



*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, August 23, 2016

**1. Call to Order/Roll Call.**

The meeting was called to order at 6:03 p.m.

**Council Members Present:**

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

**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  
Betty Pamplin, Accounting Manager  
Doug Kowalski, Chief of Police  
Ronnie Tucker, Fire Chief  
Stuart Blasingame, Assistant Fire Chief  
Amy Jukes, Emergency Management Specialist

**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 Korbuly read the following announcements:

The traffic light at First Street and the Dallas North Tollway is now operational. Motorists are encouraged to use caution in the area as everyone gets accustomed to the new signal. The signal timing will be adjusted once the paving is completed on the east side of the intersection.

Smoke tests will begin this week on the wastewater system in the downtown area of Prosper. The tests help locate breaks and defects in the system and will continue over the next few weeks. Residents may notice smoke coming from holes in the ground or vent stacks on buildings. The smoke has no odor, is non-toxic, and does not create a fire hazard. For more information, please contact the Public Works Department.

On August 25 and 28, the Library will host book discussions on this year's "One Book, One Town" selection, "A Man Called Ove." Discussions will continue through the end of the year, and light refreshments will be served. More information is available on the Town website, or by contacting the Library Director, Leslie Scott.

Make plans to attend the 5<sup>th</sup> Annual Town of Prosper Community Picnic on Saturday, September 10, from 3:00-6:00 p.m. at Frontier Park. Activities will include a rock wall, laser tag, inflatables, music from a local DJ, and refreshments. Bethlehem Place will collect nonperishable food, and Cornerstone will collect new socks as part of their Cornerstone Christmas Drive. Free hot dogs will be served by members of the Town Council. Families are encouraged to bring lawn chairs, blankets, and picnic supplies to this annual community event.

**4. Presentations.**

- **Presentation of the Texas Sustainable Cities Award to the Town of Prosper by Rudy Garza of the Texas Masonry Council. (JW)**

Development Services Director John Webb introduced Rudy Garza from the Texas Masonry Council who presented the award to the Town Council in recognition of the Town's improved masonry standards. The Town of Prosper is the first municipality to be awarded this honor.

**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 9, 2016**
- 5b. Consider and act upon approving the purchase of two LIFEPAK 15 defibrillators for the Fire Department, from Physio-Control, Inc., that will be utilized on two new fire engines, and authorize the Town Manager to execute the quote for same. (SB)**

Councilmember Davis removed item 5c from the Consent Agenda.

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Items 5a and 5b on the Consent Agenda. The motion was approved by a vote of 7-0.

- 5c. Consider and act upon adopting the FY 2016-2017 Prosper Economic Development Corporation budget. (JW)**

Mayor Smith, a member of the Prosper Economic Development Corporation (PEDC), responded to Councilmember Davis' questions on the PEDC Budget, specifically related to professional services, administrative fees, and personnel.

After discussion, Councilmember Davis made a motion and Councilmember Korbuly seconded the motion to approve Item 5c. 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.

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 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)**

The applicant has requested this item be tabled to the September 27, 2016, Town Council meeting.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to table Item 7 to the September 27, 2016, Town Council meeting. The motion was approved by a vote of 7-0.

8. **Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-65 (PD-65) and a portion of Planned Development-48 (PD-48), on 198.4± acres, located on the southeast and southwest corners of existing and future Prairie Drive and Legacy Drive, to allow for the development of a single family detached, senior living development and to modify lot type requirements. (Z16-0011). (JW)**

The applicant has requested this item be tabled to the September 27, 2016, Town Council meeting.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to table Item 8 to the September 27, 2016, Town Council meeting. The motion was approved by a vote of 7-0.

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 first of two public hearings to discuss the FY 2016-2017 proposed tax rate. The second Public Hearing will be held on September 13, 2016, 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 2016-2017 Proposed Budget and the proposed tax rate at a meeting scheduled on September 19, 2016, 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 2016-2017 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 five to 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 FY 2016-2017 Proposed budget contains no tax rate increase, and no increases in water, sewer, solid waste, drainage, or other fees. The budget is comprised of a base budget and supplemental requests. 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.

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 2016-2017 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. The Town Council agreed with the Council Finance Subcommittee's recommendations to move the Parvin Street, Sixth Street, and Third Street Projects to FY 2016-2017.

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

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

**DEPARTMENT ITEMS:**

11. **Consider and act upon a Site Plan for a retail shell building in the Shops at Prosper Trail, on 1.3± acres, located on the east side of Preston Road, 175± feet north of**

**Prosper Trail. This property is zoned Planned Development-68 (PD-68). (D16-0018). (JW)**

Development Services Director John Webb presented this item before the Town Council. Per PD-68, Site Plans and associated Landscape and Façade Plans for pad sites within the Shops at Prosper Trail development shall be approved by the Planning & Zoning Commission and Town Council. The Planning & Zoning Commission approved the proposed site plan subject to staff recommendations, which includes Town staff approval of civil engineering, irrigation plans, open space plans, and address plans.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve a Site Plan for a retail shell building in the Shops at Prosper Trail, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail, subject to Town staff recommendations. The motion was approved by a vote of 7-0.

**12. Consider and act upon a request for an ornamental metal fence within the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2. (MD16-0009). (JW)**

Development Services Director John Webb presented this item before the Town Council. The Town received a request for a five-foot ornamental metal fence around the perimeter of the property located at 3181 Brookhollow Court. The western property line has an existing five-foot ornamental metal fence. The proposed fence will have a minimum of fifty percent through vision, and shall not exceed eight feet in height.

Mayor Smith recognized the following individual who requested to speak on this item:

George Dupont, 1400 Harvest Ridge Lane, Prosper, spoke in opposition of the request, stating that he did not believe that fences in front yards was consistent with Prosper's small town feel. He also questioned safety issues related to police and fire department access.

After discussion, Councilmember Dugger made a motion and Councilmember Miller seconded the motion to approve the request for a fence or wall in the required front yard, on 2.4± acres, located at 3181 Brookhollow Court, in Whispering Farms, Phase 2. The motion was approved by a vote of 7-0.

**13. Consider and act upon request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair. (MD16-0010). (JW)**

Mayor Smith stepped down from the Council bench at this time due to a conflict of interest.

Development Services Director John Webb presented this item before the Town Council. The Town received a request for a six-foot masonry wall along the western portion of the northern property line of the property located at 1400 Copper Point Drive, also known as the former Sanders residence, in the Montclair subdivision. Montclair is a private, gated subdivision. This request is necessary since it is adjacent to an open space lot that will house a water well that serves to feed the existing lake. The eastern portion of the northern property line will have the same six-foot masonry wall, which is currently permitted by the Fence Regulations. Brian Umberger of Texas Development Services, representing the applicant, responded to the Town Council's questions about the design and necessity of the masonry wall.

Mayor Pro-Tem Vogelsang recognized the following individual who requested to speak on this item:

George Dupont, 1400 Harvest Ridge Lane, Prosper, spoke in opposition of the request, stating that Prosper's established policy was not to allow concrete walls.

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve the request for a masonry wall in lieu of open fencing adjacent to open space, located at 1400 Copper Point Drive, in Montclair. The motion was approved by a vote of 6-0.

Mayor Smith returned to his place at the Council bench.

**14. 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. At the July 12, 2016, Town Council meeting, this item was tabled to allow the applicant an opportunity to revise the building elevations to incorporate masonry around the perimeter of the building and an alternative material for the interior courtyards and the clear story element of the building. Since the meeting, the applicant has revised the request by providing masonry around the perimeter of the building, and replacing the originally proposed cementitious fiber board siding within the interior courtyards and the clear story element with cementitious fiber shake siding. After discussion, the applicant agreed to install a green screen along the south side of Pod 3 so that the hardy shake material would be screened from view, at least until the fourth building is ready to be constructed.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to approve 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. Further, the applicant shall install a green screen along the south side of Pod 3 incorporated into the proposed wrought iron fence, with the green screen to be removed upon the issuance of a certificate of occupancy for Pod 4. Any exception to the date of removal of the proposed green screen shall be subject to approval by Town staff. 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 551.074 – 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 8:20 p.m.

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

The Town Council reconvened into Regular Session at 9:41 p.m. No action was taken as a result of Executive Session.

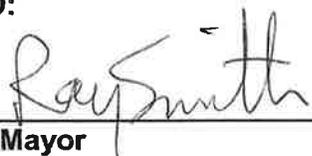
**17. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.**

**18. Adjourn.**

The meeting was adjourned at 9:41 p.m. on Tuesday, August 23, 2016.

These minutes approved on the 13<sup>th</sup> day of September, 2016.

**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**