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MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, July 25, 2017

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 Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Meigs Miller
Councilmember Jeff Hodges

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
Steve Glass, Deputy Director of Engineering Services
Dudley Raymond, Parks and Recreation Director
Kelly Neal, Finance Director

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

Pastor Tony Elenberg 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 Hodges read the following announcements:

Registration is open for several Parks & Recreation Programs including Bricks4Kids, Archery, Tennis, Golf, Engineering Camps, adult fitness classes, and much more. Visit www.prosperparksandrec.org for more information, and to register. Several local youth sports leagues are also open for registration.

The Town Secretary's Office is accepting applications for the Town's various Boards and Commissions through Friday, August 4. Applications and information are available on the Town website, or by contacting the Town Secretary.

The next "Fun Fridays at Frontier" will take place on July 28 at 10:00 a.m. in Frontier Park. The theme will be "Art in the Park," and children are encouraged to bring a shirt to tie-dye.

The Library's Summer Grand Finale will be held on Saturday, August 5, from 10:30 a.m.-1:00 p.m. Activities will include crafts, guest story-time readers, snacks, face painting and prizes.

The Town of Prosper will host a Water Efficient Irrigation course taught by Texas A&M AgriLife on August 22, from 6:00-8:00 p.m. Learn about your home sprinkler system and its components, how to do basic repairs and maintenance, and how to reprogram your sprinkler to maximize water efficiency. The course is free of charge to Town of Prosper residents and surrounding communities, however, registration is required. More information is available on the Town website.

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 meeting. (RB)**
- **Regular Meeting – July 11, 2017**
 - **Budget Work Session – July 12, 2017**
- 4b. Consider and act upon Resolution No. 17-53 denying the rate change request by Oncor Electric Delivery Company due to numerous unreasonable expenses. (KN)**
- 4c. Consider and act upon Resolution No. 17-54 allocating certain property to the City of Aubrey's extraterritorial jurisdiction; releasing and waiving any and all claims of interest or entitlement by the Town of Prosper to certain property contiguous to the existing extraterritorial jurisdiction of the City of Aubrey; authorizing the Town Manager to execute all related documents; and providing for the Town Council's consent. (TW)**
- 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)**

Councilmember Korbuly removed Item 4d from the Consent Agenda.

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

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

- 4d. Consider and act upon an ordinance rezoning a portion of PD-25, on 35.9± acres, in order to modify development standards to allow for temporary buildings at Rogers Middle School, in Prosper Independent School District (PISD), located on the northeast corner of Richland Boulevard and Coit Road. (Z17-0005). (AG)**

Senior Planner Alex Glushko responded to questions from the Council about the encroachment of the temporary buildings on the sidewalk along Richland Drive. Mr. Glushko responded that PISD is required to install a new section of sidewalk along Richland Drive as a condition for receiving a certificate of occupancy for the temporary buildings.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 17-55 rezoning a portion of PD-25, on 35.9± acres, in order to modify development standards to allow for temporary buildings at Rogers Middle School, in Prosper Independent School District (PISD), located on the northeast corner of Richland Boulevard and Coit Road. The motion was approved by a vote of 7-0.

4e. 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 limits and hours of operation of such zones. (SG)

Deputy Director of Engineering Steve Glass responded to questions from the Council about the speed zone on La Cima. He confirmed that the subject speed zone related to tonight's proposed ordinance is the only speed zone on La Cima Boulevard.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 17-56 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. 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.

Richard J. Basher, 4570 Crossvine Drive, Prosper, spoke regarding the conditions of Acacia Parkway. He asked the Council to pursue a resolution to the problem and requested an agenda item be placed on the August 8, 2017, Town Council agenda.

Dallas Wymes, 4710 Crossvine Drive, Prosper, spoke regarding the road issues in Windsong Ranch, which have been ongoing since he purchased his home. He asked for an agenda item to be placed on a Town Council agenda in August.

Tina Newton, 4001 Marigold Lane, Prosper, spoke regarding the road conditions in Windsong Ranch, specifically on Acacia Parkway. She asked for an agenda item to be placed on the August 8, 2017, Town Council agenda.

Renee Junell, 4641 Acacia Parkway, Prosper, spoke regarding the road conditions in Windsong Ranch. She asked that the Town do something in the short term to improve

the road conditions until the issue with the contractors can be resolved. She asked for an item to be placed on the August 8, 2017, Town Council agenda.

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 HEARING:

- 6. Conduct a Public Hearing, and consider and act upon a request for a Variance to Section 1.09 of the Sign Ordinance regarding Wood Frame Signs for Tribute Senior Living in the Prosper Town Center development, located on the northeast corner of Preston Road and First Street. (V17-0004). (AG)**

The applicant has requested the item be tabled to the August 8, 2017, Town Council meeting.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to table Item 6 to the August 8, 2017, Town Council meeting. The motion was approved by a vote of 7-0.

- 7. Conduct a Public Hearing, and consider and act upon a request for a Special Purpose Sign District for Prosper Town Center, located on the northeast corner of Preston Road and First Street. (MD17-0005). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. The applicant is requesting a Special Purpose Sign District (SPSD) to permit signage in Prosper Town Center that deviates from the Town’s standard side code regulations. The applicant is requesting a total of nine unified development signs in addition to three existing monument signs. Mr. Glushko reviewed the proposed locations of all of the existing and proposed signs. Due to spacing requirements, the sign code allows a maximum of five unified development signs within Prosper Town Center, plus one monument sign per pad site lot. Town staff recommended approval of the request, subject to the removal of one or more unified development signs, plus a limitation on the number of monument signs allowed.

Mayor Smith opened the Public Hearing.

John Harris, 170 N. Preston Road, #10, Prosper, the applicant for the request, addressed the Council. He referred to a sign plan that he believed to have been approved in 2005; however, Town staff has no record of an approved sign plan for Prosper Town Center and recommended the submission of the SPSP request to accommodate the signage. Mr. Harris indicated that he was willing to modify his request, but he was not supportive of Town staff’s recommendation since it limited the number of monument signs in the development.

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

The Town Council discussed options for signage along Preston Road, First Street, and Hays Road. The applicant made an additional request for one monument sign on the lot where the Tribute Memory Care facility will be located. Town Attorney Terry Welch provided motion language reflecting the Town Council's revision to the SPSP request.

After discussion, Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to approve a request for a Special Purpose Sign District for Prosper Town Center, subject to the following:

1. Remove from Exhibit B the following unified development signs: UDS-7A on Hays Road, UDS-1A on First Street, and UDS-4C on Preston Road.
2. Only one additional monument sign along First Street is allowed.
3. Only one additional monument sign along Hays Road is allowed.
4. One monument sign on the lot with the 3-story office building is allowed.
5. Any sign along Preston Road, First Street, and Hays Road shall be at least 15 feet from any street right-of-way, except for the curved wall sign at the intersection of Preston Road and First Street and the curved wall sign at the intersection of First Street and Hays Road, for which a setback variance down to 5 feet is allowed.

The motion was approved by a vote of 6-1, with Councilmember Dugger casting the opposing vote.

DEPARTMENT ITEM:

8. Discussion on the Gateway Monument Signage project. (DR)

Parks and Recreation Director Dudley Raymond introduce Lenny Hughes of Halff and Associates, who presented this item before the Town Council. Mr. Hughes presented three concepts based on Council's original vision for the monument signs, plus three additional conceptual versions of the gateway monument. The concepts were presented with and without flags, since the inclusion of flagpoles with the monument would be subject to TxDOT approval. The Council discussed the renderings, but did not come to consensus on a particular design. The Council expressed concern about the visibility of the signs from traffic travelling northbound on Preston Road, due to the narrow, linear nature of the median where the gateway monument will be located. The Council requested Town staff bring the item back to a future Council meeting with options for more visibility for northbound Preston Road traffic.

No further action was taken.

Mayor Smith opened Items 9 and 10 concurrently.

9. Consider and act upon an amendment to the Wastewater Capital Improvement Plan. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. With the recent proposed development of the All Storage facility along the east side Cook Lane south of Prosper Trail, the question arose of where to obtain sanitary sewer service for the property. The proposed amendment to the Wastewater Capital Improvement Plan would relocate the sanitary sewer line proposed on the existing Wastewater System Capital Improvement Plan to Cook Lane to serve the properties east of Prestonwood Baptist Church instead of running a sanitary sewer line through the church's property. Staff has worked with the engineer for the All Storage

project and it has been confirmed that this alternate route is feasible. The purpose of this amendment to the Wastewater Capital Improvement Plan is to reflect the desired change in location for the sanitary sewer line.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to approve an amendment to the Wastewater Capital Improvement Plan. The motion was approved by a vote of 7-0.

10. Consider and act upon authorizing the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between ALL STORAGE PROSPER TRAIL, LLC, and the Town of Prosper, Texas, related to the extension of sanitary sewer lines to serve the Cook Addition. (HW)

Hulon Webb, Executive Director of Development and Community Services, continued the presentation of Item 10. All Storage Prosper Trail, LLC, is developing the Cook Addition property, and will be required to extend sanitary sewer lines as depicted on the Town of Prosper Wastewater System Capital Improvement Plan, as approved in the previous agenda item. The purpose of the Wastewater Impact Fees Reimbursement Agreement is to outline the obligations of the Town of Prosper and All Storage Prosper Trail, LLC, related to the design, construction, and reimbursement of collected wastewater impact fees to fund the project.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between All Storage Prosper Trail, LLC, and the Town of Prosper, Texas, related to the extension of sanitary sewer lines to serve the Cook Addition. The motion was approved by a vote of 7-0.

Mayor Smith skipped to Item 12.

12. Consider and act upon authorizing the Town Manager to execute the Second Amendment to the Thoroughfare Improvement Development Agreement between Prosper Partners, LP, and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Parks at Legacy development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The First Amendment to the Thoroughfare Improvement Development Agreement expanded the scope of the thoroughfares to be constructed. The purpose of the Second Amendment is to amend portions of the Thoroughfare Improvement Development Agreement related to reimbursement of the thoroughfare impact fees associated with property within the Parks at Legacy development that has been sold to Meritage Homes, the developer of the Hills at Legacy. Prosper Partners and Meritage Homes are requesting that the Meritage Property not be assessed thoroughfare impact fees, and that the amount of reimbursement be reduced by \$488,237 to Prosper Partners. The obligation to construct the two eastern lanes of Legacy Drive and two northern lanes of Prairie Drive adjacent to the proposed development, per the terms of the First Amendment to the Thoroughfare Improvement Development Agreement, remains.

Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute the Second Amendment to the Thoroughfare Improvement Development Agreement between Prosper Partners, LP, and the Town of Prosper, Texas, related to the extension of thoroughfares to serve the Parks

at Legacy development. The motion was approved by a vote of 6-1, with Councilmember Miller casting the opposing vote.

11. **Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fees Reimbursement Agreement between Longo Toyota of Prosper and the Town of Prosper, Texas, related to the construction of Mahard Parkway to serve Longo Toyota. (HW)**

The applicant has requested this item be tabled to a future Town Council meeting.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to table Item 11. The motion was approved by a vote of 7-0.

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 551.071 – Consultation with the Town Attorney regarding possible litigation regarding bond issues, and all matters incidents and related thereto.*

The Town Council recessed into Executive Session at 8:10 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 9:07 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.**

- **Parks Field Quality Standards (DR)**

Parks and Recreation Director Dudley Raymond presented information on the various field quality standards for parks, which range from “A” being the lowest, and “AAAA” being the highest. The majority of parks within the Town fall under a “AA” rating. The Council expressed general satisfaction with the current conditions of the Town’s parks. The Council noted their preference to keep game fields in better condition than practice fields. Some park space within the Town may need to be improved with irrigation and leveling to provide additional adequate practice space.

Mr. Raymond asked for Council feedback on the times of use for Town practice fields. The Town Council expressed a preference that teams should be allocated one hour

per week for practice time, with practice hours beginning at 5:00 p.m. and ending at 8:00-9:00 p.m., depending on the age range of the team.

Mr. Raymond updated the Council on the joint use of PISD facilities. The Town currently cooperates with PISD to use district-owned facilities and fields when not in use by PISD. The Town will need to consider whether it wants to provide space for off-campus physical education classes in the future as demand for these programs grows.

The Council discussed the use of Town fields by youth sports teams, some of whose participants do not reside within Town boundaries. Discussion was held on potentially revising the boundaries of the youth sports teams to align with the Town boundaries. The Council also discussed the possibility of implementing additional fees for participants who reside outside Town limits. Town staff was directed to bring an item back for discussion at a future Council meeting.

- **Home Occupation Standards (JW)**

Development Services Director John Webb updated the Council on staff's proposed revision to the Zoning Ordinance related to home occupations. Town staff will bring an item forward at a future Council meeting clarifying provisions in the ordinance.

Councilmember Korbuly requested Town staff review the Town's requirements for the operation of golf carts on public streets.

Town staff was directed to provide an update on the roads in Windsong Ranch at the August 8, 2017, Town Council meeting.

16. Adjourn.

The meeting was adjourned at 9:52 p.m., on Tuesday, July 25, 2017.

These minutes approved on the 8th day of August, 2017.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary