



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, August 14, 2018

1. Call to Order/Roll Call.

The meeting was called to order 6:04 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
Dan Heischman, Senior Engineer
Frank Jaromin, Public Works Director
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Mayor Smith 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:

The Town of Prosper will host a Public Meeting to discuss the design of Coit Road, from First Street to Frontier Parkway, on Thursday, August 23, from 6:00-8:00 p.m. The meeting will be held in Council Chambers.

The public is invited to attend the 7th Annual Town of Prosper Community Picnic on Saturday, September 8, from 4:00-7:00 p.m. in Frontier Park. Bethlehem Place will collect nonperishable food as part of their "Hunger Is No Picnic" food drive. Free hot dogs will be served by members of the Town Council, courtesy of Lighthouse Christian Fellowship Church, and the Prosper Parks and Recreation Board members will serve dessert. Activities include a petting zoo, pony rides, inflatable games, slides, face painting, food and drinks. Families are encouraged to bring lawn chairs, blankets, and picnic supplies to this annual community event.

The Town Council would like to remind motorists that school zones will be active tomorrow, and we would like to wish everyone a safe and happy first day of school.

4. Presentation

Mayor Pro-Tem Vogelsang invited the Council to join him in front of the Council bench. He presented Mayor Smith with a new gavel to commemorate the first Town Council meeting in the new Council Chambers.

Deputy Mayor Pro-Tem Dixon stepped away from the Council bench at 6:08 p.m.

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 – July 24, 2018**
- 5b. Consider accepting the submission of the certified collection rate of 100 percent for FY 2018-2019. (KN)**
- 5c. Consider and act upon an Ordinance No. 18-60 establishing the 2018 certified appraisal roll. (KN)**
- 5d. Consider accepting submission of the 2018 effective tax rate of \$0.531332 per \$100 taxable value and the rollback tax rate of \$0.581388 per \$100 taxable value. (KN)**
- 5e. Consider and act upon an Ordinance No. 18-61 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)**
- 5f. Consider and act upon awarding Bid No. 2018-81-B to Peachtree Construction, LTD, related to construction services for the Prosper Road Improvement Project 2018 (Prosper Trail Patching Coit Road to Custer Road) project; and authorizing the Town Manager to execute a construction agreement for same. (FJ)**

- 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 Miller made a motion and Councilmember Korbuly seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

Deputy Mayor Pro-Tem Dixon returned to the Council bench at 6:10 p.m.

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.

Sue Howard, 313 East 3rd Street, Prosper, spoke regarding the accessibility of Town Hall for persons with disabilities, noting the difficulty she had opening the main doors to the building. Town Manager Harlan Jefferson responded that although the building is ADA compliant, he had recently become aware of the problem with the doors. Town staff will work with the architect and building contractor to devise a solution. Ms. Howard also requested to receive a copy of the words to the Texas Pledge of Allegiance, since she is a new resident to Texas. Town Secretary Robyn Battle offered to email a copy of the pledge to Ms. Howard.

Jack Dixon, 810 Long Valley Court, Prosper, spoke on behalf of the Lakes of Prosper HOA. He presented a map of the neighborhood, and indicated several areas where speeding is a problem. He asked for additional enforcement, especially near hike and bike trails. Mr. Dixon also spoke on behalf of the Prosper Historical Society. He thanked the Council for their support of the Prosper Veterans Memorial, and for providing space to display historical items in Town Hall.

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 request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through, on 2.5± acres, located on the west side of Preston Road, south of Frontier Parkway. The property is zoned Planned Development-10 (PD-10). (S17-0005). (AG)

Alex Glushko presented this item before the Town Council. The purpose of this request is to allow for a restaurant with drive-through as one occupant of a multi-tenant, 17,950 square-foot retail building. The applicant has indicated the drive-through restaurant tenant will be a coffee shop. Patrick Filson, representing the developer, Victory Group, addressed the Council requesting approval of the item. He noted that the coffee shop is the first of several tenants to open within the development, and several additional submittals will be presented for approval over the next few months.

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve the request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through, on 2.5± acres, located on the west side of Preston Road, south of Frontier Parkway. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a request to rezone a portion of Planned Development-40 (PD-40) to Planned Development-Retail (PD-R), on 25.3± acres, located on the northeast corner of US 380 and Windsong Parkway, to facilitate the development of the Cook Children's Medical Center. (Z18-0004). (AG)

Alex Glushko presented this item before the Town Council. The purpose of the proposed PD amendment is to rezone a portion of PD-40 to create a new Planned Development (PD) to allow for the development of Cook Children's Medical Center. The Medical Center is proposed to consist of; a 128,000 square-foot Hospital; a 15,330 square-foot Urgent Care and Primary Care Center; a 26,000 square-foot Ambulatory Surgery Center; a 67,000 square-foot Medical Office Building; an 11,000 square-foot Outpatient Imaging and Data Center; a Helistop; and a 100-space parking garage. Mr. Glushko noted that no landscaping has been planned for the development along US 380 due to the proximity to the City of Irving water line.

Mayor Smith opened the Public Hearing.

Barry Hudson with Dunaway Associates spoke on behalf of the applicant. He noted that the helistop would not be developed as a full helipad, and that it would only be used for emergency transportation. Mr. Hudson also stated that the main hospital would not be developed until Phase 2 of the project.

Marc Burdars also spoke on behalf of the applicant, stating that all HVAC equipment would be screened in accordance with Town standards, and confirmed that the colors proposed for the building are consistent with Cook Children's corporate branding.

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

John Webb, Director of Development Services, addressed the Council regarding berming, and noted that Town staff was satisfied with the proposed plan, since the parking along US 380 had a curvilinear shape, and was not expected to be completely filled with cars at all times. The Town Council expressed a preference to include some berming along US 380, and additional features on the stucco, similar to the main façade of the building.

After discussion, Councilmember Andres made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve a request to rezone a portion of Planned Development-40 (PD-40) to Planned Development-Retail (PD-R), on 25.3± acres, located on the northeast corner of US 380 and Windsong Parkway; further, Exhibit F shall be amended to reflect horizontal features and capping on the stucco similar to the main façade of the building and the landscape plan, and Exhibit G shall be revised to provide for intermittent berming outside the easements along US Highway 380 in the southeast corner of the project. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 1, Section 7 of the Zoning Ordinance regarding Nonconforming Uses and Structures. (Z18-0006). (JW)

Development Services Director John Webb presented this item before the Town Council. This is a Town-initiated request to amend the portion of the Zoning Ordinance regarding Nonconforming Uses and Structures. Prosper's regulations regarding these nonconforming situations have not been comprehensively updated since the current Zoning Ordinance was adopted in 2005.

While Chapter 1, Section 7 of the Zoning Ordinance is proposed to be amended in its entirety, the common provisions regarding the continuation or expansion of a nonconforming use or structure are reflected in the proposed amendments. The major change is the process of discontinuing a nonconforming use, referred to as amortization.

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Hodges made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 18-62 amending Chapter 1, Section 7 of the Zoning Ordinance regarding Nonconforming Uses and Structures. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

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. Town staff is recommending expediting the purchase of scheduled VEF equipment that is slated to be replaced in the upcoming FY 2018-2019. The Tri-plex mower that is being requested replaces an older comparable unit which is at the end of its life cycle. Replacing the mower now will save the Town additional repair costs, plus the additional staff time requires to perform lawn maintenance when the mower is not operational.

Councilmember Hodges made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 18-63 amending Ordinance No. 17-65 (FY 2017-2018 Budget) to provide funding for increased expenditures in the VEF Fund associated with the purchase of a mower for park operations. The motion was approved by a vote of 7-0.

11. Submission of the FY 2018-2019 Proposed Budget and Budget Message by the Town Manager. (KN)

Finance Director Kelly Neal presented this item before the Town Council. In accordance with the Town Charter, the referenced documentation completes the Town Manager's submission of the Proposed Budget and Budget Message for Fiscal Year 2018-2019. The FY 2018-2019 Proposed Budget, including the Budget Message from the Town Manager, was submitted to the Town Council under separate cover. No further action was taken.

12. Consider and act upon a proposed FY 2018-2019 property tax rate. (KN)

Finance Director Kelly Neal presented this item before the Town Council. This agenda item is to set the proposed tax rate for consideration by the Town Council. A notice will be published in the Prosper Press by the Collin County Tax Assessor on behalf of the Town. According to Section 26.05(d) of the Property Tax Code, the Town is required to hold two public hearings and publish a newspaper notice if proposing to consider a tax rate that exceeds the effective rate or rollback rate, whichever is lower. The rate the Town finally adopts can be lower than the proposed and published rate, but it cannot exceed it without undergoing the required posting requirements and timeframes. The Town's proposed rate of \$0.5200 per \$100 valuation is below the effective and rollback tax rates, and therefore no additional notices or tax rate public hearings are required.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to place a proposal to adopt a FY 2018-2019 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 11, 2018, Town Council Agenda. The Town Council responded as follows:

Councilmember Hodges - approved
Councilmember Miller - approved
Councilmember Andres - approved
Deputy Mayor Pro-Tem Dixon - approved
Mayor Smith - approved
Mayor Pro-Tem Vogelsang - approved
Councilmember Korbuly – approved

The motion was approved by a vote of 7-0.

13. Consider and act upon scheduling a Public Hearing on the FY 2018-2019 Proposed Budget. (KN)

Finance Director Kelly Neal presented this item before the Town Council. Chapter 102 of the Texas Local Government Code requires the Town to hold a public hearing on the proposed budget and publish the notice for this meeting. This public hearing is scheduled for August 28, 2018. Given the timelines for publishing in the Prosper Press, staff will submit the notice of the public hearing on the proposed budget to print in the August 15, 2018, Prosper Press.

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to schedule a Public Hearing on the FY 2018-2019 Proposed Budget for August 28, 2018, at 6:00 p.m. with the meeting taking place at the Prosper Council Chambers at 200 S. Main Street, Prosper, Texas. The motion was approved by a vote of 7-0.

14. **Consider and act upon a request for a Façade Exception for Silo Park, located on the northeast corner of Broadway Street and McKinley Street. (MD18-0004). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The applicant is requesting approval of a façade exception to allow the beverage center metal building to be green in color, rather than white, as originally depicted.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve the request for a Façade Exception for Silo Park. The motion was approved by a vote of 7-0.

15. **Consider and act upon a request to waive the Town's Drainage System Design Requirements for a wet or underground detention pond for the Worldwide Rock development. (DH)**

Senior Engineer Dan Heischman presented this item before the Town Council. The proposed Worldwide Rock development located on Cook Lane south of Prosper Trail and east of Prestonwood Baptist Church had a site plan approved in June of 2018. In accordance with the drainage manual, the applicant has requested a waiver from the wet pond requirement and is requesting to be allowed to install a dry detention pond.

Matt Moore of Claymoore Engineering responded to the Town Council's concerns regarding screening and landscaping requirements.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve the request to allow a dry detention pond to serve the Worldwide Rock development. The plantings shall provide a solid visual screen of the detention pond from the roadway and shall be a minimum of six feet in height and maintained at said height. The motion was approved by a vote of 7-0.

16. **Consider and act upon awarding Bid No. 2018-79-B to S.J. Louis Construction of Texas, Ltd., related to construction services for the Lower Pressure Plane Water Line (BNSF Railroad to Preston Road); 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 scope of this contract includes the construction, testing, and disinfection of 4,020 linear feet of 42" diameter potable water pipeline, which is the continuation of the Town's master planned water system. Two types of pipe materials were bid in order to ensure competitiveness; the first type was bar wrapped concrete cylinder pipe and the other material was C200 polyurethane coated steel pipe. The bar wrapped pipe proved to be most competitive.

After discussion, Councilmember Korbuly made a motion and Councilmember Hodges seconded the motion to award Bid No. 2018-79-B to S.J. Louis Construction of Texas, Ltd. related to construction services for the Lower Pressure Plane Water Line (BNSF Railroad to Preston Road) project; and authorizing the Town Manager to execute a construction agreement for the same. The motion was approved by a vote of 7-0.

17. **Consider and act upon awarding Bid No. 2018-82-B to HQS Construction Services, LLC., related to construction services for the Prosper Road Improvement Project 2018 (Windsong Ranch Phase III – Miscellaneous Roads) project; and authorize the Town Manager to execute a construction agreement for same. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The scope of the contract includes the removal of the existing pavement without disturbing the outside three feet of pavement and the curb. The subgrade will be rehabilitated to a width of twelve feet centered on the existing wastewater line by the removal of three feet of existing sub-base, and replacement with three feet of flex base gravel.

David Blom, representing Windsong Ranch, spoke in favor of the project, noting that the contractor and the Town have done an exceptional job repairing the roads, and the residents of Windsong Ranch are pleased with the results.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2018-82-B to HQS Construction Services, LLC., related to construction services for the Prosper Road Improvement Project 2018 (Windsong Ranch Phase III – Miscellaneous Roads) project; and authorizing the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

18. **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:

18a. Section 551.087 – To discuss and consider economic development incentives.

18b. 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.

18c. 551.076 – Deliberation of the deployment, or specific occasions for implementation, of security personnel or devices at Town Hall.

18d. Section 551.071 – Consultation with the Town Attorney regarding possible litigation regarding bond issues, and all matters incidents and related thereto.

The Town Council recessed into Executive Session at 7:30 p.m.

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

The Town Council reconvened the Regular Session at 10:38 p.m., and Councilmember Andres stepped away from the Council bench.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager and Town Attorney to negotiate and execute

documentation related to a market study and fees reimbursement agreement for economic development purposes. The motion was approved by a vote of 6-0.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute an Amendment to Development and Financing Agreement pursuant to the terms addressed in closed session. The motion was approved by a vote of 6-0.

Councilmember Andres returned to the Council bench at 10:41 p.m.

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

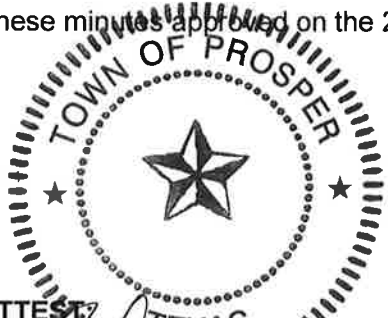
• **Solid Waste Collection and Recycling Services (CS)**

Chuck Springer, Executive Director of Administrative Services, updated the Town Council on the terms of a proposed franchise agreement for solid waste services. The Town Council requested staff to continue discussions to find additional options for bulk trash service. The item will be brought forward for Council consideration at a future meeting.

21. Adjourn.

The meeting was adjourned at 10:58 p.m., on Tuesday, August 14, 2018.

These minutes approved on the 28th day of August 2018.



APPROVED:

Ray Smith
Ray Smith, Mayor

ATTEST
Robyn Battle
Robyn Battle, Town Secretary