



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, September 13, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:01 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Meigs Miller
Councilmember Mike Davis (arrived at 6:06 p.m.)

Council Members Absent:

Deputy Mayor Pro-Tem Jason Dixon

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary/Public Information Officer
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Senior Planner
Michael Bulla, CIP Project Manager
Baby Raley, Human Resources Director
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 Doug Kriz of Grace Christian Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

3. Announcements of recent and upcoming events.

Registration is open for several Parks & Recreation Programs including tennis, Stroller Strides for moms with small children, DDP Yoga for adults, 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 Prosper Fire Department participated in the 9/11 Memorial Stair Climb on September 10th. Climbers dressed in full gear, climbing 110 stories, which is the height of the former World Trade Center. Three Prosper Firefighters participated in the climb to raise money for

organizations that support the families of firefighters, police officers, and other public safety officials who have been killed in the line of duty.

Fire Chief Ronnie Tucker, Police Chief Doug Kowalski, and several members of the Prosper Police and Fire Departments took part in Sunday's 9/11 Remembrance Ceremony in front of Town Hall to honor those who lost their lives on 9/11. Thank you to everyone who supported and attended this event.

On Tuesday, October 4, residents are encouraged to participate in National Night Out by spending the evening outside visiting with neighbors and Prosper's public safety personnel. This annual event was created to heighten awareness, and strengthen participation in local anti-crime efforts. Contact Officer Erin Hubbard for more information or to schedule a block party.

The 6th Annual Cory Ausenbaugh Memorial 5k and 1 Mile Fun Run will be held on Saturday, October 8, at Windsong Ranch. Proceeds will benefit the Cory Ausenbaugh Memorial Scholarship Foundation for a deserving Prosper High School Senior who is pursuing a degree in education, and children of fallen firefighters, police officers, and teachers. Contact Assistant Fire Chief Stuart Blasingame for more information.

4. Presentations.

- **Presentation of a Proclamation to members of the Preston Ridge Chapter of the Daughters of the American Revolution declaring September 17-23, 2016, as *Constitution Week*. (RB)**

Mayor Smith presented the Proclamation to JoAnn Slaven of the Preston Ridge Chapter of the Daughters of the American Revolution.

- **Presentation of the "Fit-Friendly Worksite" Gold Achievement Award to the Town of Prosper by representatives from the American Heart Association. (BR)**

Human Resources Director Baby Raley introduced Sheila George from the American Heart Association who presented the award to the Town Council.

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 meetings. (RB)**
 - **Regular Meeting – August 23, 2016**
- 5b. **Receive the July 2016 Financial Report. (BP)**
- 5c. **Consider and act upon the appointment of a Municipal Judge, and authorize the Mayor to execute an agreement for same. (RB)**
- 5d. **Consider and act upon awarding RFP No. 2016-64-A to McConnell & Jones LLP, related to financial audit services; and authorizing the Town Manager to execute the engagement letter for same. (JC)**

Councilmember Miller made a motion and Councilmember Korbuly seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

6. **CITIZEN COMMENTS:**

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

There were no Citizen Comments.

REGULAR AGENDA:

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

PUBLIC HEARINGS:

7. **Conduct a Public Hearing and consider and act upon an ordinance rezoning 0.5± acre, located at 704 E. First Street, 215± feet west of Craig Road, from Single Family-15 (SF-15) to Downtown Office (DTO). (Z16-0015). (JW)**

Development Services Director John Webb presented this item before the Town Council. The purpose of the rezoning request is to allow for the conversion of an existing home into an office, in accordance with the DTO District standards and the Future Land Use Plan. Additional site improvements will include a small parking area in front of the home and additional landscaping in accordance with the DTO standards. 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.

Mayor Smith opened the Public Hearing.

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

Mr. Webb confirmed that the property owner is aware that he must plat the property and dedicate additional right-of-way.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-51 rezoning 0.5± acre, located at 704 E. First Street, 215± feet west of Craig Road, from Single Family-15 (SF-15) to Downtown Office (DTO). The motion was approved by a vote of 6-0.

8. **Conduct a Public Hearing and consider and act upon an ordinance amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding variances for distance requirements for Alcoholic Beverages. (Z16-0017). (JW)**

Development Services Director John Webb presented this item before the Town Council. The Texas Alcoholic Beverage Code (TABC) allows municipalities to establish 300-foot distance requirements between establishments that sell alcohol beverages for on-premise or off-premise consumption and churches, hospitals, and schools, including day care facilities. TABC also permits the governing body of a municipality to grant a variance to the distance requirement on a case-by-case basis; however, the Prosper Zoning Ordinance specifically states that no variances shall be considered. Due to unique situations, staff anticipates scenarios whereby a variance to the distance requirement may be warranted without negatively impacting a church, hospital, or school.

The proposed amendment to the Zoning Ordinance removes the restriction on variances to the distance requirement for alcoholic beverage sales. Also on tonight's agenda, the Town Council will consider an amendment to the Town's Code of Ordinances which would establish a process for Town Council's consideration of specific distance variance requests.

Mr. Webb responded to questions from the Town Council on the proposed ordinance's effect on day cares. In the Town's current ordinance, day cares have the same distance requirements as schools. Council requested to see a map at a future meeting that shows a 300-foot perimeter around existing day cares and where day cares would be allowed by right.

Mayor Smith opened the Public Hearing.

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

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-52 amending the Town's Zoning Ordinance, Ordinance No. 05-20, as amended, by amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding variances for distance requirements for Alcoholic Beverages. The motion was approved by a vote of 6-0.

9. **Conduct a Public Hearing to consider and discuss the FY 2016-2017 Budget, as proposed. (HJ)**
10. **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 8.6 percent. (HJ)**

Mayor Smith opened Items 9 and 10 concurrently, and read the following statement related to Item 10:

This is the second of two public hearings to discuss the FY 2016-2017 proposed tax rate. The Town Council will vote on both the FY 2016-2017 Proposed Budget and the proposed tax rate at a meeting scheduled on September 19, 2016, at 6:00 p.m., at the Prosper Municipal Chambers located at 108 W. Broadway, Prosper, Texas. Once the Public Hearing is opened, the public is encouraged to express their views.

Town Manager Harlan Jefferson presented information on the FY 2016-2017 Proposed Budget. He reviewed changes to the Proposed Budget and the Capital Improvement Plan (CIP). The FY 2016-2017 Proposed budget contains no tax rate increase, and no increases in water, sewer, solid waste, drainage, or other fees. Mr. Jefferson provided an overview of the Town's various fund revenues and appropriations, the proposed new positions, and some of the major program enhancements.

He 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. An analysis of the Town's Homestead Exemption was discussed. Hulon Webb, Executive Director of Development and Community Services, answered questions related to the Coit Road and Prosper Trail projects outlined under Program Enhancements for FY 2016-2017, noting that the amounts provided are estimates for design only.

Mayor Smith opened the Public Hearings for Items 9 and 10 concurrently.

Chris Kern, 570 Abbey Lane, Prosper, spoke in opposition to the proposed tax rate, noting that the tax rate should be lowered, since increased home values have placed an additional tax burden on homeowners.

With no one else speaking, Mayor Smith closed the Public Hearings for Items 9 and 10.

Councilmember Davis responded by stating that the Town Council has provided some relief to taxpayers in the form of the Homestead Exemption, which went into effect in 2016.

No further action was taken.

DEPARTMENT ITEMS:

11. **Consider and act upon an ordinance amending Section 4.02, "Alcoholic Beverages," of Chapter 4, "Business Regulations," of the Town's Code of Ordinances by establishing a process for considering a variance to the distance requirement between establishments which sell alcoholic beverages and hospitals, schools, and churches; and amending Appendix A, "Fee Schedule," of the Town's Code of Ordinances by establishing an application fee for the consideration of a variance to the distance requirements between establishments which sell alcoholic beverages and hospitals, schools, and churches. (MD16-0011) (JW)**

Development Services Director John Webb presented this item before the Town Council. As mentioned previously in Item 8, the TABC allows municipalities to establish 300-foot distance requirements between establishments that sell alcohol beverages for on-premise or off-premise consumption and churches, hospitals, and schools, including day care facilities (protected uses). Due to factors such as building orientation, access, lot layout, physical and manmade barriers, Town staff anticipates scenarios whereby a variance to the distance requirement may be warranted without negatively impacting the protected use on a case-by-case basis.

The Town Council approved an ordinance this evening removing the restriction for considering distance variances for alcoholic beverage sales. The proposed ordinance would affect only "big-box" establishments, such as grocery stores; it would not allow a distance variance request for restaurants and/or bars.

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-53 amending Chapter 4, "Business Regulations," of the Code of Ordinances by adding a new article 4.02.004, "Alcoholic Beverage Sales Distance Variance Requirements for Certain Retail Structures," and amending Appendix A, "Fee Schedule," of the Code of Ordinances by adding a new

Development Fee Section V(1)(O), "Alcoholic Beverage Sales Distance Variance Requirements for certain Retail Structures." The motion was approved by a vote of 6-0.

12. Consider and act upon approving the peaking factor to use in developing the Water System Capital Improvement Plan in the 2016 Impact Fee/CIP update. (HW)

Hulon Webb, Executive Director of Development and Community Services, introduced Jeff Payne from Freese & Nichols, Inc., who presented this item before the Town Council. Mr. Payne provided an overview of the Town's water storage infrastructure capacity, annual historical water demand, and provided two peaking factor scenarios for Council to consider. He then explained how the Town's peaking factor policy would affect future water system capital improvement projects.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve a peaking factor of 2.9 to use in developing the Water System Capital Improvement Plan in the 2016 Impact Fee/CIP update. The motion was approved by a vote of 6-0.

13. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Weir and Associates, Inc., and the Town of Prosper, Texas, related to the Downtown Enhancements (Broadway) project. (MB)

CIP Project Manager Michael Bulla presented this item before the Town Council. In 2013, the Town Council began discussions on the incorporation of aesthetic changes to downtown Prosper to enhance the existing streetscape. On May 13, 2014, utilizing the Old Town Transportation Plan, staff prepared options for the construction of a 20' wide sidewalk and landscaping, as well as the installation of decorative street lights along Broadway. Those proposed improvements would be a precursor to the ultimate construction of on-street angled parking with underground drainage. On October 14, 2014, a more refined conceptual plan for the Downtown Enhancements project was presented to the Town Council. The outcome of the discussions resulted in placing the project on hold for future consideration.

During preparation for the FY 2016-2017 budget, Town staff was directed to proceed with the ultimate design and construction of Broadway, incorporating the original elements proposed with the Downtown Enhancements project. The new scope will be expanded to include extending the underground drainage from the Town Hall Infrastructure project and construction of a new curb and guttered concrete pavement with on-street parking. The expanded sidewalk, landscaping, and the same decorative street lights being installed along Main Street as part of the Town Hall Infrastructure project will be utilized on Broadway.

The design is expected to be complete by the end of this year in anticipation that the plans would be advertised for bids in early 2017. The construction timing should coincide with the completion of the Town Hall/Multi-Purpose Facility.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between Weir and Associates, Inc., and the Town of Prosper, Texas, related to the Downtown Enhancements (Broadway) project. The motion was approved by a vote of 6-0.

14. **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:

- 14a. *Section 551.087 – To discuss and consider economic development incentives.*
- 14b. *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.*
- 14c. *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 7:46 p.m.

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

The Town Council reconvened the Regular Session at 8:27 p.m.

Councilmember Miller made a motion and Councilmember Dugger seconded the motion to appoint the following individuals to the Town's Boards and Commissions:

| BOARD NAME | TERM EXPIRES | APPOINTEE |
|--|--------------|-----------------|
| BOARD OF ADJUSTMENT / CONSTRUCTION BOARD OF APPEALS | | |
| Place No. 2 | 09-30-2018 | John Borden |
| Place No. 4 | 09-30-2018 | Cliff Freeman |
| Place No. 6 | 09-30-2018 | Rob Stogsdill |
| ECONOMIC DEVELOPMENT CORPORATION | | |
| Place No. 1 | 09-30-2019 | Roger Thedford |
| Place No. 3 | 09-30-2019 | Jim Wicker |
| LIBRARY BOARD | | |
| Place No. 2 | 09-30-2018 | Sharon Alderton |
| Place No. 4 | 09-30-2018 | Bobbi Parry |

| | | |
|---------------------------------------|------------|---------------|
| Place No. 6 | 09-30-2018 | Shannon Slade |
| PARKS AND RECREATION BOARD | | |
| Place No. 2 | 09-30-2018 | Jeff Hodges |
| Place No. 4 | 09-30-2018 | Rick McGrath |
| Place No. 6 | 09-30-2018 | Chuck Smith |
| PLANNING AND ZONING COMMISSION | | |
| Place No. 2 | 09-30-2018 | John Hema |
| Place No. 4 | 09-30-2018 | John Alzner |
| Place No. 6 | 09-30-2018 | David Snyder |

The motion was approved by a vote of 4-2, with Councilmembers Korbuly and Davis casting the opposing votes.

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

- **Fire Station No. 2 Update (RT)**

Fire Chief Ronnie Tucker presented this item before the Town Council. The delay of the completion of Teel Parkway is causing a slight delay in the completion of Fire Station No. 2. A temporary road should be completed by the first week in October so that the Fire Station may be open by mid-October. The Grand Opening will be scheduled tentatively for November.

The Town's ISO consultant has completed his review of the Town's facilities and documentation, and has recommended an ISO rating of 2. The Town will receive its official rating in approximately nine months. An improved ISO rating will have a positive effect on most homeowners' insurance rates.

- **Charter Amendment Update. (RB)**

Town Secretary/PIO Robyn Battle presented this item before the Town Council. The Charter Review Commission has reviewed the Charter in its entirety and provided several recommendations which have been consolidated into 10 ballot Propositions which have been drafted by the Town Attorney. Charles Cotten, a member of the Commission presented a brief summary of all 10 Propositions. The Town Council made no changes to the Propositions. Ms. Battle stated that a full presentation of the Commission's recommendations would be brought back and presented to the Town Council at the September 27, 2016, Town Council meeting. Upon Council's approval, the proposed Charter amendments will be made available on the Town Website. The Town Council may adopt an ordinance approving the ballot language, and order the Charter election at the February 14, 2017, Town Council meeting. The election will take place in May of 2017.

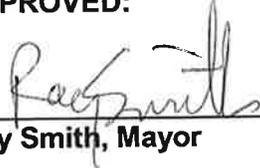
17. **Adjourn.**

The meeting was adjourned at 9:09 p.m. on Tuesday, September 13, 2016.

These minutes approved on the 27th day of September, 2016.

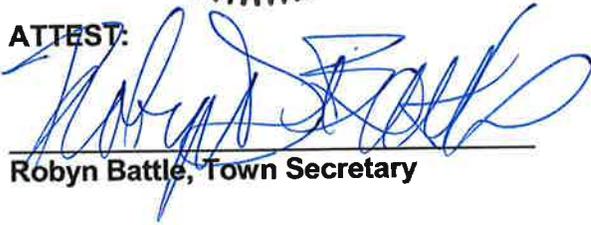


APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary