



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 25, 2015

1. Call to Order/Roll Call.

The meeting was called to order at 6:05 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 Mike Davis
Councilmember Jason Dixon

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
Jonathan Hubbard, Planner
Matt Richardson, Senior Engineer
Paul Naughton, Landscape Architect
Matt Furr, Parks Superintendent
Frank Jaromin, Public Works Director
Cheryl Davenport, Finance Director
January Cook, Purchasing Agent
Baby Raley, Human Resources Director
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.

Councilmember Dugger read the following announcements:

This afternoon, the Town held a swearing-in ceremony to promote Police Officer Barrett Morris to the rank of Sergeant. Sergeant Morris has been with the Prosper Police

Department for six years. Congratulations to Sergeant Morris, and thank you for your service.

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.

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.

Dove hunting season officially opens on September 1. The Town of Prosper has an ordinance that addresses the discharge of firearms within Town limits. The Prosper Police Department urges residents to check the Town website or contact the Police Department for hunting restrictions to help residents and hunters have a safe hunting season.

The Annual Prosper Community Picnic will take place on Saturday, September 12 from 4:00 p.m. to 7:00 p.m. Free hot dogs, soft drinks and water will be served by members of the Town Council from 5:00 p.m. to 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. Presentations

- **Presentations to Chanie Smith and William Smith as Junior Police Officers for the Day. (DK)**

Mayor Smith, Councilmember Dugger, Chief Kowalski, and Assistant Chief McHone presented certificates to Chanie Smith and William Smith.

5. CONSENT AGENDA:

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

5a. Consider and act upon minutes from the following Town Council meeting. (RB)

- **Regular Meeting – August 11, 2015**

5b. Receive the July 2015 Financial Report. (CD)

5c. Consider and act upon adopting the FY 2015-2016 Prosper Economic Development Corporation budget. (RW)

5d. Consider and act 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 Mayor Pro-Tem Miller seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

6. CITIZEN COMMENTS:

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

Wayne Bartley, 721 Shadow Hill, Prosper, spoke on behalf of Cornerstone North Central Texas and their recent activities. Over the past month, Cornerstone NCT has distributed backpacks, schools supplies, and school clothes to local children. He also spoke about North Texas Giving Day on September 17, and Serve Prosper, an event on September 19 to assist local homeowners with home repairs, home maintenance, and other community clean-up activities. The Cornerstone golf tournament on October 19 and Cornerstone Christmas on December 13 are other activities that will take place in the next few months. More information about these events and volunteer opportunities can be found at www.cornerstonenct.org.

REGULAR AGENDA:

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

PUBLIC HEARINGS:

- 7. Conduct a Public Hearing, and consider and act upon a request to amend Chapter 2, Zoning Districts and Chapter 4, Development Requirements of the Zoning Ordinance regarding Alternating Single Family Plan Elevations, Exterior Residential Masonry Construction, Impervious Coverage of Residential Front Yards, Single Family Corner Lot Landscaping, Residential Garage Standards, Residential Driveway Standards, Carports and Size of Garages; and amend Chapter 3, Building Regulations of the Code of Ordinances regarding residential fences and exterior masonry construction. (Z15-0005). (JW)**

John Webb, Director of Development Services, presented this item before the Town Council. At the direction of the Town Council, Town staff is initiating several proposed amendments to the Zoning Ordinance and the Building Regulations regarding various residential development standards. Mr. Webb reviewed the twelve areas that encompass the proposed amendments.

Mayor Smith opened the Public Hearing.

Michael Jobe, 801 Blue Ridge Drive, Prosper, did not wish to speak, but submitted a Public Meeting Appearance Card in opposition to the proposed amendments.

David Lehde, 5816 W. Plano Parkway, Plano, spoke on behalf of the Dallas Homebuilders Association. Mr. Lehde made several comments on the proposed amendments, specifically related to masonry, driveway, and garage standards. He presented a PowerPoint presentation with photographs of sample homes that include the standards that he recommended, some of which would not be permitted by the proposed standards.

Clint Richardson, 10950 Research Road, Frisco, spoke in opposition to the proposed amendments on behalf of the Prosper Developers Council, particularly as they related to landscaping, fencing and screening requirements. He also made suggestions related to the plat approval process.

David Blom, 1641 Summer Star, Prosper, expressed concern over the proposed chimney requirements, fencing requirements, and minimum garage size.

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

The Town Council asked Mr. Richardson more detailed questions related to the platting process.

The Town Council made comments and recommendations for each of the twelve proposed amendments:

Item 1, Anti-Monotony: Council agreed with staff's recommendations.

Item 2, Masonry Requirements: Council agreed with staff's recommendations; however, they asked that the ordinance include an option for the use of alternative exterior materials.

Item 3, Impervious Coverage of Front Yards: Council agreed with staff's recommendations.

Item 4, Corner Lot Landscaping: Council asked that the amendment be changed to require one four-inch caliper tree in the side yard of a corner lot. Additional changes to landscaping requirements may be brought back for additional Council consideration at a future meeting.

Item 5, Garage Standards: Council agreed with staff's recommendations; however, they asked that the ordinance remove the proposed amendment requiring garage doors that directly face the street to be located a minimum of five feet behind the main front façade of the house.

Item 6, Driveway Standards: Council asked that this amendment be omitted entirely.

Item 7, Chimneys: Council agreed with staff's recommendations; however, they asked that the ordinance include an option for the use of alternative exterior material, if an alternative exterior material is already being utilized on the exterior of the home.

Item 8, Carports: Council agreed with staff's recommendations.

Item 9, Fencing Standards: Council agreed with staff's recommendations; however, they asked that the ordinance state that all fences should be board-on-board if they face the street.

Item 10, Fencing Adjacent to Hike & Bike Trails: Council agreed with staff's recommendations.

Item 11, Corner Lot Fencing: Council asked that this recommendation be omitted entirely.

Item 12, Increase Size of Two-Car Garages: Council asked that the ordinance be amended to include a minimum total area of enclosed garage space of 400 square feet.

Mr. Webb stated that Town staff will schedule a Public Hearing, and incorporate the Town Council's recommendations into a proposed ordinance that will be submitted for Council's consideration at a future meeting.

After discussion, Councilmember Vogelsang made a motion and Councilmember Dixon seconded the motion to approve the request to amend Chapter 2, Zoning Districts and Chapter 4, Development Requirements of the Zoning Ordinance regarding Alternating Single Family Plan Elevations, Exterior Residential Masonry Construction, Impervious Coverage of Residential Front Yards, Single Family Corner Lot Landscaping, Residential Garage Standards, Carports and Size of Garages; and amend Chapter 3, Building Regulations of the Code of Ordinances regarding residential fences and exterior masonry construction with amendments as presented tonight. The motion was approved by a vote of 7-0.

Mayor Smith opened Items 8 and 9 concurrently.

8. **Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan, located on the northwest corner of Prosper Trail and future Shawnee Trail, from Medium Density Residential to Dallas North Tollway District. The property is zoned Single Family-15 (SF-15) and Commercial Corridor (CC). (CA15-0002). [Companion Case Z14-0005] (JW)**

Development Services Director John Webb presented Items 8 and 9 to the Town Council. The applicant has requested that both items be tabled to the September 8, 2015, Town Council meeting to allow more time to address Council's concerns.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to table Items 8 and 9 to the September 8, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

9. **Conduct a Public Hearing, and consider and act upon a request to rezone 67.7± acres, located on the northwest corner of Prosper Trail and Dallas Parkway, from Single Family-15 (SF-15) and Commercial Corridor (CC) to Planned Development-Single Family/Office/Retail (PD-SF/O/R). (Z14-0005). [Companion case CA15-0002] (JW)**

10. Conduct a Public Hearing to consider and discuss the FY 2015-2016 Budget, as proposed. (HJ)

Mayor Smith opened Items 10 and 11 concurrently.

Mayor Smith read the following statement related to Item 11:

This is the first of two public hearings to discuss the FY 2015-2016 proposed tax rate. The second Public Hearing will be held on September 8, 2015, at 6:00 p.m., at the Prosper Municipal Chambers located at 108 W. Broadway, Prosper, Texas. The Town Council will vote on both the FY 2015-2016 Proposed Budget and the proposed tax rate at a meeting scheduled on September 22, 2015, at 6:00 p.m., located at the Town of Prosper Municipal Chambers at 108 W. Broadway, Prosper TX. Once the Public Hearing is opened, the public is encouraged to express their views.

Town Manager Harlan Jefferson presented information on the FY 2015-2016 Proposed Budget. The Town is in a high-growth period, which necessitates accelerated infrastructure development. He reviewed the Capital Improvement Plan (CIP), including recently completed projects, and projects that are scheduled for implementation over the next ten years. Mr. Jefferson discussed population projections and the effect on residential development and the increase in building permits and demand for services. This leads to increased demand for staff, capital projects which require more capital debt and an increase in annual debt service. These combined factors require more property tax revenue in order to support an expanded tax base, otherwise known as the high growth dynamic.

The proposed budget does not reflect an increase in the tax rate, water, sewer, solid waste, or storm drainage fee increases. The primary focus of the FY 2015-2016 budget is on public safety, streets, and parks. The budget components include the base budget, non-discretionary supplemental requests, and discretionary supplemental requests. Some of these requests were cut from the budget, but the information is included in the budget document for reference.

Mr. Jefferson provided an overview of the various Town funds' revenues and appropriations, the proposed new positions in the budget, and some of the major program enhancements for FY 2015-2016 in public safety, streets, and parks. The Town Manager reviewed the Town's taxable values, the property tax rate history, and the tax rate comparison related to surrounding cities and towns. He also provided a breakdown of the effect of the proposed tax rate, effective tax rate, and rollback tax rate on the average homeowner.

After a review of the Water & Sewer Fund revenue and appropriations, Mr. Jefferson provided an overview of long-term issues for the Town such as the compensation plan and facilities plan. He provided an overview of the Vehicle and Equipment Replacement Fund (VERF) recommendations for the FY 2015-2016 Proposed Budget, and the vetting process used to determine which of the Town's equipment and vehicles should be repaired or replaced.

Hulon Webb, Executive Director of Development and Community Services, provided an update on the Capital Improvement Plan, including streets, parks, facilities, water, wastewater, and drainage projects. Mr. Webb responded to questions and feedback from the Town Council on specific CIP projects.

Mayor Smith opened the Public Hearings for Items 10 and 11 concurrently.

With no one speaking, Mayor Smith closed the Public Hearings for Items 10 and 11.

11. **Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 8.20 percent. (HJ)**

DEPARTMENT ITEMS:

12. **Update on the Parks, Recreation and Open Space Master Plan. (PN)**

Landscape Architect Paul Naughton introduced Philip Neely of Dunaway Associates who presented an update on the Master Plan. Mr. Neely and his colleagues will present the Master Plan to the Parks, Recreation and Open Space Master Plan Advisory Committee on August 26, and to the Parks and Recreation Board on September 3. The Plan will be submitted to the Council for adoption at the September 8, 2015, Town Council meeting. Once the plan has been adopted, the Town will be eligible to apply for specific parks grant opportunities. Town staff responded to questions from the Town Council related to the design and construction of Frontier Park, which is estimated to take approximately eighteen months to two years. No further action was taken.

13. **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. (MF)**

Parks Superintendent Matt Furr presented this item before the Town Council.

Mayor Pro-Tem Miller stepped away from the Council bench.

This item was tabled at the August 11, 2015, Town Council meeting to allow staff to amend the insurance requirements in the agreement at the request of the Town Council. The agreement with the Prosper Youth Sports Commission gives PYSC leagues priority use of the Town's fields and incorporates applicable components of the agreement into its previously approved bylaws.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Facility Utilization Agreement between the Town of Prosper, Texas, and Prosper Youth Sports Commission, related to use of the Town's facilities. The motion was approved by a vote of 6-1.

Mayor Pro-Tem Miller returned to his place at the Council bench.

14. **Consider and act upon authorizing the Town Manager to execute a Water Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of water lines to serve the Windsong Ranch development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. TVG Texas I, LLC, is developing Windsong Ranch, and in order to facilitate the development, they are required to extend several water lines as depicted on the Town of Prosper Water System Capital Improvement Plan. The

proposed agreement outlines the obligations of the Town of Prosper and TVG Texas I, LLC, related to the design, construction, and reimbursement of collected water impact fees to fund the projects.

Mayor Pro-Tem Miller made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Water Impact Fees Reimbursement Agreement between TVG Texas I, LLC, and the Town of Prosper, Texas, related to the extension of water lines to serve the Windsong Ranch development. The motion was approved by a vote of 7-0.

15. 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:

- 15a. *Section 551.087 – To discuss and consider economic development incentives.***
- 15b. *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.***
- 15c. *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.***
- 15d. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.***
- 15e. *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.***

The Town Council recessed into Executive Session at 8:29 p.m.

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

The Town Council reconvened the Regular Session at 9:50 p.m. No action was taken as a result of Executive Session.

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

- **Downtown Enhancements (MR)**

Senior Engineer Matt Richardson provided an update to the Town Council on the Downtown Enhancements project, and the Town Council discussed the various options presented. This item will be brought forward for further Town Council discussion and action at a future meeting.

- **CIP Projects (HW)**
 - **Town Hall/Multi-Purpose Facility**

Hulon Webb provided an update to the Town Council on the Town Hall/Multi-Purpose Facility project, and the Town Council discussed various options. This item will be brought forward for further Town Council discussion and action at a future meeting.

- **SH 289 Median Landscaping**

Hulon Webb provided a brief update on the SH 289 Median Landscaping project, specifically related to the cost and timeline for installing sod and hydromulch.

18. Adjourn.

The meeting was adjourned at 10:33 p.m.

These minutes approved on the 8th day of September, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary