



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, August 11, 2015

1. Call to Order/Roll Call.

The meeting was called to order at 6:02 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Kenneth Dugger
Councilmember Michael Korbuly
Councilmember Jason Dixon

Council Members Absent:

Councilmember Mike Davis

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Senior Planner
Matt Richardson, Senior Engineer
Matt Furr, Parks Superintendent
Cheryl Davenport, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief

2. 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.

3. Announcements of recent and upcoming events.

Deputy Mayor Pro-Tem Vogelsang read the following announcements:

Registration is open for several Parks & Recreation Programs including soccer, archery, and Stroller Strides for moms with small children, adult fitness classes, and much more. Visit the Town of Prosper website for more information on how to register. Several local youth sports leagues are also open for registration.

Coleman Street is substantially complete, and should be open by Monday. The traffic signal should be fully operational by the end of next week.

The public is invited to attend the Groundbreaking Ceremony for Fire Station No. 2 on August 26 at 8:00 a.m. at the fire station site, located at 1140 S. Teel Parkway. The new station will have a dramatic effect on the responsiveness of fire and emergency personnel on a large portion of Prosper, and is scheduled to be in operation in late summer of 2016.

The Annual Prosper Community Picnic will take place on Saturday, September 12 from 4:00 – 7:00 p.m. Free hot dogs, soft drinks and water will be served by members of the Town Council from 5:00 – 6:00 p.m. Families can enjoy music, food and drinks, an inflatable slide, bounce houses, rides, games, attractions, and an obstacle course for kids. Contact the Parks & Recreation Department for more information.

4. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 4a. Consider and act upon minutes from the following Town Council meeting. (RB)**
 - **Regular Meeting – July 28, 2015**
- 4b. Receive the June 2015 Financial Report. (CD)**
- 4c. Receive the Quarterly Investment Report. (CD)**
- 4d. Consider accepting the submission of the certified collection rate of 100 percent for FY 2015-2016. (HJ)**
- 4e. Consider and act upon Ordinance No. 15-47 establishing the 2015 certified appraisal roll. (HJ)**
- 4f. Consider accepting submission of the 2015 effective tax rate of \$0.480591 per \$100 taxable value and the rollback tax rate of \$0.524487 per \$100 taxable value.**
- 4g. Consider and act upon a recommendation by the Prosper Economic Development Corporation for adoption of Tax Abatement Policy 2015. (RW)**
- 4h. Consider and act upon Ordinance No. 15-48 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (MR)**
- 4i. 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 Dugger made a motion and Councilmember Dixon seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

5. CITIZEN COMMENTS:

(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.)

Beth Boughton, 620 Devonshire, Prosper, spoke in favor of implementing a Fourth of July Parade in conjunction with the Pride in the Sky event. Town Secretary Robyn Battle announced that Hulon Webb, Executive Director of Development and Community Services, would discuss the matter among staff and contact Ms. Boughton.

REGULAR AGENDA:

(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)

PUBLIC HEARINGS:

- 6. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 5.1± acres, from Single Family-10 (SF-10) to Planned Development-40 (PD-40), located on the southeast and southwest corners of Fishtrap Road and Windsong Parkway. (Z15-0010). (JW)**

John Webb, Director of Development Services, presented this item before the Town Council. The request is to rezone 5.1± acres that was originally excluded from the original overall 2,100 Planned Development (PD-40) because it was under separate ownership. Windsong Ranch has since acquired the property and is seeking to incorporate it into the PD. The development will be in accordance with "Type B" lots, which is consistent with the Future Land Use Plan (FLUP).

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 15-49 rezoning 5.1± acres, from Single Family-10 (SF-10) to Planned Development-40 (PD-40), located on the southeast and southwest corners of Fishtrap Road and Windsong Parkway. The motion was approved by a vote of 6-0.

7. Conduct a Public Hearing, and consider and act upon an ordinance for a Specific Use Permit for a Utility Distribution/Transmission Facility, on 0.2± acres, located on the south side of First Street, 500± feet west of the BNSF Railroad. The property is zoned Planned Development-67 (PD-67). (S15-0004). (JW)

John Webb, Director of Development Services, presented this item before the Town Council. The request is for a Specific Use Permit (SUP) on 0.2± acres, on which Atmos Energy is proposing to develop above-ground gas line piping and equipment and the associated screening wall and landscaping. The project is required due to the relocation of a measuring station on US 380 necessitated by the widening of that highway. The screening wall will be composed of removable panels that will accommodate access to the valves when necessary. The panels will be stamped to look like brick, with stone columns installed between the panels. Mr. Webb described the landscape requirements, and the criteria utilized by staff to determine the validity of a SUP request. The Planning & Zoning Commission recommended approval of the SUP with the stipulation that the screening wall have a minimum height of eight feet.

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 15-50 for a Specific Use Permit for a Utility Distribution/Transmission Facility, on 0.2± acres, located on the south side of First Street, 500± feet west of the BNSF Railroad, subject to:

1. Requiring the proposed screening wall to be a minimum height of eight feet.

The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

8. Submission of the FY 2015-2016 Proposed Budget and Budget Message by the Town Manager. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. An electronic copy of the proposed budget was filed with the Town Secretary on Friday, September 7, and provided to the Town Council. Hard copies of the proposed budget were made available to the Town Council at tonight's meeting. The Town Manager will meet on an individual basis with Council members to discuss the FY 2015-2016 Proposed Budget. No further action was taken.

9. Consider and act upon a proposed FY 2015-2016 property tax rate. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. According to Section 26.05(d) of the Property Tax Code, the Town is required to hold two public hearings and publish a newspaper ad if proposing to consider a tax rate that exceeds the effective tax rate, or the rollback rate, whichever is lower. Town staff recommended that the Town Council propose a rate of \$0.52 per \$100 in valuation.

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to propose a FY 2015-2016 tax rate of \$0.52 cents per one hundred dollars (\$100) of valuation, which is equal to or lower than the effective rate. Mayor Smith called the roll, and Council Members responded as follows:

Councilmember Dixon – approved
Councilmember Davis – absent

Councilmember Dugger – approved
Deputy Mayor Pro-Tem Vogelsang – approved
Mayor Smith – approved
Mayor Pro-Tem Miller – approved
Councilmember Korbuly – approved

The motion was approved by a vote of 6-0.

10. Consider and act upon scheduling Public Hearings on the FY 2015-2016 Proposed Budget. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. Chapter 102 of the Texas Local Government Code requires the Town to hold a public hearing on the proposed budget and publish the notice for this meeting.

Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to schedule Public Hearings on the FY 2015-2016 Proposed Budget for August 25, 2015, at 6:00 p.m., and September 8, 2015, at 6:00 p.m., with each meeting taking place at the Prosper Municipal Chambers at 108 W. Broadway Street, Prosper, TX. The motion was approved by a vote of 6-0.

11. Consider and act upon scheduling Public Hearings for the FY 2015-2016 proposed tax rate. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. Section 26.05(d) of the Texas Property Tax Code requires taxing entities to hold two public hearings and publish a newspaper ad before adopting a tax rate that exceeds the effective rate or rollback rate, whichever is lower.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to set the Public Hearings on the proposal to increase total tax revenues and the proposed tax rate of \$0.52 per \$100 in valuation for August 25, 2015, at 6:00 p.m. and September 8, 2015, at 6:00 p.m., with each meeting taking place at the Prosper Municipal Chambers at 108 W. Broadway Street, Prosper, TX. The motion was approved by a vote of 6-0.

12. Consider and act upon authorizing the Town Manager to execute a Facility Utilization Agreement between the Town of Prosper, Texas, and Prosper Youth Sports Commission (PYSC), related to use of the Town's facilities and services. (MF)

Matt Furr, Parks Superintendent, presented this item before the Town Council. Town staff requested that this item be tabled to the August 25 Town Council meeting to allow Town staff to discuss the proposed insurance requirements in the agreement.

Councilmember Vogelsang made a motion and Councilmember Korbuly seconded the motion to table Item 12 to the August 25, 2015, Town Council meeting. The motion was approved by a vote of 6-0.

13. Consider and act upon awarding Bid No. 2015-42-B to Starlite Sign, LP, related to construction services for the Decorative Monument Signs project; and authorizing the Town Manager to execute a construction agreement for same. (MR)

Senior Engineer, Matt Richardson, presented this item before the Town Council. The Town received one bid proposal for the Decorative Monument Signs project, which significantly exceeded the project budget and typical prices for similar work. To reduce costs, Town staff removed several items from the project and will obtain contracts with specialty vendors or utilize in-house resources for installation. Additionally, three signs were removed from the project that would have been located in unimproved medians. Mr. Richardson confirmed that the same specifications and materials would be used for the new monument signs, and steps would be taken to prevent rust damage that had occurred on previous signs.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to award Bid No. 2015-42-B to Starlite Sign, LP, related to construction services for the Decorative Monument Signs project; including a reduction to eight decorative monument signs and elimination of bid items number 12 through 22; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-0.

14. Discussion on proposed amendments to the Zoning Ordinance regarding permitted land uses. (JW)

Development Services Director John Webb presented this item before the Town Council. Mr. Webb reviewed a list of proposed land use chart amendments, making suggestions for permitting uses by a SUP versus by right, updating antiquated terms and definitions, and removing obsolete land uses and verbiage. The Town Council provided feedback on the proposed changes, including multi-family housing and the Town's ordinance related to sexually-oriented businesses. Town staff will schedule a Public Hearing on the proposed changes at a future Town Council meeting prior to Council's adoption of the amendments.

15. Discussion on proposed amendments to the Fence Ordinance. (JW)

Development Services Director John Webb presented this item before the Town Council. Town staff has received a request from a resident to construct a low, solid stone wall in front of their home near the front property line, which does not meet the criteria of the fence ordinance as currently adopted. Town staff presented two alternatives to the Town Council which would allow such a wall to be constructed. The first option would be to amend the fence ordinance, requiring strict adherence to maximum height, materials, and architectural style. The second option would be to amend the fence ordinance to consider certain walls in the front yard on a case-by-case basis. The Town Council directed that the ordinance should be amended that all fences near the front property line be presented to the Town Council for consideration on a case-by-case basis.

16. 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:

16a. Section 551.087 – To discuss and consider economic development incentives.

- 16b. *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.*
- 16c. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with Article 1.10 of Chapter 1 of the Code of Ordinances, and all matters incident and related thereto.*
- 16d. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:09 p.m.

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

The Town Council reconvened the Regular Session at 7:55 p.m. No action was taken as a result of Executive Session.

Mayor Pro Tem Miller left the meeting at 7:55 p.m.

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

- **CIP Projects (HW)**

- **Town Hall/Multi-Purpose Facility**

Hulon Webb, Executive Director of Development and Community Services, reported that the Construction Manager at Risk agreement and the Infrastructure Design agreement related to the Town Hall/Multi-Purpose Facility project will be on the September 8, 2015, Town Council agenda.

- **Coleman Road Reconstruction Project**

Coleman Street is substantially complete, and will be open by Monday. The traffic signal should be fully operational by the end of next week. The temporary concrete batch plant will remain until the extension of Coleman Street from Prosper High School to Preston Road is complete.

- **West Prosper Road Improvements**

Town staff is awaiting the results of the geotechnical analysis before proceeding on this project. Road improvements on Teel Parkway from US 380 to Fishtrap Road should begin by the end of the month.

- **SH 289 Median Lighting and Landscaping**

Town staff is working with the contractor to make sure all weeds are mowed. The Council requested that all median lighting that has been installed should be turned on as soon as possible, even if some of the light poles are not yet fully functional.

- **Discussion on the Lower Pressure Plane Ground Storage Tank and Pump Station Project. (HW)**

Mr. Webb introduced Jeff Payne of Freese and Nichols, who offered a presentation on the preliminary design and location of the Lower Pressure Plan Ground Storage Tank and Pump Station. Mr. Payne reviewed options for the location of the storage tank, one of which would be located south of a residential subdivision. When making recommendations, the firm took into account existing water lines, proximity to residential neighborhoods, population density, hydraulics, distance from other pump stations, elevation, land cost, and capital cost. Mr. Payne also provided photographs of sample storage tanks. To make the storage tank less noticeable, and increase aesthetics, it is possible to at least partially bury the tank, but that option may be expensive. The Town Council requested the firm research the feasibility of locating the tank east of Coit Road, and present additional information at a future Town Council meeting.

- **Scheduling of work sessions. (HJ)**

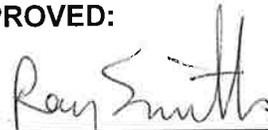
Town Manager discussed a request from the Town Council to hold Work Sessions prior to Regular Town Council meetings, and if so, when those Work Sessions might be held. The Town Council was generally in favor of holding Work Sessions, when needed, at 5:00 p.m. prior to Regular Council meetings. If needed, Work Sessions may be held on a night other than a Regular Council meeting.

19. Adjourn.

The meeting was adjourned at 8:41 p.m.

These minutes approved on the 25th day of August, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:


Robyn Battle, Town Secretary