



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, July 12, 2016

1. Call to Order/Roll Call.

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

Council Members Present:

Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Michael Korbuly
Councilmember Kenneth Dugger (arrived at 6:08 p.m.)
Councilmember Meigs Miller
Councilmember Mike Davis

Council Members Absent:

Mayor Ray Smith

Staff Members Present:

Hulon Webb, Executive Director of Development and Community Services
Robyn Battle, Town Secretary/Public Information Officer
Terrence Welch, Town Attorney
John Webb, Development Services Director
Alex Glushko, Senior Planner
Jonathan Hubbard, Planner
Michael Bulla, CIP Project Manager
Betty Pamplin, Accounting Manager
January Cook, Purchasing Agent
Doug Kowalski, Chief of Police
Ronnie Tucker, Fire Chief

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

Pastor Kenny Thacker of Lighthouse Christian Fellowship led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Miller read the following announcements:

The next "Fun Fridays at Frontier" will take place on July 15 at 10:00 a.m. in Frontier Park. This week's theme is "Christmas in July." Throughout the summer, the Parks and Recreation Department and the Library will hold weekly themed programs designed to keep young people physically and mentally fit during the summer months.

Several summer youth camps and adult fitness classes are now open for registration. Please visit www.prosperparksandrec.org for more information and to register.

Pavecon will begin road construction July 18 on First Street from Coit Road to Custer Road. The construction will take approximately four weeks, weather permitting. During this time, traffic flow will be restricted to one lane, eastbound only. Motorists are advised to use caution in this area.

The Prosper Police Department will host "Coffee with a Cop" on Thursday, July 21, from 8:00-10:00 a.m. at the Kroger Marketplace on Preston Road. Residents are invited to get to know their local police officers and ask questions about local police efforts in Prosper. Children are welcome to attend.

Councilmember Miller expressed his condolences on behalf of the Town Council for those affected by the shooting in Dallas on July 7. He thanked the residents for the generous outpouring of support for the Prosper Police Department over the past several days, and personally thanked Police Chief Doug Kowalski, Fire Chief Ronnie Tucker, and the members of the Police and Fire Departments for their efforts to keep our community safe.

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 meetings. (RB)**
 - **Regular Meeting – June 28, 2016**
 - **Special Meetings – June 29, 2016**
- 4b. Receive the May 2016 Financial Report. (BP)**
- 4c. Consider and act upon approving the purchase of self-contained breathing apparatus, from Municipal Emergency Services, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. (JC)**
- 4d. Consider and act upon awarding Bid No. 2016-59-B to Durable Specialties, Inc., related to construction services for the First Street and DNT Traffic Signal Project; and authorizing the Town Manager to execute a construction agreement for same. (MB)**
- 4e. Consider and act upon authorizing the Town Manager to execute Contract Amendment #1 to the Professional Engineering Services Agreement between Graham Associates, Inc., and the Town of Prosper, Texas, related to the Prosper Trail (Kroger – Coit) Project and the First Street (Dallas North Tollway – Coleman) project. (HW)**
- 4f. Consider and act upon an amendment to the Capital Improvement Plan. (HW)**
- 4g. 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 Korbuly made a motion and Deputy Mayor Pro-Tem 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.

Loretta Baker, 115 E. 7th Street, Prosper, did not wish to speak, but expressed her support for a museum in the new Town Hall/Multi-Purpose Facility.

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 a request for a Special Purpose Sign District for Windsong Ranch Marketplace, on 46.6± acres, located on the northeast corner of US 380 and Gee Road. (MD16-0002). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has requested this item be tabled to the August 9, 2016, Town Council meeting in order to resubmit a sign package to incorporate items discussed with Terra Verde and the Executive Development Team.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to table Item 6 to the August 9, 2016, Town Council meeting. The motion was approved by a vote of 6-0.

- 7. Conduct a Public Hearing, and consider and act upon an ordinance for a variance to a Special Purpose Sign District for the Gates of Prosper, on 93.0± acres, located on the northeast corner of US 380 and Preston Road. (MD16-0007). (JW)**

Development Services Director John Webb presented this item before the Town Council. On April 12, 2016, the Town Council adopted an ordinance for a Special Purpose Sign District for the Gates of Prosper. Since adoption of the ordinance, the applicant has determined that the original request for increased wall sign height on two of the buildings is not of sufficient height for the proposed tenants, and is seeking a variance to allow for a further increase to the wall sign height allowance. The applicant is proposing to increase the wall sign height from 9' to 30' 1" for Field & Stream and from 9' to 15' 0.25" for Dick's Sporting Goods to allow for their typical corporate identification. The applicant is also proposing to allow for an increase in wall sign height on the rear of the building from 5' to 9'

for Dick's Sporting Goods and from 5' to 7' 4" for Field & Stream. Mr. Webb added that the rear signage will not be illuminated.

Mayor Pro-Tem Vogelsang opened the Public Hearing.

With no one speaking, Mayor Pro-Tem Vogelsang closed the Public Hearing.

Councilmember Miller made a motion and Councilmember Davis seconded the motion to approve Ordinance No. 16-43 for a variance to a Special Purpose Sign District for the Gates of Prosper, on 93.0± acres, located on the northeast corner of US 380 and Preston Road. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

8. **Consider all matters incident and related to the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2016," including the adoption of an ordinance authorizing the issuance of such bonds and approving all other matters incident thereto. (HJ)**

Accounting Manager Betty Pamplin introduced Jason Hughes from FirstSouthwest, the Town's financial advisor, who presented this item before the Town Council. Also present for the discussion was Chris Settle from McCall, Parkhurst and Horton L.L.P., the Town's bond counsel. Mr. Hughes reviewed the terms of the bond sale, stating that interest rates are at an historic low. Proceeds from the sale of the bonds will be used for the following purposes:

- constructing and equipping of a multi-purpose municipal facility;
- constructing, improving, extending, expanding, upgrading and developing parks and recreation facilities including fields, trails, utility relocation, landscaping, sidewalks, and operational improvements, installation of lighting, the purchase of any necessary rights-of-way, drainage and other related costs;
- constructing, improving, extending, expanding, upgrading, and developing storm drainage utility projects including utility relocation, landscaping, sidewalks, traffic safety and operation improvements, the purchase of any necessary easements, and the related costs;
- paying the costs associated with the issuance of the Certificates; and
- paying legal, fiscal, engineering and architectural fees in connection with these projects.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to adopt Ordinance No. 16-44 authorizing the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2016," and approving all other matters related thereto. The motion was approved by a vote of 6-0.

9. **Consider all matters incident and related to the issuance and sale of "Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2016," including the adoption of an ordinance authorizing the issuance of such certificates of obligation and approving all other matters incident thereto. (HJ)**

Mr. Hughes continued the presentation on the Certificates of Obligation. Responding to a question from the Town Council, Mr. Hughes stated that the Town has already refinanced all available remaining debt to take advantage of low interest rates.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 16-45 authorizing the issuance and sale of "Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2016," and approving all other matters related thereto. The motion was approved by a vote of 6-0.

10. Consider and act upon a request for a Façade Exception for the Tribute Memory Care Facility in the Prosper Town Center development, located on the west side of Hays Road, 900± feet north of First Street. (MD16-0006). (JW)

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting the exterior of the proposed structure to be constructed of a combination of brick, stone and cementitious fiber board siding (HardiePlank). The Zoning Ordinance requires the exterior of the buildings to be 100% masonry, and the cementitious fiber board siding is not considered a masonry material per the Zoning Ordinance.

In April 2016, Town staff approved a Façade Plan for the building, proposed to be constructed entirely of a brick and stone exterior meeting the requirements of the Zoning Ordinance. With the adoption of the Façade Exception process, the applicant is now proposing the use of cementitious fiber board on the perimeter of the building, within the courtyards, within the service areas, and in the centrally located clear story element. The intent of the request is to change the character of the structure to a more residential look, and to obtain a cost savings.

Charles Hodges, 13542 Omega, Dallas, is the project architect. He addressed the Town Council and went into greater detail on the merits of the request, noting that the fiber board material would reduce the amount of ambient heat in the courtyard, making it more comfortable for the residents.

John Harris, 170 N. Preston Road, Suite 10, Prosper, spoke in favor of the item.

Mr. Webb stated that the Planning & Zoning Commission recommended approval of the request, subject to the use of cementitious fiber board only within the courtyard areas and on the centrally located clear story element.

After discussion, the Town Council recommended tabling the item to allow further discussion with staff on alternate exterior materials. The applicant agreed. Councilmember Miller made a motion and Councilmember Dugger seconded the motion to table Item 10 to the August 23, 2016, Town Council meeting. The motion was approved by a vote of 5-1, with Councilmember Davis casting the opposing vote.

11. Consider and act upon a request for a Façade Exception for the Gates of Prosper, Phase 1, Block A, Lot 4, located on the northwest corner of future Lovers Lane and US 380, and Block B, Lot 3, located on the northwest corner of future Richland Boulevard and future Lovers Lane. (MD16-0008). (JW)

Development Services Director John Webb presented this item before the Town Council. The developer of the Gates of Prosper is seeking a Façade Exception to three retail buildings within the development to allow for an increase in secondary material. The buildings include Dick's Sporting Goods and Field & Stream, and two retail shell buildings. The Zoning Ordinance limits secondary materials to 10% of an elevation. The applicant is requesting the exterior of the structure of the proposed Dick's Sporting Goods and Field &

Stream to be constructed primarily of brick, stone and concrete tilt wall as required by the ordinance, but are requesting the use of wood, metal, and glass to exceed 10% only on the northern (front) elevation. The applicant is also requesting the use of secondary materials to not exceed 15% per elevation for future modifications, with the exception of the western (front) elevation of the 19,400 square foot building on Lot 4, in which secondary materials will not exceed 25%.

After discussion, Councilmember Miller made a motion and Councilmember Dugger seconded the motion to approve a request for a Façade Exception for the Gates of Prosper, Phase 1, Block A, Lot 4, located on the northwest corner of future Lovers Lane and US 380, and Block B, Lot 3, located on the northwest corner of future Richland Boulevard and future Lovers Lane. The motion was approved by a vote of 6-0.

12. Discuss proposed amendments to the Zoning Ordinance regarding accessory structures and guest houses. (JW)

Development Services Director John Webb presented this item before the Town Council. He reviewed the current Zoning Ordinance as it relates to accessory structures and guest houses. Recent developments of accessory structures and guest houses have warranted the need to review the standards of these uses to ensure the structures do not have a negative impact on adjacent residential properties.

George Dupont, 1400 Harvest Ridge Lane, Prosper, spoke in favor of revising the current ordinance. He noted that the relation of size of the accessory structure and/or guest house as compared to the residence should be considered when revising the ordinance. Other issues include the footprint of the structure, setback, and number of structures on a single lot.

After discussion, the Town Council directed staff to initiate formal amendments to the Zoning Ordinance to be brought forward for Council consideration at a future meeting. No further action was taken.

13. EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

13a. Section 551.087 – To discuss and consider economic development incentives.

13b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

13c. Section 551-074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks and Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.

The Town Council recessed into Executive Session at 7:39 p.m.

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

The Town Council reconvened the Regular Session at 8:00 p.m. No action was taken as a result of Executive Session.

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

- **Mosquito Abatement Program (JW)**

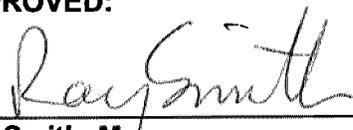
John Webb provided an updated on the Town's Mosquito Abatement Program. The Town has received some positive test results in mosquito traps over the past few weeks. To increase awareness and decrease the risk of mosquito-borne illness such as West Nile Virus, Town staff provided several options such as continued use of larvicide in problem areas, a targeted direct-mailing to residents of affected areas, increased educational efforts on the Town website and social media outlets, and aerial spraying. The Town Council directed staff to increase education efforts on the Town website and social media outlets, begin targeted direct-mailings in neighborhoods that receive three consecutive positive tests, and begin aerial spraying in areas that receive four consecutive positive tests.

16. Adjourn.

The meeting was adjourned at 8:22 p.m. on Tuesday, July 12, 2016.

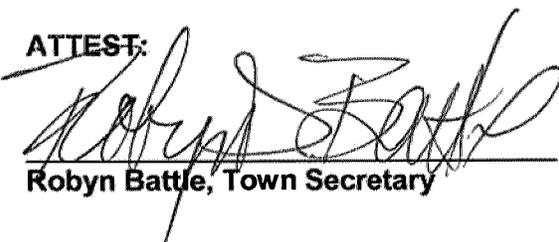
These minutes approved on the 26th day of July, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary