



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Town Hall
Council Chambers
200 S. Main Street
Prosper, TX 75078
Tuesday, February 12, 2019

AGENDA BRIEFING

1. Call to Order/Roll Call.

The meeting was called to order at 5:46 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Mike Korbuly
Councilmember Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Pete Anaya, Deputy Director of Engineering Services
Dudley Raymond, Parks and Recreation Director
Leslie Scott, Director of Library Services
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Leigh Johnson, IT Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

2. Questions about items listed on the Regular Meeting Agenda.

Regarding Item 4f, the Council discussed the site plan for the "Pink House Salon" at 306 E. Broadway. Town staff was directed to analyze the parking requirements for the site, and to investigate options for regulating building color in the downtown area, through either the Town's development regulations or the implementation of an overlay district.

Regarding Item 4c, Town Manager Harlan Jefferson reviewed options for the placement of a cell tower structure in Frontier Park. Town staff was directed to pursue locating the wireless communication structure on an existing pole owned by the Town, while locating the ground equipment on Prosper ISD property near the Natatorium, with the revenue from the provider to be divided between the Town and the school district.

3. Discussion Items:

- **Downtown Festival Update (DR)**

Dudley Raymond, Parks and Recreation Director, updated the Council on plans for a festival in Downtown in May 2019. The Town will engage a professional event promotor to assist with planning the event. Mr. Raymond reviewed a preliminary site plan for the event, as well as options for entertainment, and food and beverage sales. More detailed information will be provided at a future meeting.

- **Mobile Food Truck Park Policy (DR)**

This item was not discussed.

The Agenda Briefing adjourned at 6:40 p.m.

THE REGULAR TOWN COUNCIL MEETING CONVENES IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING THE AGENDA BRIEFING

1. Call to Order/Roll Call.

The meeting was called to order at 6:45 p.m.

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

Pastor John Herring of First Baptist Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Craig Andres read the following announcements:

Mayor Ray Smith is asking residents to join him in the 2019 Prosper 100 Mile Challenge to promote community health and wellness. Registration and tracking sheets are available on the Town website or at Town Hall. Residents are challenged to walk, run, or bike 100 miles between February 15 and June 1. All ages are eligible to participate, and residents who complete the Challenge will be recognized at a Town Council meeting.

The 10th Annual Prosper Fishing Derby will take place on Saturday, February 23, from 9:00-11:00 a.m. at Frontier Park. The pond will be stocked, and no fishing license is necessary. Prizes will be awarded in various categories to kids under the age of 14. More information is available on the Town website.

The Prosper Police Department is now accepting applications for the Prosper Citizens Police Academy. Starting on March 7, classes will meet every Thursday evening from 7:00-10:00 p.m. through May 16. For more information, contact Officer Erin Hubbard.

The 9th Annual Spring Cleanup will take place on Saturday, March 30 from 8:00 a.m.-noon along Craig Road near Rucker Elementary. Residents may dispose of bulk trash items, electronics, household hazardous waste, yard debris, cardboard, and tires. Document shredding will also be available on site. For details on acceptable items, please visit the town website.

The Town Council would like to wish everyone a very Happy Valentine's Day.

Councilmember Korbuly announced that the Town has formed a Broadband Committee to study internet and cell service within the Town. Residents will have the opportunity to participate in a survey, which will be available beginning on Friday.

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 – January 22, 2019**
 - **Special Meeting – January 30, 2019**
- 4b. Consider and act upon Ordinance No. 19-09 ordering a General Election to be held on May 4, 2019, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, and the Prosper Independent School District for joint election services. (RB)**
- 4c. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit for a Wireless Communication and Support Structure, on 0.5± acre, located in Frontier Park, on the south side of Frontier Parkway, south and west of Stadium Drive. (S18-0007). (AG)**
- 4d. Consider and act upon authorizing the Town Manager to execute a Tower Site Lease Agreement by and between the Town of Prosper, Texas, and New Cingular Wireless PCS, LLC, for the lease of Town property, generally located at 1551 Frontier Parkway in Frontier Park, for a cell tower. (CS)**
- 4e. Consider and act upon authorizing the Town Manager to execute a Development Agreement between the Town of Prosper, Texas, and Lakes of Legacy LLC., related to early issuance of building permits for the Lakes of Legacy, Phase 1 development. (DH)**

Councilmember Andres removed Item 4f from the Consent Agenda.

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

- 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)**

Planning Manager Alex Glushko responded to questions from the Council regarding parking requirements and building color restrictions in the Downtown area. Town staff

was directed to analyze the parking requirements for the site, and to investigate options for regulating building color in the downtown area, through either the Town's development regulations or the implementation of an overlay district. The Council expressed a preference that the entire building be painted the same color.

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.

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.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 6. Conduct a Public Hearing, and consider and act upon an ordinance rezoning a portion of Planned Development-3-Single Family (PD-3-SF) to Planned Development-Office (PD-O), on 12.9± acres, located south of Prosper Trail, west of Cook Lane, to allow for the development of a Town Public Safety Facility. (Z18-0018). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of the proposed PD is to rezone a portion of PD-3 to PD-Office to allow for the development of the new Police Department and Dispatch facility and future Fire Department administrative offices, fire station, and training facilities.

Mayor Smith opened the Public Hearing.

Ken and JoAnna Weaver, 1480 Beacon Hill Drive, Prosper, did not wish to speak, but expressed their support for the Public Safety Facility, with the enhanced expenditures to meet the Town's needs.

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

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 19-10 rezoning a portion of Planned Development-3-Single Family (PD-3-SF) to Planned Development-Office (PD-O), on 12.9± acres, located south of Prosper Trail, west of Cook Lane, to allow for the development of a Town Public Safety Facility. The motion was approved by a vote of 7-0.

- 7. Discussion on Public Safety Complex Phase 1 (Police Station and Dispatch) Facility. (DK)**

Police Chief Doug Kowalski presented this item before the Town Council. The staff design team has worked with BRW Architects and Pogue Construction over the past several months to develop 100% design development plans using the enhanced architectural design, with a cost of \$12.7 million, which was \$1.3 million over the project budget. Chief Kowalski introduced Gary DeVries with BRW Architects, who continued the presentation. BRW, Pogue, and Town staff worked to reduce the scope of the project to bring it back into the current construction budget of \$11.4 million. The design team is now requesting feedback from the Town Council on whether or not to add any of the omitted items back into the project. Roby Bledsoe with Pogue Construction explained the factors affecting the cost increases that have occurred since the original schematic design construction cost estimate was submitted. The Town Council considered various value engineering options that could reduce the construction costs. Chris Squadra with Peak Program Value, the Town's third-party cost estimator, responded to questions from the Council on some of the cost estimates. After discussion, the Town Council agreed to increase the project budget to \$12.5 million to account for unanticipated cost increases, the enhanced façade, and several security safety, and operational costs. No further action was taken.

8. **Consider and act upon a request for a Subdivision Waiver for lots without road frontage for Prosper Commons, Block B, Lots 11 and 12, on 4.6± acres, located on the west side of Coit Road, north of US 380. The property is zoned Planned Development-2 (PD-2). (D18-0122). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. Plats are typically approved by the Planning & Zoning Commission; however, this item has been placed on the Town Council agenda to allow for consideration of a Subdivision Waiver to allow for lots without street frontage. The proposed layout does not provide street frontage for Lots 11 and 12; however, the proposed Final Plat dedicates access and fire lane easements along the north and south sides of the lots to ensure adequate access to the lots in the future. The applicant has provided a letter outlining their request.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to approve a request for a Subdivision Waiver to allow for lots without street frontage in the Prosper Commons Addition, located west of Coit Road, north of US 380. The motion was approved by a vote of 6-1, with Councilmember Andres casting the opposing vote.

9. **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:

- 9a. ***Section 551.087 – To discuss and consider economic development incentives.***
- 9b. ***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.***
- 9c. ***Section 551.074 – To discuss and review the Town Manager's performance evaluation.***

The Town Council recessed into Executive Session at 8:22 p.m.

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

The Town Council reconvened the Regular Session at 10:04 p.m. All members were present with the exception of Mayor Pro-Tem Vogelsang.

Councilmember Hodges made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute an agreement for the purchase of right-of-way along Main Street north of Broadway and the removal of a structure encroaching into the right-of-way. The motion was approved by a vote of 6-0.

Mayor Pro-Tem Vogelsang returned to the meeting at 10:05 p.m. and took his place at the Council bench.

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

This item was not discussed.

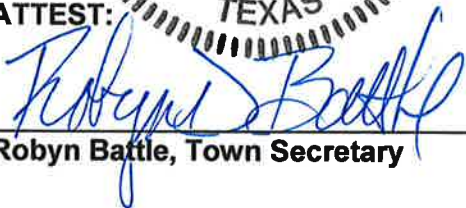
12. Adjourn.

The meeting was adjourned at 10:06 p.m., on Tuesday, February 12, 2019.

These minutes approved on the 26th day of February 2019.



ATTEST:



Robyn Battle, Town Secretary

APPROVED:



Ray Smith, Mayor