



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, April 11, 2017

1. Call to Order/Roll Call.

The meeting was called to order at 6:20 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
Alex Glushko, Senior Planner
Steve Glass, Deputy Director of Engineering Services
Kelly Neal, Finance Director
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief
Ronnie Tucker, Fire Chief
Bryan Ausenbaugh, Fire Marshal

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

Pastor Jason McConnell of Prosper United Methodist 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 Miller read the following announcements:

The final numbers are in, and Prosper has won the It's Time Texas Community Challenge for the second year in a row. Prosper earned over 4 million points; the highest score in the entire state, outpacing even the large metro areas of Austin, Dallas, and Fort Worth. Mayor Smith and the Town Council would like to thank everyone who helped bring home the title of Healthiest Small Community once again.

The Prosper Police Department will host "Coffee with a Cop" on Thursday, April 27, from 8:00-10:00 a.m. at Honeylu's Coffee next to the Kroger Marketplace on Preston Road. Residents are invited to get to know their local police officers and ask questions about local police efforts in Prosper. Children are welcome to attend.

Residents may dispose of unwanted or expired medications during the Fire Department's Drug Take Back Day on Saturday, April 29. Prescription and non-prescription drugs may be dropped off from 10:00 a.m.-1:00 p.m. in the collection boxes provided in the entry lobby of the Fire Station on First Street.

Town offices will be closed this Friday, April 14, in observance of Good Friday. The Town Council would like to wish everyone a Happy Easter.

Councilmember Korbuly congratulated the Prosper High School Varsity Girls Soccer Team on a successful season.

Deputy Mayor Pro-Tem Dixon congratulated the Prosper High School Baseball Team as one of the top 25 teams in the nation.

4. Presentations/Proclamations

- **Collin County Bond Presentation by Commissioner Susan Fletcher and Commissioner Duncan Webb. (RB)**

Commissioner Fletcher and Commissioner Webb provided an update on transportation projects within Collin County, and asked for the Council's support for a proposed bond issue which will appear on the November 7, 2017, ballot.

- **Presentation of a Proclamation to members of the Prosper Police Department declaring April 9-15, 2017, as *Telecommunicators Week*. (RB)**

Police Chief Kowalski and Assistant Chief McHone joined Mayor Smith in presenting the Proclamation to Natalee Warren, Dispatch Supervisor; Mavis Seeds, Dispatcher; and Gayla Scheidler, Dispatcher.

- **Presentation of Life Saving Award to Sergeant Bryan Golden of the Prosper Police Department. (DK)**

Mayor Smith, Chief Kowalski, and Chief McHone presented the award to Sergeant Golden for providing life saving medical assistance to an individual involved in a recent domestic disturbance.

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 – March 28, 2017**
- 5b. Consider and act upon Resolution No. 17-26 appointing members to the Town of Prosper Tax Increment Financing Reinvestment Zone (TIRZ) No. 1 Board of Directors. (RB)**

- 5c. **Consider and act upon Resolution No. 17-27 appointing members to the Town of Prosper Tax Increment Financing Reinvestment Zone (TIRZ) No. 2 Board of Directors. (RB)**
- 5d. **Receive the February financial report. (KN)**
- 5e. **Consider and act upon Resolution No. 17-28 suspending the effective date of Oncor Electric Delivery Company's requested rate change to permit the Town to establish reasonable rates. (KN/HJ)**

Councilmember Davis removed Item 5f from the Consent Agenda

Councilmember Dugger removed Item 5g from the Consent Agenda.

Deputy Mayor Pro-Tem Dixon removed Item 5h from the Consent Agenda.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger 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 a resolution supporting US 380 as a future limited access roadway within the corporate limits of the Town of Prosper from FM 1385 to Custer Road (FM 2478). (HW)**

Hulon Webb, Executive Director of Development and Community Services, responded to a question from the Council by confirming that the resolution affirms the Town's position that the existing alignment of 380 is the best alignment option, and the Town would oppose any bypass options, unless they were located east of Custer Road.

Councilmember Davis made a motion and Councilmember Korbuly seconded the motion to approve Resolution No. 17-29 supporting US 380 as a future limited access roadway within the corporate limits of the Town of Prosper from FM 1385 to Custer Road. The motion was approved by a vote of 7-0.

- 5g. **Consider and act upon an ordinance amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets. (HW)**

Councilmember Dugger requested the section of Prosper Trail from Preston Road to Coleman Street remain at 40 mph. Mayor Pro-Tem Vogelsang suggested the speed limit be raised to 45 mph, and a flashing sign be placed on the west-bound side of Prosper Trail as a reminder to the public to be mindful of the speed limit. Hulon Webb confirmed that Town staff will purchase a sign for this location.

Councilmember Dugger made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 17-30 amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets. The motion was approved by a vote of 7-0.

- 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)**

Responding to a question from Council, Senior Planner Alex Glushko confirmed that the two buildings on the proposed site plan will have a brick exterior.

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Item 5h. 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.

Ben Pruett, 4311 Whitley Place Drive, Prosper, expressed his concern regarding Consent Agenda Item 5f supporting US 380 as a future limited access roadway. He encouraged the Town Council to carefully evaluate any options regarding the Outer Loop and US 380 that could potentially affect The Town of Prosper.

There were no other 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 an ordinance for a Specific Use Permit (SUP) for a Child Day Care Center (Pinnacle Montessori), on 3.1± acres, located on the south side of future Richland Boulevard, 1,500± feet east of Coit Road. This property is zoned Planned Development-38 (PD-38). (S17-0001). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. The request will allow for a child day care center, which will accommodate 200 students and 18 teachers. The proposed SUP conforms to criteria set forth in the Town's Zoning Ordinance.

Mayor Smith opened the Public Hearing.

Roland Foerster, 5110 CR 424, Anna, who is the Civil Engineer representing the applicant, spoke in favor of the item and requested Council's approval of the SUP request.

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

Councilmember Korbuly expressed concern about the traffic congestion that could be caused by a day care facility in the area. Deputy Mayor Pro-Tem Dixon questioned the brick color on the elevation. Mr. Glushko confirmed that the brick color shown in the elevation is not necessarily the exact brick color to be used on the building, but the applicant will be required to use a neutral color.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 17-31 for a Specific Use Permit (SUP) for a Child Day Care Center (Pinnacle Montessori), on 3.1± acres, located on the south side of future Richland Boulevard, 1,500± feet east of Coit Road. The motion was approved by a vote of 6-1, with Councilmember Korbuly casting the opposing vote.

8. Conduct a Public Hearing, and consider and act upon a request to amend a portion of Planned Development-25 (PD-25), on 236.5± acres, in order to modify the residential architectural requirements, located on the east side of Coit Road, 800± feet south of First Street. (Z17-0001). (JW)

Development Services Director John Webb presented this item before the Town Council. The proposed PD amendment will modify the architectural requirements for the Lakewood subdivision regarding window, roof pitch, garage, driveway, walkway, and tree requirements. Mr. Webb reviewed the proposed standards.

Mayor Smith opened the Public Hearing.

Aaron Richards, 5802 Baskerville Drive, Richardson, spoke in favor of the item on behalf of the applicant, and offered to answer any questions from the Council.

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

The Council discussed the proposed driveway standards in detail. Mr. Webb stated that the language regarding driveway borders would be clarified in the proposed ordinance to be considered by the Council at a future meeting.

After discussion, Councilmember Dugger made a motion and Councilmember Miller seconded the motion to approve a request to amend a portion of Planned Development-25 (PD-25), on 236.5± acres, in order to modify the residential architectural requirements, located on the east side of Coit Road, 800± feet south of First Street. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance by providing for a variance process for certain private clubs in conjunction with a restaurant use. (Z17-0002). (JW)

Development Services Director John Webb presented this item before the Town Council. The Town's current ordinance provides for the legal sale of mixed beverages in restaurants by food and beverage certificate holders only. Because there are areas within the Town that are still "dry," any restaurants desiring to serve alcoholic beverages in these areas must obtain a private club permit. The proposed ordinance would create a process to request a variance to the distance requirement when obtaining a private club permit for alcohol sales in conjunction with a restaurant. The variance requests would be considered by the Town Council on a case-by-case basis, and notice of the request would be provided to all owners of property within 200 feet of the subject request. Mr. Webb confirmed that

there is no minimum food sales requirement for a private club, but there is a requirement that at least 35% of sales receipts must be from the sale of alcoholic beverages.

Mayor Smith opened the Public Hearing.

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

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance 17-32 amending Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance by providing for a process for certain private clubs in conjunction with a restaurant use. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

10. **Consider and act upon a Site Plan for a bank in the Shops at Prosper Trail (Bank of America), on 1.1± acres, located on the northeast corner of Preston Road and Prosper Trail. The property is zoned Planned Development-68 (PD-68). (D17-0005). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. The requirements set forth in PD-68 state that site plans and associated landscape and façade plans for pad sites within the Shops at Prosper Trail development shall be approved by the Planning & Zoning Commission and the Town Council. The proposed site plan shows a 3,800 square-foot bank building for Bank of America, which has been approved by the Planning & Zoning Commission.

Donald Silverman, the applicant, addressed the Council and confirmed that the brick on the bank building will be similar to that used on the Kroger Marketplace on Preston Road at Prosper Trail.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve a Site Plan for a bank in the Shops at Prosper Trail (Bank of America), on 1.1± acres, located on the northeast corner of Preston Road and Prosper Trail, subject to Town staff recommendations. The motion was approved by a vote of 6-1, with Councilmember Korbuly casting the opposing vote.

11. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Elevated Storage Tank project. (SG)**
12. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Water Supply Line Phase 1 project. (SG)**
13. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Custer Road Pump Station Expansion project. (SG)**

Mayor Smith opened Items 11, 12, and 13 concurrently.

Steve Glass, Deputy Director of Engineering, presented all three items before the Town Council. Town staff recommends approval of three Professional Services Agreements for projects related to the development of water infrastructure within the Town. The first is for the design of the Lower Pressure Plane Elevated Storage Tank, to be located along Fishtrap Road east of Teel Parkway. The second agreement is for the design of the Lower Pressure Plane Water Supply Line Phase I project, which includes the extension of nearly 4.8 miles of water supply line from the existing main on Fishtrap Road to Coit Road. The third agreement will provide for the design of the Custer Road Pump Station Expansion project, which will add the sixth and final pump to the existing Custer Road Pump Station. The addition of the pump, elevated storage tank, and water supply line will allow the Town to delay the construction of the dedicated Lower Pressure Plane Pump Station and the Ground Storage Tank project.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve the following:

Authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Elevated Storage Tank project.

Authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Water Supply Line Phase 1 project.

Authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Custer Road Pump Station Expansion project.

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

14. Consider and act upon an amendment to the Budget/Capital Improvement Plan. (KN)

Finance Director Kelly Neal presented this item before the Town Council. The budget amendment would provide funding for property acquisition related to the future widening of First Street, as well as developer reimbursements related to the Prosper Lake on Preston and the Preserve at Doe Creek Developments. Capital projects related to several water infrastructure projects are also included in this amendment. The Council encouraged staff to make sure reimbursement agreements clearly stipulate what expenses are reimbursable, and that the scope of each project is correctly stated.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 17-33 amending the FY 2016-2017 Budget and Capital Improvement Plan. The motion was approved by a vote of 7-0.

15. Discussion on proposed amendments to the Zoning Ordinance regarding guest houses, garage apartments, and accessory structures. (Z16-0014). (JW)

Development Services Director John Webb presented this item before the Town Council. Recent developments of accessory structures and guest houses have warranted the need to review the standards of these uses to ensure the structures do not have a negative impact on adjacent residential properties. In addition, staff has received requests to reduce the required rear yard setback on single family lots to accommodate attached

accessory structures such as patio covers. Mr. Webb reviewed the current standards in the Zoning Ordinance, and provided several recommendations for amendments to address recent requests and current trends. Town Attorney Terry Welch added that a bill in the state legislature on short-term property rental could have an effect on rental requirements in the Town's ordinance, prohibiting the Town from restricting short-term rentals. An ordinance amendment may be required if the bill is approved.

Mayor Smith recognized the following individual who requested to speak:

George Dupont, 1400 Harvest Ridge Lane, Prosper, spoke in favor of the request.

Town staff will return to a future Council meeting with proposed revisions to the ordinance. No further action was taken.

16. 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:

- 16a. *Section 551.087 – To discuss and consider economic development incentives.***
- 16b. *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.***
- 16c. *Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.***

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

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

The Town Council reconvened the Regular Session at 8:50 p.m. No action was taken as a result of Executive Session.

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

- Fire Station #2 as future polling location. (RB)**

Town Secretary/PIO Robyn Battle briefed the Council on this item. The Denton County Elections Administration recently contacted Ms. Battle about the possibility of using Fire Station No. 2 as a polling location for future elections. Town staff will work with County staff to make the facility available for use on Election Day only beginning with the November 7, 2017, election.

- **Town Hall Update. (HW)**

Hulon Webb, Executive Director of Development and Community Services, and Bryan Ausenbaugh, Fire Marshal and project staff liaison, provided an update to the Council on the construction of the new Town Hall facility. The Council narrowed down their choices for brick and mortar color. Staff will provide samples for viewing within approximately one week. The Council also requested cost estimates to add the Town seal to features within the building, such as doors, elevators, hinges, doorknobs, and chair upholstery. The Council favored the seal in the lobby floor to be done in stone, rather than stainless steel. The Council approved of the interior finishes that have been selected for the lobby, Council Chambers, and the Executive Conference Room.

Councilmember Dugger requested staff to investigate the bus that has been parked for quite a while on a property in the downtown area.

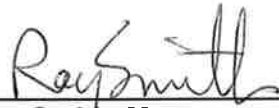
19. Adjourn.

The meeting was adjourned at 9:28 p.m., on Tuesday, April 11, 2017.

These minutes approved on the 25th day of April, 2017.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary



MINUTES
Meeting of the Town of Prosper Tax
Increment Reinvestment Zone No. 1
Board of Directors

Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, January 26, 2016

1. Call to Order/Roll Call.

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

Board Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Mike Davis (arrived at 6:06 p.m.)
Councilmember Jason Dixon
David Bristol, Prosper Economic Development Corporation Vice-President
Collin County Commissioner Susan Fletcher

Board Members Absent:

Mayor Pro-Tem Meigs Miller

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Leslie Scott, Library Director
January Cook, Purchasing Agent

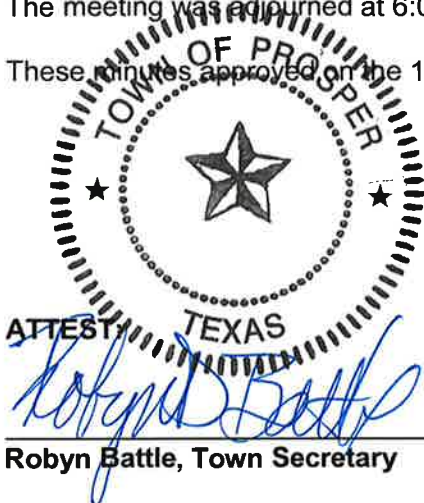
2. Receive the 2015 Annual Report.

Hulon Webb, Executive Director of Development and Community Services, presented the annual report to the Board.

3. Adjourn.

The meeting was adjourned at 6:07 p.m. on January 26, 2016.

These minutes approved on the 11th day of April, 2017.



APPROVED:



Ray Smith, Mayor



Prosper is a place where everyone matters.

MINUTES
Meeting of the Town of Prosper Tax
Increment Reinvestment Zone No. 2
Board of Directors

Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, January 26, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:08 p.m.

Board Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Mike Davis (arrived at 6:06 p.m.)
Councilmember Jason Dixon
David Bristol, Prosper Economic Development Corporation Vice-President
Collin County Commissioner Susan Fletcher

Board Members Absent:

Mayor Pro-Tem Meigs Miller

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Leslie Scott, Library Director
January Cook, Purchasing Agent

2. Receive the 2015 Annual Report.

Hulon Webb, Executive Director of Development and Community Services, presented the annual report to the Board.

3. Adjourn.

The meeting was adjourned at 6:13 p.m. on January 26, 2016.

These minutes approved on the 11th day of April 2017.



Robyn Battle

Robyn Battle, Town Secretary

APPROVED:

Ray Smith

Ray Smith, Mayor