



Prosper is a place where everyone matters.

MINUTES

Meeting of the Prosper Town Council,
Board of Directors of the Town of Prosper
Crime Control and Prevention District, and
Board of Directors of the Town of Prosper
Fire Control, Prevention, and Emergency
Medical Services District
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
June 26, 2018

1. Call to Order/Roll Call.

The meeting was called to order 6:03 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
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
Pete Anaya, Deputy Director of Engineering Services
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Kala Smith, Human Resources Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Kenneth Dugger 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:

The Prosper Parks and Recreation Department and the Prosper Community Library are teaming up for a "Fun Friday - Art in the Park" on Saturday, June 29, at 10:00 a.m. at Frontier Park Pavilion. This year's program is all about experimenting with color, so participants should bring an item to tie-dye. All ages are welcome.

Library and Parks & Recreation programs will continue all summer. Check the Town website and prosperparksandrec.org for more information.

Prosper's Pride in the Sky event will take place on Tuesday, July 3, at Frontier Park starting at 5:00 p.m. The annual Independence Day event will feature live music, a charity softball game, food trucks, vendors, and a kid zone. Bring your blankets and lawn chairs and enjoy the fireworks.

Town Offices will be closed in observance of the Independence Day Holiday on Wednesday, July 4. The Town Council wishes everyone a safe and happy Fourth of July.

4. Presentations.

- **Administer Oath of Office and Present Certificate of Election to Craig Andres, Town Council Place 2. (RB)**

Town Secretary/PIO Robyn Battle administered the Oath of Office to Craig Andres. Mayor Smith presented Councilmember Andres with a Certificate of Election.

- **Present a Plaque of Appreciation to Councilmember Kenneth Dugger. (RB)**

Mayor Smith presented a plaque of appreciation to Kenneth Dugger for his service as Town Councilmember, Place 2, from 2007-2018.

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 – June 12, 2018**
- 5b. **Receive the April Financial Report. (KN)**
- 5c. **Consider and act upon Ordinance No. 18-42 amending Section VIII, "Miscellaneous," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances related to Library Fees. (LS)**
- 5d. **Consider and act upon Resolution No. 18-43 appointing a Board of Directors to the Town of Prosper Crime Control and Prevention District. (CS)**
- 5e. **Consider and act upon Resolution No. 18-44 appointing a Board of Directors to the Town of Prosper Fire Control, Prevention, and Emergency Medical Services District. (CS)**
- 5h. **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 Hodges removed Items 5f and 5g from the Consent Agenda.

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

5f. Consider and act upon an Order No. 2018-01 of the Town Council acting as the Board of Directors of the Town of Prosper Crime Control and Prevention District, authorizing the imposition of the Local Sales Tax on Telecommunication Services. (CS)

5g. Consider and act upon an Order No. 2018-02 of the Town Council acting as the Board of Directors of the Town of Prosper Fire Control, Prevention, and Emergency Medical Services District, authorizing the imposition of the Local Sales Tax on Telecommunication Services. (CS)

Chuck Springer, Executive Director of Development and Community Services, responded to a question from the Town Council confirming that the local sales tax for the two Districts is not a new tax. The quarter-cent sales tax for each District was authorized by the Special Election held in May that redistributed the half-cent sales tax that was previously dedicated to property tax relief.

Councilmember Hodges made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approved Item 5f and Item 5g. 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.

PUBLIC HEARINGS:

7. Conduct a Public Hearing, and consider and act upon a resolution of the Town Council acting as the Board of Directors of the Town of Prosper Crime Control and

Prevention District, authorizing the imposition of the Crime Control and Prevention District Sales and Use Tax at the rate of one-fourth of one percent on Gas and Electricity Services for residential use. (CS)

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. The proposed resolution will allow for the collection of sales tax on residential gas and electricity services for the Town of Prosper Crime Control and Prevention District.

Mr. Springer confirmed that the sales tax collected on gas and electricity services is not a new tax, but a redistribution of sales tax that was previously dedicated to property tax relief.

Mayor Smith opened the Public Hearing.

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

Councilmember Miller made a motion and Councilmember Korbuly seconded the motion to adopt Resolution No. 18-45 of the Town Council acting as the Board of Directors of the Town of Prosper Crime Control and Prevention District, authorizing the imposition of the Crime Control and Prevention District Sales and Use Tax at the rate of one-fourth of one percent on Gas and Electricity Services for residential use. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a resolution of the Town Council acting as the Board of Directors of the Town of Prosper Fire Control, Prevention, and Emergency Medical Services District, authorizing the imposition of the Fire Control, Prevention, and Emergency Services District Sales and Use Tax at the rate of one-fourth of one percent on Gas and Electricity Services for residential use. (CS)

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. The proposed resolution will allow for the collection of sales tax on residential gas and electricity services for the Town of Prosper Fire Control, Prevention, and Emergency Medical Services District.

Mayor Smith opened the Public Hearing.

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

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to adopt Resolution No. 18-46 of the Town Council acting as the Board of Directors of the Town of Prosper Fire Control, Prevention, and Emergency Medical Services District, authorizing the imposition of the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax at the rate of one-fourth of one percent on Gas and Electricity Services for residential use. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon a request to amend Planned Development-67 (PD-67), on 78.5± acres, located on the northwest corner of Preston

Road and Richland Boulevard, generally to modify the development standards (Z18-0003). (AG)

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of the proposed PD amendment is to modify the drive-through restaurant and architectural development standards, to provide concept renderings for Phase 2, and to update the conceptual layout. Mr. Glushko reviewed the details of the proposed amendment, which include a clarification in the number of drive-through restaurants for the development, an increase in sign height for a hotel, and modifications to standards for secondary materials. Conceptual renderings and a conceptual layout for Phase 2 of the development will be incorporated into the PD.

Scott Shipp, representing Blue Star Land, the developer, spoke in favor of the request, and provided additional details on the reasons for the requested PD amendment.

Mayor Smith opened the Public Hearing.

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

Mr. Glushko noted Town staff's recommendation that the conceptual layout be modified to reduce the number of pad sites on the west side of Preston to achieve a more open feel that mimics the east side of Preston. He also confirmed that the conceptual plan will serve as a guiding document for staff. Site plans submitted by the developer will be required to generally conform to the conceptual plan.

Mr. Shipp returned to the podium and explained that while the storefronts along Preston will be slightly below grade, they will still be visible and accessible from Preston Road. He also noted that the increase in height for a hotel will allow for a full-service hotel on the site. Responding to a question from the Town Council, Mr. Shipp stated that the retention pond on the existing conceptual layout was eliminated due to interference with underground fiber optic cable.

After discussion, Councilmember Miller made a motion and Councilmember Korbuly seconded the motion to approve the request to amend PD-67 as submitted by the applicant. The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon a request to amend the Old Town Inset Map of the Future Land Use Plan from Old Town Core – Single Family to Old Town Core – Retail, located on the east side of Coleman Street, between Fifth Street and north of Seventh Street. (CA18-0001). [Companion Cases Z18-0002 and MD18-0003] (AG)**

Mayor Smith opened Items 10, 11, and 12 concurrently.

11. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.7± acre from Single Family-15 (SF-15) to Downtown Retail (DTR), located on the southeast corner of Seventh Street and Coleman Street. (Z18-0002). [Companion Cases CA18-0001 and MD18-0003] (AG)**

DEPARTMENT ITEMS:

12. **Consider and act upon a request for a Façade Exception for Cornerstone, located on the southeast corner of Seventh Street and Coleman Street. (MD18-0003). [Companion Cases CA18-0001 and Z18-0002 (AG)]**

The applicant has requested Items 10, 11, and 12 be tabled to the July 10, 2018, Town Council meeting.

Councilmember Hodges made a motion and Councilmember Korbuly seconded the motion to table Items 10, 11, and 12 to the July 10, 2018, Town Council meeting. The motion was approved by a vote of 7-0.

13. **Consider all matters incident and related to the issuance and sale of Town of Prosper, Texas, General Obligations Bonds, Series 2018, including the adoption of an ordinance authorizing the issuance of such Bonds, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel. (KN)**

Finance Director Kelly Neal introduced Jason Hughes of First Southwest, the Town's financial advisor. Mr. Hughes briefed the Council on the competitive auction method used to determine the bond rates. The Town holds AA+ and AA1 bond ratings, which are the second highest available.

After discussion, Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to adopt Ordinance No. 18-47 authorizing the issuance and sale of Town of Prosper, Texas, General Obligation Bonds, Series 2018, and approve all other matters related thereto. The motion was approved by a vote of 7-0.

14. **Consider all matters incident and related to the issuance and sale of Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. (KN)**

Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to adopt Ordinance No. 18-48 authorizing the issuance and sale of Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2018, and approve all other matters related thereto. The motion was approved by a vote of 7-0.

15. **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)**

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. New Cingular Wireless, LLC, d/b/a AT&T, approached Town staff to discuss a cell tower at Frontier Park in conjunction with a light pole. The 100-foot tower will be replacing an existing light pole at the park. The new tower will contain lighting with cellular antennas above the lighting.

Councilmember Korbuly expressed concern with the proposed annual lease amount, since existing leases for cell towers on the Town's water towers typically generate higher revenue. The Council also asked for confirmation that the pole would be for a single carrier. David Prejean, representing AT&T, confirmed that the proposal is for a single-carrier pole, which would be enclosed by a brick fence. The additional pole would improve capacity and coverage for AT&T customers in the area. The Council requested that should the agreement be approved, Town staff should attempt to find another location for the existing pole.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to table the item. The motion was approved by a vote of 7-0.

- 16. Consider and act upon authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Brown Reynolds Watford Architects (BRW), related to architectural and engineering design services for the Public Safety Complex, Phase 1 (Police Station and Dispatch) Facility. (HW)**

Hulon Webb, Executive Director of Development and Community Services, introduced representatives from BRW Architects, who presented the item before the Town Council. Three façade options were presented based on feedback from a previous presentation to Council, and input from Town staff. The Council preferred New Option C, which was also Town staff's recommendation. The design incorporates some elements of Fire Station 2, which can be continued with future Town facilities.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve an agreement between the Town of Prosper, Texas, and Brown Reynolds Watford Architects (BRW), related to architectural and engineering design services for the Public Safety Complex, Phase 1 (Police Station and Dispatch) Facility. The motion was approved by a vote of 7-0.

- 17. Consider and act upon an ordinance amending Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances by replacing said article with a new Article 3.14, "Signs," and extending the Town's Sign Ordinance and Regulations to the Town's Extraterritorial Jurisdiction. (MD17-0009) (JW)**

Development Services Director John Webb presented this item before the Town Council. The United States Supreme Court issued an opinion in 2015 that drastically affected the authority of local governments to regulate signs. Additionally, Town staff is recommending amendments to several sections of the sign code that will help balance the need for property/business identification versus the desire to minimize visual clutter and distractions to drivers. Mr. Webb reviewed the details of the proposed ordinance.

The Town Council inquired about the Town using a community message board to advertise events. Town Attorney Terry Welch responded that the Town may advertise Town-sponsored events, but the Town does not have the authority to selectively allow certain content from other organizations. Mr. Webb confirmed that under the proposed ordinance, garage sale signs would only be permitted on the property where the garage sale is held. Responding to a question from the Council, Mr. Welch responded that signs placed on school property by churches leasing space from a school district are not considered governmental signs, and are not permitted in the public right-of-way.

George Dupont, 1400 Harvest Ridge Lane, did not wish to speak, but submitted a Public Meeting Appearance Card in support of the item.

After discussion, Councilmember Korbuly made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 18-49 amending Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances by replacing said article with a new Article 3.14, "Signs," and extending the Town's Sign Ordinance and Regulations to the Town's Extraterritorial Jurisdiction. The motion was approved by a vote of 7-0.

18. Discussion on non-residential and multi-family zoning and development standards. (JW)

Planning Manager Alex Glushko presented this item before the Town Council. He reviewed Town staff's recommendations for changes to non-residential and multi-family zoning and development standards. The Council expressed support for additional brick patterning and window detailing on non-residential structures, and brick and stone exterior requirements for multi-family developments. A proposed ordinance will be brought forward for Council consideration at a future meeting.

19. 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:

19a. Section 551.087 – To discuss and consider economic development incentives.

19b. 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.

19c. Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.

The Town Council recessed into Executive Session at 8:30 p.m.

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

The Town Council reconvened the Regular Session at 9:06 p.m.

Councilmember Korbuly made a motion and Councilmember Miller seconded the motion to appoint Curry Vogelsang, Jr. as Mayor Pro-Tem, and Jason Dixon as Deputy Mayor Pro-Tem. The motion was approved by a vote of 7-0.

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

- **Council Subcommittee Membership (RB)**

Town Secretary/PIO Robyn Battle reviewed the purpose and scope of the four Town Council Subcommittees. The Council appointed the following individuals to the subcommittees:

- Council Technology/VERF Subcommittee – Meigs Miller and Craig Andres
 - Council Finance Subcommittee – Mayor Smith, Curry Vogelsang, Jr., and Jason Dixon
 - Council Benefits Subcommittee – Jason Dixon, Curry Vogelsang, Jr., and Jeff Hodges
 - Executive Development Team (EDT) – Mayor Smith, Jason Dixon, and Meigs Miller
- **Janitorial and Maintenance Services for Town Hall (CS)**

Chuck Springer, Executive Director of Administrative Services, briefed the Council on janitorial and maintenance services for the new Town Hall facility. A contract will be brought forward for Town Council consideration at the July 10, 2018, Town Council meeting.

- **Traffic Signal Updates (PA)**

Pete Anaya, Deputy Director of Engineering, updated the Council on traffic signal installations throughout the Town. A contract to sequence the signals along Preston Road will be brought forward for Town Council consideration at the July 10, 2018, Town Council meeting.

- **Post Office (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented information on potential sites for a Post Office facility, following the presentation by a Post Office representative at the June 12, 2018, Town Council meeting. Town staff recommended the Town submit feedback to the Post Office in the form of a letter from Mayor Smith expressing a preference that the new facility be located near the railroad track, north of downtown. The Council concurred with the recommendation.

- **Amend Food Establishment Ordinance Regarding Pets on Restaurant Patios (JW)**

John Webb briefed the Council on the Town's existing ordinance regarding pets on restaurant patios, which is currently not permitted. Due to the recent popularity of neighboring communities allowing pets on patios, Town staff was directed to research the issue and provide a recommendation and draft regulations at a future Town Council meeting.

Councilmember Hodges requested Town staff develop a public safety announcement regarding safety during police traffic stops, due to recent reports of individuals impersonating police officers.

Councilmember Dixon requested Town staff investigate high weeds and grass along Lovers Lane. Town staff will ensure the HOA is notified.

Councilmember Korbuly inquired about the number of daycares in Town, and whether the Town would benefit from a market study. Development Services Director John Webb replied that developers typically conduct their own market studies prior to initiating a project.

Councilmember Dixon requested Town staff investigate the progress on the memory care facility and whether sod will be installed on Lot 4 of the development. Town staff will investigate and provide additional information at a later date.

22. Adjourn.

The meeting was adjourned at 9:41 p.m., on Tuesday, June 26, 2018.

These minutes approved on the 10th day of July 2018.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary