



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, October 23, 2018

1. Call to Order/Roll Call.

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

Council Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Mike Korbuly
Councilmember Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Council Members Absent:

Mayor Pro-Tem Curry Vogelsang, Jr.

Staff Members Present:

Harlan Jefferson, Town Manager
Terrence Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Planning Manager
Megan Johnson, Health/Code Supervisor
Pete Anaya, Deputy Director of Engineering Services
Dudley Raymond, Parks and Recreation Director
Paul Naughton, Landscape Architect
Kelly Neal, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Carl Rau led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Andres read the following announcements:

Early voting for the November 6 election ends on November 2. Collin County voters may vote in the Town Hall Community Room during Early Voting, and at the PISD Administration Building on Election Day. Denton County voters may vote at any Denton

County polling location during Early Voting, and at Fire Station 2 on Election Day. More information is available on the Collin County and Denton County websites.

The Prosper Police and Fire Departments will host a Drug Take-Back Event on Saturday, October 27. Residents may drop off unused or unwanted prescription and over-the-counter drugs. The initiative provides a safe, responsible way for residents to help keep unused, expired, or unwanted drugs off the streets and out of our water supply.

The Prosper Police Department will host "Coffee with a Cop" on October 29 from 8:00 – 10:00 a.m. at Whataburger on Preston Road. Residents are invited to join the Prosper Police Officers for an informal conversation, and ask questions about local police efforts in Prosper. Children are welcome to attend.

The Prosper Parks and Recreation Department will hold its second annual Arbor Day Celebration on Saturday, November 3, at 9:00 a.m., at Pecan Grove Park. The morning will include a Town proclamation and remarks by local dignitaries and the Parks and Recreation Board. The celebration will include a Prosper Boy Scout Troop and Girl Scout Troop, who will plant trees in the park to commemorate the day.

4. Presentations.

- **Presentation of the 2018 Certified Scenic City - Silver Designation to members of the Prosper Parks and Recreation Department. (DR)**

Members of the Parks & Recreation staff, Planning Staff, Engineering Staff, and Health/Code Compliance staff were present to receive the award.

- **Presentation of a Proclamation to members of the Prosper Police Department declaring October 23-31, 2018, as Red Ribbon Week, in support of community efforts to raise awareness and prevent substance abuse. (DK)**

Mayor Smith presented the Proclamation to members of the Police Department and Fire Department.

- **Presentation on Opening of New Town Hall. (RB)**

Mayor Smith and the Town Council presented a gift to Fire Marshal Bryan Ausenbaugh, who has served as the Project Manager for the Town Hall and Library project.

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 – October 9, 2018**
- **Special Called Meeting – October 15, 2018**

- 5b. Consider and act upon canceling the December 25, 2018, Regular Town Council meeting. (RB)
- 5c. Receive the August Financial Report. (KN)
- 5d. Consider and act upon Resolution No. 18-90 accepting and approving the 2018 Tax Roll. (KN)
- 5e. Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-17 (PD-17) to Planned Development-Office/Retail (PD-O/R) and to rezone Single Family-15 (SF-15) to Planned Development-Office (PD-O), on 15.2± acres, located on the southwest corner of Broadway Street and Preston Road. (Z18-0007). (AG)
- 5f. Conduct a Public Hearing, and consider and act upon an ordinance for a Specific Use Permit for Wireless Communication facilities, on 1.6± acres, located on the Prosper Trail Elevated Storage Tank site, north of Prosper Trail, east of Shasta Lane. The property is zoned Planned Development-70 (PD-70). (S18-0008). (AG)
- 5g. 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 made a motion and Councilmember Hodges 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.

Mary Hammack, 261 Columbia Court, Prosper, thanked the Council for approving a resolution on October 15, 2018, opposing TxDOT's US 380 Bypass Option B. The neighbors of Whitley Place presented the Council with gift baskets of homemade cookies in appreciation.

Michael Duck, 850 Rustic Lane, Prosper, spoke regarding the noise and debris created by the fireworks at the Pumpkinfest event in Frontier Park over the weekend.

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 resolution establishing the Town of Prosper Property Assessed Clean Energy Program (“Town of Prosper PACE”) and finding that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose. (CS)**

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. The PACE program allows local governments to establish programs that enable commercial, industrial, agricultural, nonprofit, and multifamily property owners to voluntarily tie the obligation to repay the cost of energy and water efficiency improvements to their property with a property assessment. The PACE program is a voluntary tool that enables owners to lower their operating costs and pay for eligible improvements with the savings generated, taking advantage of affordable, long-term financing provided by private capital providers.

Mayor Smith opened the Public Hearing.

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

Councilmember Andres made a motion and Councilmember Korbuly seconded the motion to adopt Resolution No. 18-91 establishing the Town of Prosper Property Assessed Clean Energy Program (“Town of Prosper PACE”) and finding that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose. The motion was approved by a vote of 6-0.

8. **Presentation of service plan and first Public Hearing to consider the voluntary annexation of 9.1± acres, generally located on the north side of Prosper Trail, 1,100± feet west of Custer Road. (A18-0001). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. In 2014, the Town extended the five-year Annexation Agreement with the property owner of the subject property. In December 2017, the property was sold to Chinmaya Mission DFW. In September 2018, Chinmaya Mission DFW, submitted a petition to be voluntarily annexed by the Town, indicating an intent to develop the subject property in the future.

This is the first of two required Public Hearings. The second Public Hearing, including the ordinance completing the annexation process, is scheduled for the November 13, 2018, Town Council meeting.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

9. **Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-65-Single Family (PD-65-SF) and a portion of Planned Development-65-Commercial (PD-65-C) to Planned Development-Commercial (PD-**

C), to allow for development of new automobile sales and leasing dealerships (El Dorado Motors), on 17.8± acres, located on the north side of US 380, west of Mahard Parkway. (Z18-0011). (AG)

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of the proposed PD is to allow for development of two new automobile sales and leasing dealerships (El Dorado Motors). Two buildings, 40,000 square feet and 50,000 square feet, are proposed with a different dealership occupying each building. The proposed brands of the dealerships are not known at this time. Some of the previous recommendations from the Planning & Zoning Commission and the Executive Development Team (EDT) have been incorporated into the proposed item.

Matt Moore of Claymoore Engineering, representing the applicant, spoke in support of the item, stating that the proposed development regulations for this project are very similar to other projects he has done in the past.

Mayor Smith opened the Public Hearing.

Clint Richardson, representing the landowner adjacent to the north side of the property, spoke in support of the project.

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

After discussion, Councilmember Korbuly made a motion and Councilmember Andres seconded the motion to approve a request to rezone a portion of Planned Development-65-Single Family (PD-65-SF) and a portion of Planned Development-65-Commercial (PD-65-C) to Planned Development-Commercial (PD-C), to allow for development of new automobile sales and leasing dealerships (El Dorado Motors), on 17.8± acres, located on the north side of US 380, west of Mahard Parkway. The motion was approved by a vote of 6-0.

- 10. 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) (Companion to Item 11)**

DEPARTMENT ITEMS:

- 11. 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) (Companion to Item 10)**

Mayor Smith opened Items 10 and 11 concurrently.

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of this request is to allow for a Wireless Communication & Support Structure in Frontier Park. The applicant is proposing to remove an existing 80-foot light pole that illuminates soccer fields and replace it with a 115-foot support structure for wireless antennas and affix lights at a point 80 feet high on the support structure. A 10-foot tall masonry enclosure, constructed of brick and stone consistent with other structures in

Frontier Park, is proposed to screen the ground equipment used in conjunction with the wireless communication facility.

Mayor Smith opened the Public Hearing.

Jack Dixon, 810 Long Valley Court, Prosper, spoke in opposition to the item, stating that the masonry enclosure would be unsightly in the park. He suggested the Town try to locate the tower in the industrial area south of Prosper Trail.

Ken Weaver did not wish to speak, but submitted a comment card in opposition to the item. He suggested the Town attempt to locate the tower in the industrial area south of Prosper Trail.

Dev Khosla, 871 Waterview Drive, Prosper, spoke in opposition to the item, noting that the tower would be too close to a residential neighborhood. He encouraged the Council to find an alternate location.

John Herring, 1550 Havenbrook Lane, Prosper, asked whether the tower would support more than one carrier. Mr. Glushko and David Prejean with AT&T confirmed that the tower is intended for only one carrier.

Michael Duck, 850 Rustic Lane, Prosper, spoke in opposition to the item. He also requested that more information be provided on items regarding Public Hearings, so residents may be more informed.

Geniya Talsky, 520 Evening Sun Drive, spoke in opposition to the item, noting some research that has indicated negative health effects related to cell towers, and a potential negative impact on property values.

Jeremiah Whistler, 851 Waterview Drive, Prosper, spoke in opposition to the item. He asked the Council to consider another location.

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

Chuck Springer, Executive Director of Administrative Services, continued the presentation on Item 11. New Cingular Wireless PCS, LLC, approached Town staff to discuss a cell tower at Frontier Park in conjunction with a light pole. The Tenant is only leasing the 600-square-foot portion of the property, and they will be responsible for building and maintaining the cell tower. The tower will be replacing an existing light pole at the park. The new tower will contain lighting with cellular antennas above the lighting.

The Council discussed the location of the pole and the masonry structure, and the health concerns raised by residents. Town Attorney Terry Welch stated that state law prevents the Council from using health concerns as a condition for denial. David Prejean, representing the applicant, AT&T, responded to questions from the Council. He stated that Frontier Park was the location recommended by staff, since it is in the optimal location for maximum coverage. The Council encouraged Mr. Prejean to pursue locating the tower on the future PISD football stadium site. Mr. Prejean agreed, but stated that pursuing a new location could delay installation of the tower by another 4-6 months.

After discussion, Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to table Items 10 and 11 to the November 27, 2018, Town Council meeting. The motion was approved by a vote of 6-0.

12. **Consider and act upon a revised Façade Plan for a retail multi-tenant building in Shops at Prosper Trail, located on the southeast corner of Preston Road and St. Peter Lane. The property is zoned Planned Development-68 (PD-68). (D17-0070). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The Façade Plan was approved by the Town Council on January 9, 2018. The applicant has submitted revised elevations to reflect the intended construction of the building. While the revised elevations match the approved elevations with regard to building materials, the applicant has proposed to modify the north elevation by reducing the number of entrances and shifting the center vertical store front to the left to address the needs of future tenants.

Don Silverman, the developer, addressed the Council stating that the towers on the roof would be fully wrapped.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve a request for approval of a Façade Plan for a retail/office building in Shops at Prosper Trail, Lot 9, located on the southeast corner of Preston Road and St. Peter Lane, with the wrapping of the towers on the proposed south elevation. The motion was approved by a vote of 6-0.

13. **Consider and act upon a Subdivision Waiver for Lots 8-10, Block A, of the Westfork Crossing Addition, being 97.5± acres, located on the northwest corner of US 380 and Gee Road. The property is zoned Commercial (C), Specific Use Permit-24 (S-24), Specific Use Permit-26 (S-26), and Specific Use Permit-27 (S-27). (D18-0025). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The Conveyance Plat for the Westfork Crossing Addition was originally approved by the Planning & Zoning Commission on August 2, 2016. At that time all lots had street frontage. Since that time a revised Preliminary Site Plan and Conveyance Plat have been submitted showing three lots without street frontage. The Subdivision Ordinance allows the Town Council to consider such configurations for non-residential development, where adequate access easements have been provided.

Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve a request for a Subdivision Waiver to allow for lots without street frontage in the Westfork Crossing Addition, located on the northwest corner of US 380 and Gee Road. 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.

The Town Council recessed into Executive Session at 7:46 p.m.

Councilmember Andres left the meeting at 8:30 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 9:00 p.m. No action was taken as a result of Executive Session.

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

- **Agenda Briefings. (HJ)**

Town Manager Harlan Jefferson proposed holding Agenda Briefing meetings prior to the Regular Town Council meetings, beginning on November 13, 2018. The Agenda Briefings would be held in the Executive Conference Room starting at 5:45 p.m., immediately followed by the Regular Town Council meetings starting at 6:15 p.m. Both meetings would be open to the public. The Council concurred with the proposal.

17. Adjourn.

The meeting was adjourned at 9:05 p.m., on Tuesday, October 23, 2018.

These minutes approved on the 13th day of November 2018.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary