



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, February 14, 2017

1. Call to Order/Roll Call.

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

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Meigs Miller
Councilmember Mike Davis

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary/Public Information Officer
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Steve Glass, Deputy Director of Engineering Services
Alex Glushko, Senior Planner
Dudley Raymond, Parks & Recreation Director
Kelly Neal, Finance Director
Stuart Blasingame, Assistant Fire Chief
Bryan Ausenbaugh, Fire Marshal
Doug Kowalski, Police Chief

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

Bishop Scott Brown of the Church of Jesus Christ of Latter Day Saints led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Dugger read the following announcements:

Mayor Ray Smith and the Prosper Town Council invite you to join the It's Time Texas Community Challenge. Log on to www.ittcommunitychallenge.com to register. You can earn points for Prosper by taking Healthy Selfies and tracking your workout activities. With everyone's help, we can win the title of Healthiest Small Community for the second year in a row.

Starting on June 1, the Town of Prosper has been approved for a reclassification from the Insurance Services Office, or ISO, which may mean a reduction in homeowners insurance

premiums for some residents. The upgraded score is largely due to the opening of Fire Station #2, but also takes into account the Town's water supply and 911 communication system.

The annual Prosper Fishing Derby is set for Saturday, February 25, at the pond at Frontier Park. Check-in begins at 8:00 a.m. Prizes in various categories will be awarded at 11:00 a.m. To pre-register for this free family event, please visit www.prosperparksandrec.org.

The Town Council would like to wish everyone a very Happy Valentine's Day.

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 – January 24, 2017
 - Special Meeting – Strategic Planning Work Session, January 25, 2017
 - Special Meeting – February 6, 2017
- 4b. Consider and act upon Ordinance No. 17-10 ordering a General Election to be held on May 6, 2017, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, the Prosper Independent School District, and the Collin College District for joint election services. (RB)**
- 4d. Receive the December 2016 Financial Report. (KN)**
- 4e. Receive the Quarterly Investment Report. (KN)**
- 4f. Consider and act upon accepting the 2016 Racial Profiling Report as required by state law. (DK)**
- 4g. Consider and act upon approving the purchase of third-party building permit plan review and inspection services, and fire-related services, through an existing Professional Services Agreement with Bureau Veritas North America, Inc.; approving an amendment to the Professional Services Agreement; and authorizing the Town Manager to execute same. (JW)**
- 4h. 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 Davis removed Item 4c from the Consent Agenda.

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

- 4c. Consider and act upon Ordinance No. 17-11 ordering a Special Election on proposed amendments to the Home Rule Charter of the Town of Prosper, Texas, to be held on May 6, 2017. (RB)**

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Item 4c. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

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.

PUBLIC HEARINGS:

- 6. Conduct a Public Hearing, and consider and act upon a request to rezone 14.1± acres, from Planned Development-43 (PD-43) to Planned Development-Commercial (PD-C), on the north side of US 380, 700± feet west of Mahard Parkway to facilitate the development of an automobile sales and/or leasing facility (Ford). (Z16-0025). (AG)**

Development Services Director John Webb presented this item before the Town Council. The request is to facilitate the development of a Ford dealership to include the sales, leasing, and service of new and used vehicles. The request requires approval of a PD amendment due to deviations to various zoning standards. Mr. Webb reviewed the details of the request, and confirmed that the current façade has not been reviewed by the Executive Development Team (EDT). He introduced Greg Wood, Regional Manager for Ford Motor Company for the Dallas Region, who continued the presentation. Mr. Wood reviewed the site design objectives, noting that the service bays have been repositioned and the detention pond relocated to accommodate adjacent landowner needs. At this time, the dealership has no intention of including the Lincoln brand; however, Ford will continue to evaluate the luxury segment in this area. Mr. Wood talked about the lighting plan, interior design, and confirmed that the dealership will be a LEED Certified building.

Mayor Smith opened the Public Hearing.

Clint Richardson of Greater Texas Land Resources, 10950 Research Road, Frisco, addressed the Town Council, confirming that Ford has worked with his company extensively to address their concerns as adjacent landowners.

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

Jay Reissig, Project Manager/Civil Engineer for the project, confirmed the location of berms and screening on the site. The Town Council suggested that the adjacent property owners explore the possibility of sharing a detention pond, rather than have two separate ponds. Chas Gilmore, Managing Partner for the new dealership, expressed his willingness to look into options for shared efficiency. John Webb noted that any change in the retention pond would require Toyota to revise their site plan. Mr. Richardson commented that Exhibit C, Section 4(d), should be revised to say "by 90%," rather than "at 90%." The language change will be reflected in the text of the ordinance adopting the zoning change.

After discussion, Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to approve the request to rezone 14.1± acres from Planned Development-43 (PD-43) to Planned Development-Commercial (PD-C), located on the north side of US 380, 700± feet west of Mahard Parkway, to facilitate the development of an automobile sales and/or leasing facility (Ford), subject to the following:

1. Landscaped berming consistent with the adjoining property to the east shall be included along US 380 behind the Irving water line easement and in front of proposed parking areas; and
2. In the event shared detention can be achieved with the adjoining property to the east, such may be presented in a site plan for the subject property.

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

7. Conduct a Public Hearing, and consider and act upon an ordinance amending Special Purpose Sign District-4 (SPSD-4), to allow for increased wall signage height on the Gates of Prosper, Block A, Lot 7 (Texas Roadhouse), located on the east side of Preston Road, 700± feet north of US 380. (MD17-0001). (AG)

Senior Planner Alex Glushko presented this item before the Town Council. The Town Council previously adopted an ordinance for a Special Purpose Sign District for the Gates of Prosper (SPSD-4), and an ordinance amending SPSPD-4 to allow for increased wall sign height on two of the buildings. Texas Roadhouse, the applicant for this request, is seeking an amendment to the ordinance to allow for an increase to the wall sign height allowance to 6 feet to allow for their typical corporate identification. The Sign Ordinance permits a maximum sign height of 4 feet for buildings ranging in height from 20 feet to 30 feet. The proposed wall sign is attached to a wood surface façade. Texas Roadhouse has submitted an application for a façade exception, which will be considered by the Council at a future date.

Mayor Smith opened the Public Hearing

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

Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 17-12 amending Special Purpose Sign District-4 (SPSD-4), to allow for increased wall signage height on the Gates of Prosper, Block A, Lot

7 (Texas Roadhouse), located on the east side of Preston Road, 700± feet north of US 380. The motion was approved by a vote of 7-0.

8. Conduct a Public Hearing, and consider and act upon a request for a Variance to the Sign Ordinance, to allow for increased wall signage height, for Longo Toyota, located on the northwest corner of US 380 and Mahard Parkway. (V17-0001). (AG)

Senior Planner Alex Glushko presented this item before the Town Council. The Sign Ordinance limits the height of wall signs for buildings 20-30 feet in height to a maximum of 4 feet. The applicant is requesting a variance to allow for a maximum sign height of 14 feet, in order to be consistent with the corporate branding and image of Toyota. Mr. Glushko reviewed the location of the signs, and sign specifications. In response to a question from Council, Development Services Director John Webb stated that Town staff is working on proposed revisions to the Sign Ordinance that would modify sign height requirements and alleviate the need for some variance requests in the future.

Mayor Smith opened the Public Hearing.

Diane May, Gulf States Toyota, 1375 Enclave Pkwy, Houston, submitted a comment card in favor of the items, but declined to speak.

Kara Brinley, General Manager, Longo Toyota of Prosper, 2100 W. University Drive, Prosper, spoke in favor of the item. In response to a question from Council, Ms. Brinley responded that the portal sign will be lit during the day, but dimmed at night.

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Korbuly seconded the motion to approve a variance to the Sign Ordinance, to allow for increased wall signage height, for Longo Toyota, located on the northwest corner of US 380 and Mahard Parkway. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing to receive public comments concerning the amendment of the land use assumptions and capital improvements plan, and the imposition of an impact fee for water, wastewater, and roadway utilities. (MD16-0012) (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. At the November 8, 2016, meeting, the Town Council continued the Public Hearing to the February 14, 2017 meeting, and requested that staff provide additional information on trends from previous impact fee studies, as well as a comparison of the Town's current impact fees, the maximum allowable fees, and the actual impact fees collected by the Town. Information was presented to the Town Council at the January 25, 2017, Strategic Planning Work Session. Council was in agreement that the water and wastewater impact fees should be considered at 50% of the maximum allowable fee per the impact fee study. As for roadway impact fees, direction was provided to consider single family residential uses at 40% of the maximum allowable fee, and regarding non-residential uses, direction was provided to consider assessing the roadway impact fees at 50% of the maximum allowable rate for all uses, except as follows:

- Assess at 25% of the maximum allowable rate for the following uses:
 - All Office Uses
 - Department Store

- Home Improvement Store
- Hotel
- Movie Theater
- Non-Fast Food Restaurants
- Shopping Center
- Supermarket
- Toy Superstore

Eddie Haas and Melissa Brunger from Freese and Nichols responded to questions from the Town Council on the methods used to calculate the proposed impact fees.

Mayor Smith opened the Public Hearing.

Paige Shipp, 1255 W. 15th Street, Suite 240, spoke in opposition to the item, noting that higher impact fees will result in higher home prices. She presented a handout to the Town Council prepared by Metrostudy that reviewed Multiple Listing Service (MLS) activity in Prosper, including the total months of supply, and the average number of days a home in Prosper is on the market.

David Lehde, representing the Dallas Builders Association, 5816 W. Plano Pkwy, Plano, spoke in opposition to the item, stating that impact fees increase the cost of home construction. He encouraged the Town Council to examine the effect of impact fees on home prices, and to calculate roadway impact fees based on what can actually be built in the next five years.

The Council continued discussion on how impact fees are calculated, stating that the Town should remain competitive with other high growth communities when it comes to impact fees.

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

An ordinance to adopt revised impact fees will be brought forward at a future meeting for Town Council consideration. No further action was taken.

DEPARTMENT ITEMS:

10. **Consider and act upon an ordinance amending Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances by repealing existing Section I, “Construction Permits and Fees,” and replacing it with a new Section I, “Construction Permits and Fees.” (JW)**

Development Services Director John Webb presented this item before the Town Council. During the Council’s Strategic Planning meeting on January 25, 2017, the Town Council provided direction to staff to prepare an ordinance amending the commercial permit fee schedule to bring the fee schedule in line with the average of the survey cities and to be in line with the rate that Bureau Veritas charges the Town. To allow sufficient time to communicate the new fee schedule to commercial applicants, staff is proposing the effective date of the fees for new permit applications be Monday, April 3, 2017. The new fee schedule would only apply to new permit applications received on or after April 3, 2017. Current commercial permit applications that are presently under review, will be assessed per the current schedule, even if issued after April 3, 2017.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 17-13 amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section I, "Construction Permits and Fees," and replacing it with a new Section I, "Construction Permits and Fees." The motion was approved by a vote of 7-0.

11. Discussion on proposed multipurpose fields striping for the Frontier Park North Field Improvements project. (DR)

Parks and Recreation Director Dudley Raymond presented this item before the Town Council. Town staff has been working to facilitate a plan for the layout and striping of the baseball/softball fields as well as the multi-purpose fields at Frontier Park North. Owner approval for the layouts is required prior to the turf supplier starting the manufacturing process. Town staff solicited input from the Prosper Youth Sports Commission (PYSC). PYSC sought feedback from the four sports groups in Prosper (baseball/softball, football, soccer, and lacrosse), who are expected to be the primary users of the new fields. Based on their recommendations, Town staff presented several options to the Town Council for consideration.

After discussion, the Town Council provided direction to Town staff to get consensus from the sports leagues and PYSC, and bring a recommendation forward at the February 28, 2017, Town Council meeting for consideration. No further action was taken.

12. 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:

12a. *Section 551.087 – To discuss and consider economic development incentives.*

12b. *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.*

12c. *Section 551.071 – Consultation with the Town Attorney regarding possible litigation regarding bond issues, and all matters incident and related thereto.*

12d. *Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with new Section 251.725 of the Texas Alcoholic Beverage Code and impact on land development.*

12e. *Section 551.074 – To discuss and review the Town Manager's performance evaluation.*

The Town Council recessed into Executive Session at 8:40 p.m.

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

The Town Council reconvened the Regular Session at 11:10 p.m. Councilmember Dugger made a motion and Councilmember Davis seconded the motion to authorize an

amendment to the Town insurance benefit plan to include any contract employee, or independent contractor, who works more than thirty hours per week, including the Town Manager. The motion was approved by a vote of 6-1, with Councilmember Korbuly casting the opposing vote.

14. Consider and act upon an ordinance amending the FY 2016-2017 budget. (KN)

Finance Director Kelly Neal presented this item before the Town Council. The proposed budget amendment will increase the water and wastewater revenue funds to due growth, as well as increase expenditures for water and wastewater fees due to increased unit costs from the North Texas Municipal Water District. Additionally, the proposed budget amendment will fund additional salary and benefit expenses in response to Council's direction at the January 25, 2017, Strategic Planning Session to position the Town's compensation plan at the 70th percentile of the revised list of comparison cities, and to implement a step plan for the Fire Department and Police Department.

The Town Council confirmed that they are in favor of implementing step plan for the Fire Department and Police Department and a revised compensation plan for all employees with a target range of the 70th percentile of the revised list of comparison cities. Town staff was directed to provide additional information on the proposed pay ranges within the step plan at the February 28, 2017, Town Council meeting.

Councilmember Dugger made a motion and Councilmember Davis seconded the motion to table Item 14 to the February 28, 2017, Town Council meeting. The motion was approved by a vote of 7-0.

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

No items were discussed.

16. Adjourn.

The meeting was adjourned at 11:17 p.m. on Tuesday, February 14, 2017.

These minutes approved on the 28th day of February, 2017.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary