



*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, December 11, 2018

## **AGENDA BRIEFING**

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

The meeting was called to order at 5:45 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  
Alex Glushko, Planning Manager  
Pete Anaya, Deputy Director of Engineering Services  
Dudley Raymond, Parks & Recreation Director  
Paul Naughton, Landscape Architect  
Megan Johnson, Health/Code Supervisor  
Leslie Scott, Director of Library Services  
Chuck Springer, Executive Director of Administrative Services  
Kelly Neal, Finance Director  
January Cook, Purchasing Agent  
Kala Smith, Human Resources Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief

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

No discussion was held on this item.

### **3. Discussion Items:**

- **Discussion on Park Development Agreements (DR)**

Dudley Raymond, Parks and Recreation Director, briefed the Council on existing park development agreements the Town has with several Homeowners Associations.

Town staff is recommending amendments to some agreements so there will be more equity pertaining to HOA responsibilities, versus Town responsibilities.

- **Modular Building Lease (JC/SB)**

Fire Chief Stuart Blasingame and Purchasing Agent January Cook briefed the Council on options to acquire a modular building for the Fire Department. The Council directed staff to contact Prosper ISD to see if the Town could acquire one of their modular buildings. Town staff will research the option and provide a recommendation to Council at a future date.

The Agenda Briefing adjourned at 6:21 p.m.

**REGULAR MEETING CONVENES IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING AGENDA BRIEFING**

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

The meeting was called to order at 6:23 p.m.

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

Pastor John Herring of First Baptist Church of Prosper 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:

Contractors will begin repaving Prosper Trail from Kroger to Coit Road tomorrow, December 12. Traffic will be reduced to one lane during construction. To

The Town Council would like to thank all of the sponsors, vendors, staff, volunteers, and everyone who attended the Prosper Christmas Parade and Festival, and the Town Tree Lighting. Over 4,000 residents and visitors were in attendance to help celebrate the holiday season and show Prosper's hometown spirit.

The Library will host a Family Movie Night on Wednesday, December 12th, at 6:30pm, and a Holiday Sing-Along on Saturday, December 15th, at 11am. Both events are open to the public, and all ages are welcome.

Town offices will be closed on Monday, December 24th, Tuesday, December 25th, and Tuesday, January 1st for the Christmas and New Years holidays. The Town Council would all like to wish everyone a very Merry Christmas and a Happy New Year.

**4. PRESENTATIONS:**

**Presentation of Certificates of Appreciation to members of the Prosper Fire Department who were deployed to California. (SB)**

Fire Chief Stuart Blasingame provided a short presentation regarding the recent wildfires in California, and the Town staff members who were deployed to assist with firefighting

efforts. Mayor Smith presented Certificates of Appreciation to Assistant Fire Chief Shaw Eft, Lieutenant Scott Himes, Driver/Engineer Jeff Choquette, and Firefighter/Paramedic David Weimer.

**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 meeting. (RB)**
- **Regular Meeting – November 27, 2018**
- 5c. Consider and act upon approving Ordinance No. 18-98 repealing Division 2, “Marshal,” of Article 9.02, “Law Enforcement,” of Chapter 9, “Personnel,” of the Town’s Code of Ordinances. (KN)**
- 5d. Consider and act upon Ordinance No. 18-99 repealing Article 3.04, “Building Code,” of the Code of Ordinances of the Town of Prosper and replacing it with a new article 3.04, “Building Code”; adopting the 2015 edition of the International Building Code, save and except the deletions and amendments set forth herein; regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to buildings or structures within the Town of Prosper, Texas. (JW)**
- 5e. Consider and act upon Ordinance No. 18-100 repealing Article 3.05, “Residential Building Code,” of the Code of Ordinances of the Town of Prosper and replacing it with a new article 3.05, “Residential Building Code”; adopting the 2015 edition of the International Residential Code, save and except the deletions and amendments set forth herein; regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and related accessory structures in the Town of Prosper, Texas. (JW)**
- 5f. Consider and act upon Ordinance No. 18-01 repealing Article 3.06, “Electricity,” of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.06, “Electricity”; adopting the 2017 edition of the National Electrical Code, save and except the deletions and amendments set forth herein; regulating the construction, alteration, removal, use, and maintenance of any electrical wiring, apparatus, device, and/or systems within the Town of Prosper, Texas. (JW)**
- 5g. Consider and act upon Ordinance No. 18-102 of the Town of Prosper, Texas, repealing Article 3.07, “Plumbing,” of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.07, “Plumbing”; adopting the 2015 edition of the International Plumbing Code, save and except the deletions and amendments set forth herein; regulating the erection,**

installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within the Town of Prosper, Texas. (JW)

- 5h. Consider and act upon Ordinance No. 18-103 repealing Article 3.08, "Energy Conservation," of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.08, "Energy Conservation"; adopting the 2015 edition of the International Energy Conservation Code, save and except the deletions and amendments set forth herein; regulating the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating, and illumination systems and equipment which will enable effective use of energy in new building construction within the Town of Prosper, Texas. (JW)
- 5i. Consider and act upon Ordinance No. 18-104 repealing Article 3.09, "Mechanical Code," of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.09, "Mechanical Code"; adopting the 2015 edition of the International Mechanical Code, save and except the deletions and amendments set forth herein; regulating the design, installation, maintenance, addition, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings located in the Town of Prosper, Texas. (JW)
- 5j. Consider and act upon Ordinance No. 18-105 repealing Article 3.10, "Fuel Gas Code" of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.10, "Fuel Gas Code"; adopting the 2015 edition of the International Fuel Gas Code, save and except the deletions and amendments set forth herein; regulating the design, installation, maintenance, addition, alteration, and inspection of fuel gas piping systems, fuel gas utilization equipment, and related accessories within the Town of Prosper, Texas. (JW)
- 5k. Consider and act upon Ordinance No. 18-106 establishing a new Article 3.20, "Existing Building Code," of the Code of Ordinances of the Town of Prosper by adopting the 2015 edition of the International Existing Building Code, save and except the deletions and amendments set forth herein; regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every existing building or structure or any appurtenances connected or attached to existing buildings or structures within the Town of Prosper, Texas. (JW)
- 5l. Consider and act upon Ordinance No. 18-107 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-92-Commercial (PD-92-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)
- 5m. Consider and act upon Ordinance No. 18-108 rezoning 48.1± acres of Agriculture (A), and 16.4± acres of Single Family-15 (SF-15), to Planned Development-94-Mixed Use (PD-94-MU), in order to facilitate a mixed-use development (WestSide), located on the northeast corner of FM 1385 and US 380. (Z18-0012). (AG)

- 5n. Consider and act upon Ordinance No. 18-109 for "Multifamily Registration and Inspections," of Article 3.11, "Property Maintenance Code," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances. (JW)
- 5o. Consider and act upon Ordinance No. 18-110 amending Appendix A, "Fee Schedule," by adding a new Section XXI, "Multifamily Registration and Inspection Fees." (JW)
- 5p. Consider and act upon authorizing the Competitive Sealed Proposal (CSP) procurement method for construction of the State Highway 289 Gateway Monument project. (PN)
- 5q. Consider and act on Ordinance No. 18-111 amending Section 8.05.001, "Definitions," of Article 8.05 "Junked Vehicles," of Chapter 8, "Offenses and Nuisances," of the Town's Code of Ordinances. (JW)
- 5r. 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)

Town Manager Harlan Jefferson requested to remove Item 5b from the Consent Agenda.

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

- 5b. Consider and act upon authorizing the Town Manager to execute a Tower Site Lease Agreement by and between the Town of Prosper, Texas, and T-Mobile West LLC, a Delaware LLC, for the lease of Town property, located at Prosper Trail Elevated Storage Tank (EST), for telecommunications equipment and facilities. (KN)

Mr. Jefferson notified the Council that the site plan attached to item 5b is inaccurate, and the equipment on the elevated storage tank should reflect a height of 90 feet, rather than 100 feet.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to approve Item 5b, and amend Exhibit B, the site plan, Sheet A-1, to reflect a height of the mobile panel antennas in each sector at 90 feet instead of 100 feet. 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.

## ITEMS FOR INDIVIDUAL CONSIDERATION:

7. **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)**

Planning Manager Alex Glushko presented this item before the Town Council. The primary purpose of the proposed PD is to rezone a portion of residentially zoned property, SF-15, located along the east side of Craig Road, south of Broadway, to Office, in accordance with the Comprehensive Plan, and to rezone the remainder of the subject property, from Planned Development-17 to Planned Development-Office/Retail, in order to allow for the construction of an office and retail development. In conjunction with the rezoning request, the applicant is also seeking relief from the Town's Engineering Design Standards and is requesting a waiver to the requirement for wet/retention ponds, for the proposed detention pond located in the northeast corner of the property, at the intersection of Preston Road and Broadway Street. A representative from Spiars Engineering, representing the applicant, provided details regarding the request for the wet retention pond waiver.

Mayor Smith opened the Public Hearing.

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

The Town Council discussed their concerns the design of the proposed monument at the southwest corner of Broadway Street and Preston Road. Town Manager Harlan Jefferson responded that staff has investigated the option of constructing an additional monument at the northwest corner of the same intersection to provide a "gateway" entrance to downtown. Staff has contacted TxDOT regarding the possibility of building the matching monuments in existing right-of-way. The Council also expressed a preference to coordinate the monuments at Broadway and Preston with the monument that is being considered at US 380 and Preston Road. The Council also discussed concerns regarding the wet/retention pond waiver. Teague Griffin, the applicant, explained that the wet/retention pond is not feasible due to the cost of achieving the depth and width that would be required for the pond to be effective. The monument is being proposed in lieu of the wet pond, since the monument would visually block the proposed dry detention pond.

After discussion, Town staff was directed to draft a development agreement for the construction of the monument to be considered in conjunction with the rezoning ordinance. Both items will be brought forward for Town Council consideration at the January 8, 2019, Town Council meeting.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve the rezoning of 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, and further approve a waiver from the Town's Engineering Design Standards' requirement for a wet/retention pond on site in the northeast corner of the property at the intersection of Preston Road and Broadway Street. Further, the future design of the Windmill Hill Monument Sign reflected in the attached exhibits shall be coordinated with and approved by the Town Manager and may be subject to minor modifications from the monument sign reflected in the attached exhibits. The motion was approved by a vote of 7-0.

**8. Discussion on Draft Downtown Architectural Standards. (JW)**

Development Services Director John Webb presented this item before the Town Council. Mr. Webb introduced Mark Bowers with Kimley-Horn, the planning and design consultant for the project. Mr. Bowers reviewed the results from stakeholder meetings held during the first phase of the project including visual preferences on architectural details, exterior materials, and rooflines. The overall preferences from stakeholders emphasized downtown as a unique, walkable destination, with options for rooftop uses, outdoor dining, and buildings with visual interest. Responding to an inquiry from the Council, Mr. Webb stated that rather than appointing a downtown architectural standards committee, staff recommends the Town create a detailed set of architectural standards, to be approved by the Town architect. The architectural standards in the proposed ordinance will include multiple images, as well as technical standards, using language that developers and engineers will understand when proposing new projects. Town staff will bring forward a draft ordinance for Council consideration in January 2019. No further action was taken.

**9. Library Services Update. (LS)**

Leslie Scott, Director of Library Services, provided an update on services, programs, and library usage by patrons over the past year. Highlights included the move to the new library facility, including the Program Room, and a continued increase in program activity and library card-holders. No further action was taken.

**10. Consider and act upon amending Ordinance No. 17-65 (FY 2017-2018 Budget). (KN)**

Finance Director Kelly Neal presented this item before the Town Council. The proposed ordinances will amend final department balances for the FY 2017-2018 Budget. Ms. Neal reviewed the details of the final amendments.

Councilmember Miller made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 18-112 amending Ordinance No. 17-65 (FY 2017-2018 Budget) to fund increased revenues, transfers in, transfer out, and expenditures in the Special Revenue Funds including TIRZ # 1, Wastewater Impact Fee Fund, East Thoroughfare Impact Fee Fund; Debt Service Fund; and Water-Sewer Fund. The motion was approved by a vote of 7-0.

**11. Consider and act upon amending Ordinance No. 18-71 (FY 2018-2019 Budget) and Capital Improvement Plan. (KN)**

Finance Director Kelly Neal presented this item before the Town Council. Town staff is recommending amendments to the FY 2018-2019 budget for several Capital Improvement

projects, and to roll forward purchase orders from the FY 2017-2018 budget for funds that have been encumbered, but not yet spent.

Councilmember Andres made a motion and Councilmember Hodges seconded the motion to approve Ordinance No. 18-113 amending Ordinance No. 18-71 (FY 2018-2019 Budget) and Capital Improvement Plan to provide funding increase expenditures in the General Fund, Water-Sewer Utility Fund, and VERF Fund. The motion was approved by a vote of 7-0.

- 12. Consider and act upon awarding Bid No. 2019-04-B, to Landmark Structures I, L.P., related to construction services for the Fishtrap 2.5 Million Gallon (MG) Elevated Storage Tank project; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Deputy Director of Engineering Services, presented this item before the Town Council. The 2.5 MG Elevated Storage Tank (EST) is associated with the first phase of the Lower Pressure Plane Water System Improvements. The 2.5 MG EST will be located along Fishtrap Road west of Harper Road. A small section of pipeline will be included to connect the EST into the existing 20-inch water line along Fishtrap Road. Site improvements at the proposed EST site will include yard piping, landscape screening, grading, driveway, fencing, drainage, lighting and irrigation. Staff anticipates issuing a notice to proceed on this contract effective in January 2019, which would result in a substantial completion date in June 2020. This schedule is designed to have the tank in service prior to peak water demands in Summer 2020.

Councilmember Korbuly made a motion and Councilmember Andres seconded the motion to award Bid No. 2019-04-B to Landmark Structures I, L.P., related to construction services for the Fishtrap 2.5 MG Elevated Storage Tank project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

- 13. Consider and act upon authorizing the Town Manager to execute a Professional Service Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail/DNT Intersection Improvements project. (PA)**

Pete Anaya, Deputy Director of Engineering Services, presented this item before the Town Council. This project involves the design of improvements to the proposed intersection at Prosper Trail and the Dallas North Tollway (DNT). Design improvements include grading, paving, drainage, signage, pavement markings and construction traffic control. No sidewalks and/or proposed traffic signal modifications are included. Town staff will coordinate with Collin County to ensure the proposed improvements are consistent with the County's southbound frontage road construction project and traffic signal installation.

Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail/DNT Intersection Improvement project. The motion was approved by a vote of 7-0.



**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.**

**14c. Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 8:05 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 9:10 p.m. No action was taken as a result of the Executive Session.

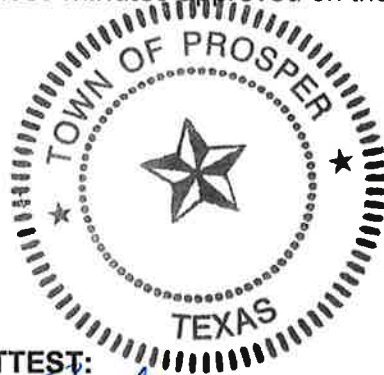
**16. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.**

No action was taken on this item.

**17. Adjourn.**

The meeting was adjourned at 9:10 p.m., on Tuesday, December 11, 2018.

These minutes approved on the 27<sup>th</sup> day of December 2018.



**APPROVED:**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Robyn Battle, Town Secretary