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MINUTES
Agenda Briefing and Regular Meeting of the
Prosper Town Council
Prosper Town Hall
Council Chambers
200 S. Main Street
Prosper, TX 75078
Tuesday, March 26, 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 Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Council Members Absent:

Councilmember Mike Korbuly

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Hulon Webb, Engineering Services Director
John Webb, Development Services Director
Alex Glushko, Planning Manager
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Chuck Springer, Executive Director of Administrative Services
Dudley Raymond, Parks and Recreation Director
Kelly Neal, Finance Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

No items were discussed.

3. Discussion Items:

- **Update on *Prosper Downtown Live!* (DR)**

Dudley Raymond, Parks and Recreation Director, updated the Council on plans for the *Prosper Downtown Live!* event to be held on May 24, 2019. Mr. Raymond provided an updated site map with the revised TABC boundary which encompasses the Town Hall property on the south and west sides, the west side of Main Street and the south

side of Broadway. The Council discussed details related to TABC regulations for alcohol sales at the event. Town Manager Harlan Jefferson indicated that trees are being installed on Broadway, and the contractor is scheduled to finish construction by May 1.

- **Prosper High School/Stadium Traffic and BNSF Railroad Overall Plan (JC)**

This item was discussed prior to Item 11 on the Regular Agenda.

The Agenda Briefing adjourned at 6:12 p.m.

THE REGULAR TOWN COUNCIL MEETING CONVENES IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING THE AGENDA BRIEFING, AT APPROXIMATELY 6:15 P.M.

1. Call to Order/Roll Call.

The meeting was called to order at 6:20 p.m.

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

Pastor Mike Martin of Hope Fellowship Church 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:

Registration has begun for the Prosper Fire Department's Citizens Fire Academy. The program is open to Prosper residents who would like to learn more about their Fire Department. Classes will meet for nine weeks on Thursday evenings from 6:30-9:00 p.m. beginning June 6. Registration forms are available on the Town website.

For a limited time, the Town of Prosper is offering free sprinkler evaluations to residents. An independent evaluator will check your irrigation system to ensure it is operating efficiently. For more information, contact Tristan Cisco, the Town's Water Education Coordinator.

Prosper families are invited to the Library Program Room this Saturday at 10:00 a.m. and 1:00 p.m. for Family Movie Saturday.

The 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.

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 – March 12, 2019
- 4b. Receive the December Financial Report (KN)
- 4c. Receive the Quarterly Investment Report (KN)
- 4d. Consider and act upon Ordinance No. 19-16 to amend Planned Development-75 (PD-75), generally to modify the Office District, on 67.7± acres, located on the northwest corner of Prosper Trail and Dallas Parkway. (Z18-0019). (AG)
- 4e. 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 Dixon made a motion and Councilmember Miller seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

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.

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. Consider and act upon approving a resolution supporting U.S. Highway 380 as a Limited Access Roadway but strongly opposing any proposed alignment change to Red Alignment Option B and original Red Alignment Option B as bypass options for U.S. Highway 380 within the corporate limits of the Town of Prosper that is not consistent with the Town's Thoroughfare Plan and current alignment of said highway. (HW)

Hulon Webb, Director of Engineering Services, presented this item before the Town Council. He provided examples of the Town's long history of providing regional support

to local transportation projects. The Town has agreed to provide 33 acres of right-of-way necessary for U.S. Highway 380 to be expanded along its current alignment. He reviewed the history of the proposed bypass as well as the freeway alignment options that have been proposed by TxDOT. No formal request for a bypass has been made by the Town of Prosper, Prosper ISD, the City of McKinney, the City of Frisco, or Collin County. Furthermore, the Town of Prosper, the City of Frisco, Prosper ISD, Collin County Commissioner Susan Fletcher, and Senator Pat Fallon have all expressed their official support of expanding U.S. Highway 380 as a Limited Access Roadway in its current alignment. Mr. Webb reviewed the third proposed resolution for Council consideration, which continues support for U.S. Highway 380 as a LAR and opposed any bypass option within the corporate limits of the Town. The resolution also directs no further staff coordination with TxDOT for the preservation of right-of-way for U.S. 380 while there exists a bypass option within the Town limits, and directs staff to contact TxDOT for additional explanation and justification for the bypass options that have been proposed thus far.

Mayor Smith recognized the following individuals who submitted comment cards on the item:

Ken and JoAnna Weaver, 1480 Beacon Hill Drive, Prosper, did not wish to speak, but expressed their support for the item.

Mayor Smith stated that Councilmember Korbuly could not attend the meeting tonight, but expressed his support for the resolution.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve Resolution 19-17 supporting U.S. Highway 380 as a Limited Access Roadway but strongly opposing any proposed alignment change to Red Alignment Option B and original Red Alignment Option B as bypass options for U.S. Highway 380 within the corporate limits of the Town of Prosper that is not consistent with the Town's Thoroughfare Plan and current alignment of said highway. The motion was approved by a vote of 6-0.

7. **Conduct a Public Hearing, and consider and act upon an ordinance 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)**
8. **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)**

Mayor Smith opened Items 7 and 8 concurrently.

Planning Manager Alex Glushko presented Item 7 before the Town Council. The purpose of this request is to allow for a wireless communication and 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. The applicant has indicated a willingness to work with the Town and any necessary sports association to ensure no scheduled activities are disrupted as a result of the relocation of the lights. 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.

Chuck Springer, Executive Director of Administrative Services, presented Item 8 before the Town Council. 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.

Mayor Smith opened the Public Hearing for Item 7.

Geniya Talsky, 520 Evening Sun Drive, Prosper, spoke in opposition to the item.

Jack Dixon, 810 Long Valley Court, Prosper, spoke in opposition to the item.

David Prejean, representing the applicant, spoke in favor of the item.

After discussion, Councilmember Miller made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 19-14 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, subject to Town staff recommendations. The motion was approved by a vote of 6-0.

9. Consider and act upon a resolution accepting the Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2018, as presented by a representative of Patillo, Brown and Hill, LLP., Certified Public Accountants. (KN)

Finance Director Kelly Neal introduced John Manning with Patillo, Brown and Hill, LLP, who presented this item before the Town Council. Mr. Manning reported that the Town's annual audit findings included one material weakness in internal controls over financial reporting, and Town management has provided a response in the auditor's communication letter. Mr. Manning stated that the Town's fund balances are strong, and stakeholder interviews to detect fraud yielded no impropriety in the Town's financial reporting.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to approve Resolution 19-15 accepting the Independent Audit Report and Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2018. The motion was approved by a vote of 6-0.

10. Consider and act upon request for Alternative Fencing Materials for eight (8) lots in Lakes of La Cima, Phase 7C, to allow for wooden fencing adjacent to open space and a hike & bike trail, in lieu of ornamental metal. (MD19-0003). (AG)

Planning Manager Alex Glushko presented this item before the Town Council. Gallery Homes has submitted a request to permit wooden fencing in lieu of the required ornamental metal fencing on eight lots in La Cima, which are adjacent to a hike and bike trail. In 2015, the Town amended the fence regulations adjacent to open space to require ornamental metal fencing with the intent to integrate open space into neighborhoods.

Bill Durham with Gallery Homes, the applicant, stated that he is requesting the homeowners have the option of either a wood or metal fence. He noted that the homes to the south in La Cima, and the homes to the west in Willow Ridge have existing wooden fences, which were built prior to the 2015 amendments.

Mayor Smith recognized the following individuals who submitted comments cards for this item:

Marco Vazquez, 1000 Three Rivers Drive, Prosper, did not wish to speak, but expressed his support for the item.

Kenneth Kelly, Jr., 1500 Sweetwater, Prosper, did not wish to speak, but expressed his support for the item.

Lisa Lawrence, 860 Rustic Lane, Prosper, did not wish to speak, but expressed his support for the item.

Ken and JoAnna Weaver, 1480 Beacon Hill Drive, Prosper, did not wish to speak, but expressed their opposition to the item.

Stephanie Parker-Kelly, 1500 Sweetwater, Prosper, spoke in favor of the item, noting that she would like to have a choice between wood and metal fencing, and that a wood fence would provide more privacy on her property.

Ken Dugger, 304 S. Craig Drive, Prosper, spoke in favor of the request, stating that he believed the intent of the 2015 amendment was for future homeowners, not existing homeowners.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to deny the request for wooden fencing adjacent to an open space and hike & bike trail at 1500 and 1501 Sweetwater Lane, 1450 and 1501 Mountain Creek Lane, and 580, 590, 600, and 610 Hords Creek Lane. The motion failed by a vote of 2-4.

After further discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to table Item 10 to the April 9, 2019, Town Council meeting. The motion was approved by a vote of 6-0.

11. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to the Prosper Quiet Zone & Railroad Grade Separation Preliminary Design Services project. (JC)**

Jim Cline, Engineering Consultant, briefed the Council on the Prosper High School and PISD Stadium traffic issues, a discussion item that was postponed from the earlier Agenda Briefing. He provided several recommendations to minimize the impact of the BNSF railroad on traffic near the High School and future football stadium.

Mr. Cline continued his presentation on Item 11. Lee Engineering, LLC, was previously engaged by the Town of Prosper to review grade separations, quiet zoning, and required pavement marking and signs. Their previous efforts were of high quality, and the tasks that are part of the proposed contract leverage and build upon the previous project work

in support of the Town's overall strategy to minimize the impact of the BNSF railroad on traffic.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to the Prosper Quiet Zone & Railroad Grade Separation Preliminary Design Services project. The motion was approved by a vote of 6-0.

12. Discussion on the Downtown Monument Sign. (DR)

Parks and Recreation Director Dudley Raymond introduced Lenny Hughes from Halff and Associates, who presented this item before the Town Council. The monument will be similar in architectural style and material to the SH 289 gateway monument design. It is anticipated that this monument will be replicated in other key areas of the Town. Mr. Hughes presented several schematic design concepts for discussion, and the Town Council responded with their preferences. No further action was taken.

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.

The Town Council recessed into Executive Session at 8:59 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 9:25 p.m. Mayor Smith, Councilmember Andres, Councilmember Miller, and Councilmember Hodges took their seats at the Council bench.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion authorizing the Town Manager to execute an amendment to an agreement with HillCo Partners. The motion was approved by a vote of 4-0.

Mayor Pro-Tem Vogelsang and Deputy Mayor Pro-Tem Dixon took their seats at the Council bench.

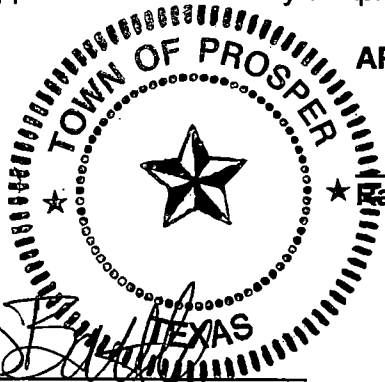
15. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

This item was not discussed.

16. Adjourn.

The meeting was adjourned at 9:26 p.m., on Tuesday, March 26, 2019.

These minutes approved on the 9th day of April 2019.



APPROVED:

Ray Smith

★ Ray Smith, Mayor

ATTEST:

Robyn Battle
Robyn Battle, Town Secretary