



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 12, 2014

1. Call to Order/Roll Call.

The meeting was called to order at 6:00 p.m.

Council Members Present:

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

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
Dan Heischman, Senior Engineer
Matt Richardson, Senior Engineer
Alex Glushko, Senior Planner
Pamela Clark, Planning Technician
Paul Naughton, Landscape Architect
Will Mitchell, Parks & Recreation Manager
Julie Shivers, Recreation Services Coordinator
Bill Elliott, Building Official
Kent Austin, Finance Director
Trish Featherston, Accounting Manager
Kelly Vanaman, Utility Billing Administrator
Doug Kowalski, Police Chief
Ronnie Tucker, Fire Chief

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

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 upcoming events.

Mayor Pro-Tem Miller made the following announcements:

The Prosper Fire Department will host its third annual 9-11 Remembrance Ceremony the morning of September 11 at 8:40 a.m. at the Fire Station. The public is invited to attend.

The annual Community Picnic will take place on Saturday, September 13, at Frontier Park from 5:00 p.m. to 8:00 p.m. as part of Live & Prosper's Summer Series. The event includes free hot dogs and soft drinks until 6:00 p.m., bounce houses, games, music, and lots of fun activities for kids and families. "The Lego Movie" will begin at dusk. Contact Julie Shivers in the Parks & Recreation Department for more information.

Several asphalt road improvements have been completed around Town, and the First Street concrete paving project should be open to two-way traffic by this Monday.

The Town Council wishes to thank all of the board applicants who attended tonight's Meet & Greet. We appreciate your willingness to serve your community.

Councilmember Korbuly thanked the Police Department and the Fire Department for their help in supporting the Midnight Madness event.

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.)

Councilmember Davis removed Items 4b, 4g, 4h, and 4i from the Consent Agenda.

Mayor Pro-Tem Miller removed Item 4e from the Consent Agenda.

- 4a. **Consider and act upon minutes from the following Town Council meeting. (RB)**
 - **Regular Meeting – July 22, 2014**
- 4c. **Consider and act upon a residential street light standard for Frontier Estates (Planned Development-15). (DH)**
- 4d. **Consider and act upon a residential street light standard for Tanner's Mill (Planned Development-SF-10). (DH)**
- 4f. **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)**

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Dixon seconded the motion to approve Items 4a, 4c, 4d, and 4f on the Consent Agenda. The motion was approved by a vote of 7-0.

- 4b. Consider and act upon approving the Agency Client Agreement for Fiscal Year 2014-2015 between the Town of Prosper and Zenitram and Associates, d.b.a Municipal Voice. (HJ)**

Town Manager Jefferson responded to questions about the terms of the contract, the scope of services, and the quality of the work product. Councilmember Davis made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the Agency Client Agreement for Fiscal Year 2014-2015 between the Town of Prosper and Zenitram and Associates, d.b.a Municipal Voice. The motion was approved by a vote of 7-0.

- 4e. Consider and act upon a resolution authorizing the Town Manager to execute on behalf of the Town, deeds, easements, temporary easements, and all other grants and conveyances of property interests related to construction, utilities and development activities. (HW)**

Hulon Webb, Executive Director of Development and Community Services, and Town Attorney Terry Welch answered questions related to the purpose of the resolution. The intent is to expedite the execution of deeds, easements, and other conveyances, which are typically non-monetary in nature. The Town Council requested that the resolution be amended to limit the Town Manager's authority to release land. The Town Attorney read into the record the amended language for Section 2 of the resolution limiting the Town Manager's authority to release land to no more than three acres.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Resolution No. 14-52 authorizing the Town Manager to execute on behalf of the Town, deeds, easements, temporary easements, and all other grants and conveyances of property interests related to construction, utilities and development activities, subject to the acreage limits in Section 2 read into the record by the Town Attorney. The motion was approved by a vote of 7-0.

- 4g. Consider accepting the submission of the certified collection rate of 100 percent for FY 2014-2015. (KA)**
- 4h. Consider and act upon Ordinance 14-53 establishing the 2014 certified appraisal roll. (KA)**
- 4i. Consider accepting submission of the 2014 effective tax rate of \$0.468183 per \$100 taxable value and the rollback tax rate of \$0.429220 per \$100 taxable value. (KA)**

Finance Director Kent Austin reviewed the collection rate, appraisal process, the effective tax rate and the rollback rate. Following discussion, Councilmember Davis made a motion and Councilmember Vogelsang seconded the motion to approve Items 4g, 4h, and 4i. The motion was approved by a vote of 7-0.

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.)

Other Comments by the Public –

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:

- 6. Presentation of service plan and second public hearing to consider the involuntary annexation of a 2.3± acre tract of land, located on the east side of Dallas Parkway, 500± feet south of First Street. (A14-0001). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. In 2009, the Town entered into multiple five-year agreements with the remaining unincorporated properties within Collin County and the Town's Extraterritorial Jurisdiction (ETJ), and the Town has offered to extend these agreements to all properties that continue to maintain their Agricultural property tax exemption. The subject property no longer meets these requirements, so Town staff recommends an involuntary annexation of the property. State law requires two Public Hearings to be held as part of the annexation process. The first Public Hearing was held on July 22, 2014.

Mayor Smith opened the Public Hearing.

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

- 7. Presentation of service plan and second public hearing to consider the involuntary annexation of a 18.0± acre tract of land, located 800± feet south of Prosper Trail, 4,500± feet east of Coit Road. (A14-0002). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. In 2009, the Town entered into multiple five-year agreements with the remaining unincorporated properties within Collin County and the Town's Extraterritorial Jurisdiction (ETJ), and the Town has offered to extend these agreements to all properties that continue to maintain their Agricultural property tax exemption. The owner of the subject property did not respond to the two offer letters from the Town to extend the agreement, so Town staff recommends an involuntary annexation of the property. State law requires two Public Hearings to be held as part of the annexation process. The first Public Hearing was held on July 22, 2014.

Mayor Smith opened the Public Hearing.

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

8. Conduct a Public Hearing, and consider and act upon a request to rezone 93.2± acres, located on the northwest corner of Prosper Trail and Coit Road, from Agricultural (A) and Single Family-15 (SF-15) to Planned Development-Single Family-15/Office (PD-SF-15/O). (Z14-0008). (AG)

Mayor Smith stated that he would abstain from voting on Item 8 due to a conflict of interest, and left the Council bench.

Alex Glushko presented this item before the Town Council. The items was tabled at the July 22 Town Council meeting to allow the applicant to revise the request from straight zoning to a Planned Development. Mr. Glushko reviewed the revised request which included changes to the proposed lot sizes and landscaping setback. Town staff recommended approval of the request subject to:

1. Revising all zoning exhibits to replace the minimum 12,500 square foot lots with minimum 15,000 square foot lots, in accordance with the FLUP.
2. Revising Exhibit C to increase the minimum depth of the minimum 25,000 square foot lots to 170 feet, in accordance with the straight SF-22 District standards.
3. Revising the provision regarding the landscaping setback along Prosper Trail and Coit Road in Exhibit C to require a 25-foot landscape setback along Coit Road, thereby requiring thoroughfare screening along Coit Road to be in accordance with the Subdivision Ordinance.

Mr. Glushko and Executive Director of Development and Community Services Hulon Webb responded to questions regarding permitted uses in the proposed zoning district, though some uses would be allowed by a Special Use Permit (SUP). The landscape setback, and right-of-way width along Coit Road were also discussed.

Mayor Pro-Tem Miller opened the Public Hearing.

Mardy Brown with Texas Development Services spoke on behalf of the applicant. The applicant is requesting a base zoning of SF-15, with a range of lot sizes from 12,500 sq. ft. to 25,000 sq. ft. which would result in an average of 1.6 dwelling units per acre. The applicant, staff, and Council discussed the staff recommendations. The applicant is agreeable to staff's third recommendation for the landscaping setback, but is not in agreement with the first two recommendations related to changes to the lot sizes. The applicant was agreeable to Council's request to include a minimum of 10% of the residences to have swing-in garages.

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

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve a request to rezone 93.2± acres, located on the northwest corner of Prosper Trail and Coit Road, from Agricultural (A) and Single Family-15 (SF-15) to Planned Development-Single Family (PD-SF), subject to:

- Revising the provision regarding the landscaping setback along Prosper Trail and Coit Road in Exhibit C to require a 25-foot landscape setback along Coit Road,

therefore requiring thoroughfare screening along Coit road to be in accordance with the subdivision ordinance.

- There shall be a minimum of 10% of the single family residences with swing-in garages.

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

Mayor Smith returned to the Council bench.

DEPARTMENT ITEMS:

9. Submission of the FY 2014-2015 Proposed Budget and Budget Message by the Town Manager. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. The Town Council was provided with electronic copies and hard copies of the proposed budget and the Capital Improvement Plan. The proposed budget does not recommend a tax rate, water rate, sewer rate, or storm water rate increase. The Town Manager will meet individually with Town Council members to discuss the proposed budget.

No further action was required for this item.

10. Consider and act upon a proposed FY 2014-2015 property tax rate. (KA)

Finance Director Kent Austin presented this item before the Town Council. Town staff recommends the Town Council propose a rate of \$0.52 per \$100 in valuation. Mr. Austin reviewed the budget and tax rate calendar.

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to place a proposal to adopt a FY 2014-2015 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 23, 2014, Town Council agenda. The Town Council voted as follows:

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

The motion was approved by a vote of 7-0.

11. Consider and act upon a schedule of public hearings for the FY 2014-2015 Proposed Budget. (KA)

Finance Director Kent Austin presented this item before the Town Council. The proposed dates for the two Public Hearings are August 26, 2014, and September 9, 2014.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to schedule public hearings on the FY 2014-2015 Proposed Budget for August 26, 2014, at 6:00 p.m., and September 9, 2014, 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 7-0.

12. Consider and act upon a schedule of public hearings for the FY 2014-2015 proposed property tax rate. (KA)

Finance Director Kent Austin presented this item before the Town Council. The proposed dates for the two Public Hearings are August 26, 2014, and September 9, 2014.

Councilmember Korbuly made a motion and Councilmember Vogelsang 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 26, 2014, at 6:00 p.m. and September 9, 2014, 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 7-0.

13. Consider and act upon authorizing the Town Manager to execute a contract amendment with IESI, a Progressive Waste Solutions Company, related to bulk service collection. (KA)

Finance Director Kent Austin presented this item before the Town Council. The contract amendment would add one collection date per month. Bulk collection on the east side of Town will take place on the last Saturday of the month, and collection on the west side of Town will take place on the first Saturday of the month. The dividing line is Preston Road. Sixty percent of the collection requests are from the east side of Preston Road, and forty percent occur on the west side.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion authorizing the Town Manager to execute a contract amendment with IESI, a Progressive Waste Solutions Company, relative to bulk service collection, from one time per month to two times per month, with the applicable day of bulk service collection based upon the location of the request for collection. The motion was approved by a vote of 7-0.

14. Consider and act upon an ordinance amending Article 12.08, "Truck Routes," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances, regarding additional street segments for truck routes. (DK)

Police Chief Doug Kowalski presented this item before the Town Council. Chief Kowalski reviewed the details of the proposed ordinance. Delivery trucks, utility vehicles, passenger vehicles and motor homes would be exempt from the ordinance. Town staff originally intended to include Frontier Parkway east of Preston Road in the ordinance, but the Texas Department of Transportation (TxDOT) has denied the request at this time. The ordinance would give police officers the authority to stop vehicles they believe are in violation of the ordinance. Town staff will continue discussions with TxDOT to work toward including Frontier Parkway east of Preston Road in the truck route ordinance.

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Ordinance No. 14-54 amending Article 12.08.003, "Unlawful Acts/Exemptions," of Chapter 12, "Traffic," of the Code of Ordinances for the Town of Prosper, Texas. The motion was approved by a vote of 7-0.

15. **Consider and act upon an ordinance amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the list of streets and limits on which school zones are established, modifying the hours of operation of such zones, and modifying the maximum speed limit during hours of operation of such zones. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. Mr. Richardson reviewed the details of the proposed school zones, and the placement of school zone markings, flashing beacons, and signs, taking into account the concerns brought forward by the Town Council at the July 22, 2014, Town Council meeting.

Mayor Smith recognized the following individual who requested to speak:

Mike McClung, 1400 Cedar Springs Drive, Prosper, thanked the Town staff and Council for taking the Lakes of La Cima neighborhood's concerns into account when revising the school zones.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 14-55 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the list of streets and limits on which school zones are established, modifying the hours of operation of such zones, and modifying the maximum speed limit during hours of operation of such zones. The motion was approved by a vote of 7-0.

16. **Consider and act upon an amendment to the Capital Improvement Plan (CIP). (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The Town Council was provided a revised copy of the staff report and CIP amendment prior to the meeting to include batting cages at the Frontier Park - Southwest Corner Practice Fields project. Mr. Richardson reviewed the components of the CIP amendment. Mr. Webb and Mr. Jefferson responded to questions from the Town Council regarding the Teel Parkway bridge, and the future widening of the roadway.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve an amendment to the Capital Improvement Plan (CIP), in the additional amount of \$300,000 for the Teel Parkway (DCFWSO #10) project and in the additional amount of \$100,000 for the Frontier Park - Southwest Corner Practice Fields project. The motion was approved by a vote of 6-1.

17. **Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between Denton County FWSD #10, and the Town of Prosper,**

Texas, related to the construction of Teel Parkway north of Fishtrap Road to serve the Artesia development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The agreement outlines the Town's contribution toward the design and construction costs associated with the third lane of the Teel Parkway Bridge as well as a potential bridge further north. The agreement also addresses aesthetic upgrades to the bridge, which include a decorative stained finish rather than metal.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to authorize the Town Manager to execute an Interlocal Agreement between Denton County FWSD #10, and the Town of Prosper, Texas, related to the construction of Teel Parkway north of Fishtrap Road to serve the Artesia development. The motion was approved by a vote of 7-0.

18. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Dunaway Associates, LP, and the Town of Prosper, Texas, related to the Frontier Park North Conceptual Master Plan and Sexton Park Conceptual Master Plan project. (PN)

Landscape Architect Paul Naughton presented this item before the Town Council. Dunaway Associates is currently working on the update to the Parks, Recreation & Open Space Master Plan. The proposed agreement will be used to develop Conceptual Master Plans for Frontier Park and Sexton Park that Town staff can use to plan future improvements and budgets for new infrastructure and recreational facilities. The Conceptual Plans will be reviewed by the Parks and Recreation Board and the Town Council for additional feedback. Mr. Naughton responded to questions from Council as to where Dunaway Associates received the data for the Master Plans. Information has been provided to Dunaway Associates from the Parks, Recreation and Open Space Master Plan Advisory Committee, staff, and the online survey that the Town recently made available to residents. The Town Council questioned staff on the scope of services in the proposed agreement, and requested to see a sample Conceptual Plan from Dunaway Associates prior to approving the agreement. The Town Council also requested that the sports organizations be involved in the discussions to make sure their concerns are addressed in the Master Plan.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to table Item 18 until the September 23, 2014, Town Council meeting. The motion was approved by a vote of 7-0.

19. 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:

19a. *Section 551.087 – To discuss and consider economic development incentives.*

19b. *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.*

19c. *Section 551.074 – To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment/Construction Board of Appeals, and Library Board.*

19d. *Section 551.071(2) – Consultation with Town Attorney regarding land use legal issues.*

The Town Council recessed into Executive Session at 8:28 p.m.

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

The Regular Session was reconvened at 10:22 p.m.

There was no action as a result of Executive Session.

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

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

Fire Chief Ronnie Tucker updated the Town Council on the design of Fire Station No. 2, and provided conceptual drawings of the project. The Town Council was in favor of the current design plans.

- **Discussion on Roadway Impact Fees for Temporary Modular Buildings (BE)**

Building Official Bill Elliott reviewed the results of a 10-city survey related to roadway impact fees. Town staff was directed to bring a future agenda item to the Town Council that would waive roadway impact fees, but keep water and sewer fees in place, and to make the waiver retroactive to October 1, 2013.

- **Discussion on Freeport Tax (KA)**

Finance Director Kent Austin reviewed the Town's previous action on this ordinance, and reviewed the results of a 10-city survey related to the Freeport exemption. The Town currently does not employ the Freeport exemption that prohibits taxation on goods-in-transit. Town staff was directed to take no action, and keep the current exemption in place.

- **Discussion on field user fees (JS)**

Julie Shivers, Recreation Services Manager, reviewed the proposed changes to the field user fees. Town staff was provided with direction to increase the per player rates, and eliminate the hourly field light rates for co-sponsored teams.

- **Discussion on Library Board Bylaws**

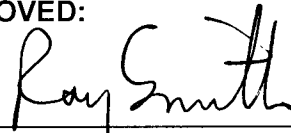
Town Secretary Robyn Battle updated the Town Council on a suggestion to add a Prosper ISD liaison to the Library Board who would be a non-voting member. Town Council agreed to direct staff to propose the suggestion to the Library Board to have the Library Bylaws amended.

22. Adjourn.

The meeting was adjourned at 11:32 p.m.

These minutes approved on the 26th day of August, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary