WA LPP Water Line Phase 2 Easement Costs			1,000,000					1,000,000	A													10
11	1708-WA E-W Collector (Cook Lane - DNT) Water Line: (Construction)	295,775							295,775	E	6,025												11
12	1708-WA Cook Lane (First - End): (Construction)		400,000						400,000	E													12
13	LPP Future Expansion (2026): (Design)							1,400,000	1,400,000				1,400,000									1,400,000	13
14	LPP Future Expansion (2026): (Construction)							12,600,000	12,600,000				12,600,000									12,600,000	14
15	1924-WA Fifth (Parvin-Craig); Craig (Fifth-Broadway): (Construction)	200,000							200,000	E													15
16	1930-WA Broadway (Parvin-Craig): (Construction)		150,000						150,000	E													16
Subtotal		21,984,450	3,051,275	1,000,000	15,200,000	0	0	14,000,000	55,235,725	13,581,981	16,453,744	0	25,200,000	4,627,811	0	0	5,600,000	5,600,000	0	14,000,000	0	14,000,000	

Design	3,030,975	0	0	0	0	0	0	1,400,000	4,430,975
Construction	17,261,975	3,051,275	0	15,200,000	0	0	0	12,600,000	48,113,250
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	1,691,500	0	1,000,000	0	0	0	0	0	2,691,500

Index	Wastewater Projects	Prior Years	Funding Sources					Unissued Debt Schedule					Index										
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized		Unissued Debt Unauthorized	Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029		
01	Gates of Prosper, TIRZ No. 1 (Middle Doe Branch Line)	5,802,882							5,802,882	H													01
02	Matthews Southwest, TIRZ No. 2 (Lower Doe Branch Line)	1,333,414							1,333,414	J													02
03	1903-WW Church / Parvin Wastewater Reconstruction: (Construction)		100,000						100,000	E													03
04	Doe Branch Parallel Interceptor (2021): (Design)			500,000					500,000				500,000				500,000						04
05	Doe Branch Parallel Interceptor (2021): (Construction)			4,500,000					4,500,000				4,500,000				4,500,000						05
06	Doe Branch, Phase 3 WWTP (2025): (Design)					1,450,000		0	1,450,000				1,450,000						1,450,000			0	06
07	Doe Branch, Phase 3 WWTP (2025): (Construction)					13,050,000			13,050,000				13,050,000						13,050,000				07
Subtotal		7,136,297	100,000	5,000,000	0	14,500,000	0	0	26,736,297	7,236,297	0	0	19,500,000	0	0	0	5,000,000	0	14,500,000	0	0	0	

Design	0	0	500,000	0	1,450,000	0	0	1,950,000
Construction	0	100,000	4,500,000	0	13,050,000	0	0	17,650,000
Design & Construction	7,136,297	0	0	0	0	0	0	7,136,297
Land/Easements	0	0	0	0	0	0	0	0

Index	Drainage Projects	Prior Years	Funding Sources					Unissued Debt Schedule					Index										
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029	Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized		Unissued Debt Unauthorized	Issued 2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029		
01	1614-DR Coleman Street Channel Improvements: (Design)	17,500							17,500	F													01
02	1614-DR Coleman Street Channel Improvements: (Construction)			300,000					300,000		(0)		300,000				300,000						02
03	1613-DR Old Town Drainage - Church & Parvin: (Design)	40,000							40,000	F													03
04	1613-DR Old Town Drainage - Church & Parvin: (Construction)		460,000						460,000		460,000												04
05	1718-DR Old Town Regional Retention - Broadway: (Design)	25,000							25,000		25,000		0										05
06	1718-DR Old Town Regional Retention - Broadway: (Construction)		622,765						622,765		622,765												06
07	Old Town Regional Retention Pond #2 - Land Acquisition			385,000					385,000				385,000				385,000						07
08	Old Town Regional Retention Pond #2: (Design)							100,000	100,000				100,000									100,000	08
09	Old Town Regional Retention Pond #2: (Construction)							900,000	900,000				900,000									900,000	09
10	2003-DR Frontier Park/Preston Lakes Drainage: (Design)		100,000						100,000	F													10
11	2003-DR Frontier Park/Preston Lakes Drainage: (Construction)				985,000				985,000				985,000				985,000						11
Subtotal		82,500	1,182,765	685,000	985,000	0	0	1,000,000	3,935,265	157,500	1,107,764	0	2,670,000	0	0	685,000	985,000	0	0	1,000,000	0	1,000,000	

Design	82,500	100,000	0	0	0	0	0	100,000	282,500
Construction	0	1,082,765	300,000	985,000	0	0	0	900,000	3,267,765
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	0	0	385,000	0	0	0	0	0	385,000

Grand Total Enterprise Funds	29,203,247	4,334,040	6,685,000	16,185,000	14,500,000	0	15,000,000	85,907,287	20,975,778	17,561,508	0	47,370,000	4,627,811	0	685,000	11,585,000	5,600,000	14,500,000	15,000,000	0	14,000,000	0
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Design	3,113,475	100,000	500,000	0	1,450,000	0	0	1,500,000	6,663,475
Construction	17,261,975	4,234,040	4,800,000	16,185,000	13,050,000	0	0	13,500,000	69,031,015
Design & Construction	7,136,297	0	0	0	0	0	0	0	7,136,297
Land/Easements	1,691,500	0	1,385,000	0	0	0	0	0	3,076,500

Description Codes - Other Sources			
##	Design	A	Impact Fees
##	Construction	B	Grant and Interlocal Funds
##	Design & Construction	C	Developer Agreements
		D	General Fund
		E	Water / Wastewater Fund
		F	Stormwater Drainage Fund
		G	Park Development Fund
		H	TIRZ #1
		J	TIRZ #2
		K	Escrows
		X	Non-Cash Contributions
		Z	Other Sources (See Detail)

Summary of Capital Improvement Program - 09/10 FINAL
Capital Improvement Program Summary

Capital Improvement Program Summary	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2029												
General Fund	99,643,607	27,785,440	447,575,964	23,539,000	11,561,000	262,975,000	283,391,000	1,156,471,011	859,586,404	35,541,041	0	261,343,566	17,880,000	12,287,000	8,553,696	7,971,070	6,161,000	475,000	225,896,000
Enterprise Funds	29,203,247	4,334,040	6,685,000	16,185,000	14,500,000	0	15,000,000	85,907,287	20,975,778	17,561,508	0	47,370,000	4,627,811	0	685,000	11,585,000	5,600,000	14,500,000	15,000,000
Grand Total Capital Improvement Program	128,846,854	32,119,480	454,260,964	39,724,000	26,061,000	262,975,000	298,391,000	1,242,378,298	880,562,181	53,102,549	0	308,713,566	22,507,811	12,287,000	9,238,696	19,556,070	11,761,000	14,975,000	240,896,000

Design	12,711,938	3,192,500	964,000	2,070,000	1,566,000	0	11,710,000	32,214,438
Construction	59,182,292	15,290,410	38,786,964	37,354,000	14,495,000	475,000	187,385,000	352,968,666
Design & Construction	51,761,124	13,186,570	413,125,000	300,000	10,000,000	262,500,000	88,396,000	839,268,694
Land/Easements	5,191,500	800,000	1,385,000	0	0	0	10,900,000	18,276,500



FINANCE

To: Mayor and Town Council

From: Kelly Neal, CGFO, CPM, Finance Director

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Consider and act upon an ordinance amending various Town Fees; amending Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances by amending Section 1, “Construction Permits and Fees,” by adding a new subsection (c), “Third Party Geotechnical and Material Testing Fees,” and a new subsection (d), “Camera Inspection Fee for Wastewater Mains”; amending subsection (2), “Other Fees,” of Section V, “Development Fees,” of Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances by adding thereto a new subpart (I), “Engineering Plan Review Fees”; repealing existing Section IX, “Water and Sewer Rates,” and replacing it with a new section IX, “Water and Sewer Rates.”

Description of Agenda Item:

This ordinance adds four new fees and amends the Town’s water and sewer fees. Each fee is presented individually below:

Third Party Geotechnical and Material Testing Fees: At the July 9, 2019, Town Council meeting, staff proposed requiring that all geotechnical and material testing services required with development be managed by the Town. Currently, developers are allowed to hire their own geotechnical and material testing company to provide those services and submit the reports to the Town for review. This proposed change will allow the Town to hire and manage third-party geotechnical and material testing companies to provide more consistent and reliable testing, as well as mitigate any potential conflict of interest issues between the developer and geotechnical and material testing company. The total costs for the services will be charged to the developer and collected by the Town.

Camera Inspection Fee for Wastewater Mains: Currently, the developers pay a contractor to provide camera inspections of the wastewater mains before the Town’s final acceptance of the mains. Staff then reviews the recorded videos of these inspections but is unable to verify on-site if these are the actual lines represented in the tapes. There could be cases where the Town is not provided accurate information that may not be known until a problem occurs. In the FY 2019-2020 Budget, the request for an additional camera inspection equipment will allow the Town to begin inspecting the wastewater mains in-house to identify defects in sewer mains caused by improper installation on the spot. The cost for the service will be charged to the developer and

collected by the Town. The proposed camera inspection fee is \$1 per linear feet of wastewater main.

Engineering Plan Review Fees: At the July 9, 2019, Town Council meeting, staff discussed adoption of an engineering plan review fee to offset the cost associated with the electronic plan review software requested in the FY 2019-2020 Budget. The proposed engineering plan review fee is \$150 per project. With the adoption of this fees, hard copy engineering plans will no longer be required. This savings to the applicant should offset this new fee.

Water and Sewer Rates: The enterprise fund for the Town’s Water and Sewer Utility is intended to be self-sufficient by charging its consumers the costs of its services. No change in rates is recommended for residential customers for FY 2019-2020. The only recommended rate adjustment for FY 2019-2020 is to bring commercial water base changes into alignment with the residential water base charges. Staff presented these recommendations at the July 9, 2019, Budget Work Session, and at the August 27, 2019, and September 5, 2019, Town Council meetings. For an average residential consumer who uses 10,000 gallons of water and 5,000 gallons of sewer per month, the total bill would remain at the current rate for a total of \$116.95 per month. For a commercial customer who uses 20,000 gallons of water and 20,000 gallons of sewer per month, the bill would increase \$4.95 effective October 1, 2019.

Inflow and Infiltration Fee Schedule: Due to large inflow during rain events, the Town of Prosper is in need of a Wastewater Inflow Prevention (WIP) Plan. The measures included in the WIP Plan are intended to provide non-domestic users of the wastewater collection system standards, education and guidelines for reduction of inflow to protect the public wastewater system of the Town of Prosper. During construction, all connections to live collection lines shall be protected from inflow. Proper construction practices and materials shall be utilized and maintained to eliminate inflow during construction. Residential and commercial builders are not exempt. All plumbing roughs are required to any necessary device to prevent inflow. Investigation of inflow conditions, inspections of construction, and enforcement of these standards will apply at all times during construction.

The administrative fees for offenses under the Wastewater Inflow Prevention Plan are as follows:

Non-plugged wastewater lines and manholes under construction receiving inflow:

First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

Wastewater services plumbing open:

First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

Wastewater services open/broken:

First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

Offenses will be reset January of even numbered years.

Budget Impact:

The rates and fees listed in the ordinance were used in calculating the proposed FY 2019-2020 budget.

Attached Documents:

1. Ordinance
2. Water and Sewer rate sheets by customer type

Town Staff Recommendation:

Town staff recommends approval of an ordinance amending various Town Fees; amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by amending Section 1, "Construction Permits and Fees," by adding a new subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new subsection (d), "Camera Inspection Fee for Wastewater Mains"; amending subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances by adding thereto a new subpart (I), "Engineering Plan Review Fees"; repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates".

Proposed Motion:

I move to approve an ordinance amending various Town Fees; amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by amending Section 1, "Construction Permits and Fees," by adding a new subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new subsection (d), "Camera Inspection Fee for Wastewater Mains"; amending subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances by adding thereto a new subpart (I), "Engineering Plan Review Fees"; repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates".

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 1, "CONSTRUCTION PERMITS AND FEES," BY ADDING THERETO A NEW SUBSECTION (c), "THIRD PARTY GEOTECHNICAL AND MATERIAL TESTING FEES," AND A NEW SUBSECTION (d), "CAMERA INSPECTION FEE FOR WASTEWATER MAINS"; AMENDING SUBSECTION (2), "OTHER FEES," OF SECTION V, "DEVELOPMENT FEES," OF APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY ADDING THERETO A NEW SUBPART (I), "ENGINEERING PLAN REVIEW FEES"; REPEALING EXISTING SECTION IX, "WATER AND SEWER RATES," AND REPLACING IT WITH A NEW SECTION IX, "WATER AND SEWER RATES"; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that the various fees imposed by the Town should be revised; and

WHEREAS, the Town Council has reviewed the current and proposed fees and recommends the adoption of revised fees in the Code of Ordinances as well as in Appendix A to the Code of Ordinances; and

WHEREAS, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of the Town to revise certain existing fees imposed by the Town and replace them with fees that reflect actual and reasonable costs, as hereinafter referenced.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Section I, "Construction Permits and Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby amended by adding thereto a new Subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new Subsection (d), "Camera Inspection Fee for Wastewater Mains," to read as follows:

"Sec. I Construction Permits and Fees

* * *

(c) Third Party Geotechnical and Material Testing Fee: The Town shall hire and manage third-party geotechnical and material testing companies for any project where

such testing is deemed necessary and proper by the Town. The Town shall be reimbursed by the developer for the Town's actual costs for such geotechnical and material testing.

(d) Camera Inspection Fee for Wastewater Mains. Prior to Town acceptance of any wastewater main, the Town shall inspect the wastewater main by camera. The fee for such inspection shall be \$1.00 per linear foot of wastewater main."

SECTION 2

From and after the effective date of this Ordinance, existing Subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby amended by adding thereto a new Subpart (I), "Engineering Plan Review Fees," to read as follows:

"Sec. V Development Fees

* * *

(2) Other Fees.

* * *

(I) Engineering Plan Review Fee: \$150.00 per project."

SECTION 3

From and after the effective date of this Ordinance, existing Section IX, "Water and Sewer Rates," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby repealed in its entirety and replaced with a new Section IX, to read as follows:

"Sec. IX Water and Sewer Rates

Please refer to chapter 13 utilities, article 13.07 utility bills, for additional information on the town's utility billing policies.

(1) Late fees.

(A) All utility bill payments are due by the 10th day from the date of the bill except when the tenth day falls on Saturday, Sunday or legal holiday under which condition they are due by 5:00 p.m. central time on the next working day.

(B) All payments made after the tenth (10th) day will bear a late fee, as set forth as follows, of the unpaid balance of the billed amount.

(2) Water and/or sewer connections. The town may extend water and sanitary sewer mains in the streets, alleys and utility easements in the town in order to permit connections for those persons desiring water and sewer service. The individual, corporation or partnership requesting the service shall pay the town an amount equal to the cost of all materials, labor, equipment and other costs to provide the requested

extension. At any time additional connections are made to the water and/or sewer mains, the town may collect from the individual connecting to the main(s) an amount equal to the proportional amount of footage of the connector's land abutting the sewer and/or water and repay the same to the original requestor(s) of service or designated recipients.

(3) Residential service rates.

(A) Residential water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2019)
3/4" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35

Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0–10,000 gallons	\$4.28
10,001–40,000 gallons	\$6.41
40,001–80,000 gallons	\$9.63
80,001+ gallons	\$14.44

(B) Residential wastewater service rates:

(i) All residential accounts, effective October 1, 2019, minimum service charge: \$28.40.

(ii) Volumetric charge: effective October 1, 2019, \$4.90 per 1,000 gallons.

(iii) Wastewater volumetric charges on residential accounts are billed on the winter average consumption during the months of December, January and February.

(C) Additional residential service charges:

- (i) Service initiation: \$65.00.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: \$10% of billed amount.
- (v) Turn offs/reconnects:
 - a. During normal office hours: \$50.00.
 - b. After normal office hours: \$75.00.

(D) Multifamily dwellings, townhomes and other multitenant accounts served by one master meter will be billed a minimum water charge per unit equal to the 3/4" residential base rate and the minimum service charge for wastewater. The residential volumetric charges will apply as normally scheduled on all master meter consumption for both water and wastewater services, except that winter averaging will not be applied to multifamily dwellings served by one master meter.

(E) Out of town rates are the same as in town rates for water and wastewater.

(F) Senior citizen water credit and storm drainage credit: Refer to chapter 13 utilities, section 13.07.008, senior affordability discount and penalty exemption.

(4) Commercial and temporary hydrant meter service rates.

(A) Commercial water service rates.

Meter Size	Minimum Service Charge (Effective October 1, 2019)
3/4" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95

3"	\$127.35
4"	\$212.25
6"	\$424.35

Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0–10,000 gallons	\$4.61
10,001–40,000 gallons	\$5.77
40,001–80,000 gallons	\$7.20
80,001+	\$9.01

- (B) Commercial wastewater service rates:
 - (i) All commercial accounts: effective October 1, 2019, minimum service \$32.60.
 - (ii) Volumetric charge: effective October 1, 2019, \$5.92 per 1,000 gallons.
- (C) Additional commercial service charges:
 - (i) Service initiation: \$75.00.
 - (ii) Transfer fees: \$20.00.
 - (iii) Meter accuracy rereads: \$15.00.
 - (iv) Late fees: \$10% of billed amount.
 - (v) Turn offs/reconnects:
 - a. During normal office hours: \$50.00.
 - b. After normal office hours: \$75.00.
- (D) Out of town rates are the same as in town rates for water and wastewater.
- (5) Irrigation service rates.

- (A) Irrigation water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2019)
3/4" or smaller	\$4.70
1"	\$7.75
1-1/2"	\$15.45
2"	\$24.65
3"	\$46.20
4"	\$76.95
6"	\$153.90

Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0–10,000 gallons	\$6.46
10,001–40,000 gallons	\$7.42
40,001–80,000 gallons	\$8.53
80,001+	\$9.81

(B) Irrigation wastewater service rates: Irrigation accounts are not billed for wastewater services. Irrigation accounts are strictly for meters and water service dedicated solely to furnish water service to lawn sprinkler or irrigation systems, and do not directly receive wastewater services.

(C) Additional irrigation service charges:

- (i) Service initiation: \$75.00 commercial/\$65.00 residential.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: 10% of billed amount.
- (v) Turn offs/reconnects:

- a. During normal office hours: \$50.00.
- b. After normal office hours: \$75.00.

(D) Out of town rates are the same as in town rates for water.

(6) Wastewater Inflow Prevention Plan and Enforcement Fees

(A) Administrative Fees.

(1) Non-plugged wastewater lines and manholes under construction receiving inflow:

First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

(2) Wastewater services plumbing open:

First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

(3) Wastewater services open/broken:

First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

(B) Offenses will be reset January of even numbered years.

(C) Contesting Violations. A customer may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice. The decision by the Executive Director of Development and Infrastructure Services is final and binding.

(D) Unpaid assessed administrative fees related to violations of wastewater under the Town Plan shall incur late payment penalties and may result in termination of work.”

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6

This Ordinance shall become effective on October 1, 2019, and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF SEPTEMBER, 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

Exhibit "A"
Town of Prosper Water and Sewer Rates
Effective First Full Billing Cycle Following October 1, 2019

Residential Water Service Rates		
Meter Size	Current Minimum Service Charge	Proposed FY 2020 Minimum Service Charge
¾" or Smaller	\$ 12.75	\$ 12.75
1"	\$ 21.25	\$ 21.25
1 ½"	\$ 42.50	\$ 42.50
2"	\$ 67.95	\$ 67.95
3"	\$127.35	\$127.35
4"	\$212.25	\$212.25
6"	\$424.35	\$424.35
Volumetric Charges		Proposed FY 2020 Rate per 1,000 Gallons
	Current Rate per 1,000 Gallons	
0 - 10,000 Gallons	\$ 4.28	\$ 4.28
10,001 - 40,000 Gallons	\$ 6.41	\$ 6.41
40,001 – 80,000 Gallons	\$ 9.63	\$ 9.63
80,001 - Plus	\$14.44	\$14.44

Residential Sewer Service Rates	
Current Minimum Service Charge	Proposed FY 2020 Minimum Service Charge
\$ 28.40	\$ 28.40
Current Rate per 1,000 Gallons	Proposed FY20 Rate per 1,000 Gallons
\$ 4.90	\$ 4.90

Commercial and Temp Hydrant Meter Water Service Rates		
Meter Size	Current Minimum Service Charge	Proposed FY 2020 Minimum Service Charge
¾" or Smaller	\$ 9.80	\$ 12.75
1"	\$ 16.30	\$ 21.25
1 ½"	\$ 32.60	\$ 42.50
2"	\$ 52.10	\$ 67.95
3"	\$ 97.70	\$127.35
4"	\$162.80	\$212.25
6"	\$325.65	\$424.35

Volumetric Charges	Current Rate per 1,000 Gallons	Proposed FY 2020 Rate per 1,000 Gallons
0 - 10,000 Gallons	\$ 4.61	\$ 4.61
10,001 - 40,000 Gallons	\$ 5.77	\$ 5.77
40,001 – 80,000 Gallons	\$ 7.20	\$ 7.20
80,001 - Plus	\$ 9.01	\$ 9.01

Commercial Sewer Service Rates	
Current Minimum Service Charge	Proposed FY 2020 Minimum Service Charge
\$ 32.60	\$ 32.60
Current Rate per 1,000 Gallons	Proposed FY20 Rate per 1,000 Gallons
\$ 5.92	\$ 5.92

Irrigation Water Service Rates		
Meter Size	Current Minimum Service Charge	Proposed FY 2020 Minimum Service Charge
¾" or Smaller	\$ 4.70	\$ 4.70
1"	\$ 7.75	\$ 7.75
1 ½"	\$ 15.45	\$ 15.45
2"	\$ 24.65	\$ 24.65
3"	\$ 46.20	\$ 46.20
4"	\$ 76.95	\$ 76.95
6"	\$153.90	\$153.90
Volumetric Charges	Current Rate per 1,000 Gallons	Proposed FY 2020 Rate per 1,000 Gallons
0 - 10,000 Gallons	\$ 6.46	\$ 6.46
10,001 - 40,000 Gallons	\$ 7.42	\$ 7.42
40,001 – 80,000 Gallons	\$ 8.53	\$ 8.53
80,001 - Plus	\$ 9.81	\$ 9.81

Out of Town rates are the same as In Town rates for water and wastewater.

If the amount due on the 10th day of the month after the billing cycle is not paid in full, a ten percent (10%) penalty of the most current balance shall be added to the account.

Temp Hydrant and Irrigation meters are not charged for wastewater. Service is dedicated solely to furnish water service temporarily to a location or to furnish water service to lawn sprinkler or irrigation systems.

**PARKS &
RECREATION**

To: Mayor and Town Council

From: Dudley Raymond, Director of Parks and Recreation

Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services

Re: Town Council Meeting – September 10, 2019

Agenda Item:

Discussion on the Downtown Open Space.

Description of Agenda Item:

At the February 26th Town Council Meeting, an agreement with Kimley-Horn and Associates Inc. was approved related to the Town Hall Open Space Enhancement Phase 2. A portion of the scope of work was to evaluate the Down Town Area and assess the long term open space opportunities and needs. Kimley-Horn has met with Town Staff to discuss opportunities in this area and developed two different scenarios for Town Councils review and input.

Based on direction received at the meeting, the next step will be to make revisions and come back in the future to present the final concept to Council. Once the programming for the larger area is known, a more detailed program of the open space lot on the southside of Town Hall will be developed.

Town Staff Recommendation:

Town staff recommends that the Town Council discuss and provide direction on the proposed scenarios regards to the Downtown Open Space.