



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, November 12, 2019

Call to Order/ Roll Call.

The meeting was called to order at 5:47 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon (arrived at 5:53 p.m.)
Councilmember Marcus E. Ray
Councilmember Craig Andres
Councilmember Meigs Miller (arrived at 6:00 p.m.)
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/Public Information Officer
Chuck Springer, Executive Director of Administrative Services
Kelly Wilson, Finance Director
Betty Pamplin, Accounting Manager
Kala Smith, Human Resources Director
Dudley Raymond, Parks and Recreation Director
Paul Naughton, Landscape Architect
Hulon Webb, Engineering Services Director
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
John Webb, Development Services Director
Alex Glushko, Planning Manager
Doug Kowalski, Police Chief

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

Pastor John Fowler from First Presbyterian Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the following announcements:

Winter averaging for the Town's wastewater charges begins on November 15 and ends on February 15. Every year, the Town uses residential water consumption for these three months to determine average wastewater usage for the year. Contact the Utility Billing department for more information.

Entries for the Prosper Christmas Parade, sponsored by the Prosper Rotary Club, are now being accepted. The parade will begin at 2:30 p.m. on December 7, and will travel along Broadway to

Downtown. Community groups, civic organizations, scout troops, and businesses are encouraged to participate.

The annual Prosper Christmas Festival is moving back to Downtown Prosper on Saturday, December 7 from 3:00-7:00 p.m. This year's event will include a Kids Christmas Shop, complimentary horse-drawn carriage rides, Santa's Workshop with interactive children's art projects, Community Stage performances, and a Kid Zone with rides and attractions. The evening will end with Mayor Smith lighting the Community Christmas Tree, with fireworks to follow as the festival finale. More information is available at www.ProspersChristmasFestival.org

Councilmember Ray thanked Cub Scout Troop 1902 for meeting with Mayor Smith earlier this evening to learn about leadership in the community.

Discussion Items.

1. Presentation of the Government Finance Officer Association (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting. (KN)

Mayor Smith presented the award to Finance Director Kelly Wilson and Accounting Manager Betty Pamplin.

Deputy Mayor Pro-Tem Dixon arrived at 5:53 p.m.

2. Downtown Live! Discussion (DR)

Parks and Recreation Director Dudley Raymond briefed the Council on plans for the Downtown Live! event in 2020. The Town has budgeted \$50,000 for this event. The Council directed staff to pursue sponsorships and other fundraising efforts, identify a headline performer, and investigate holding the event on Broadway rather than the Town Hall parking lot. Additionally, the Council directed staff not to have alcohol sales, which will cut down substantially on the event cost. The Council would like to see more vendors at the next event, and perhaps involve downtown business owners and volunteers in the planning of the event.

Councilmember Miller arrived at 6:00 p.m.

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.

3. Consider and act upon the Minutes from the October 22, 2019, Town Council Meeting. (RB)

4. Receive the September Financial Report. (KW)

5. Receive the Quarterly Investment Report. (KW)

6. Consider and take action upon Resolution No. 19-81 expressing official intent to reimburse costs of Town capital improvement program projects that may be funded with proceeds of bonds or other obligations, if those costs are paid prior to the issuance of such bonds or other obligations. (KW)

7. Consider and act upon Resolution No. 19-82 appointing members to the Board of Directors of the Town of Prosper Crime Control and Prevention District. (KW)

8. Consider and act upon authorizing the Competitive Sealed Proposal (CSP) procurement method for construction of the Fishtrap Road (Teel Intersection Improvements) and Fishtrap & Teel Parkway Traffic Signal projects. (PA)
10. Consider and act upon a request for a Subdivision Waiver for a lot without street frontage for the Mav Addition, Block A, Lot 4, on 4.4± acres, located north side of Fishtrap Road, west of Legacy Drive. The property is zoned Office (O). (D19-0062).
11. Consider and act upon a request to permit open fencing in the front yard of Lot 14, Prestonview Estates, Phase 1, located at 8967 Prestonview Drive. (V19-0003). (JW)
12. 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 Andres removed Item 9 from the Consent Agenda.

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

9. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the Prosper Independent School District, and the Town of Prosper, Texas, related to the construction and/or expansion of Segments 1 through 4 of Fishtrap Road. (HW)

Hulon Webb, Director of Engineering Services, responded to questions regarding the timeline and budget for the different segments of the project. Some budget adjustments are due to the recent changes in the Town's pavement standards. Town Manager Harlan Jefferson stated that the Town will utilize a Competitive Sealed Proposal method of procurement to select a vendor for the project, which is more competitive, and should result in greater cost savings compared to other bidding methods.

After discussion, Councilmember Andres made a motion and Councilmember Hodges seconded the motion to approve Item 9. The motion was approved by a vote of 7-0.

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, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either

address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

13. **Conduct a Public Hearing, and consider and act upon an ordinance modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, regarding key lot side yard setbacks. (Z19-0015). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The proposed amendment is to eliminate the PD-40 regulation for a 25' key lot side yard setback, thus adopting the Town's standard key lot side yard setback regulation, which requires it match the adjacent front yard setback and accommodates the staggered setback provision.

Mayor Smith opened the Public Hearing.

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

Councilmember Miller made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 19-83 modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, regarding key lot side yard setbacks. The motion was approved by a vote of 7-0.

14. **Conduct a Public Hearing, and consider and act upon a request to amend Planned Development-68 (PD-68), Shops at Prosper Trail, on 33.2± acres, located on the northeast corner of Preston Road and Prosper Trail, generally to modify the development standards, including but not limited to permitting a drive-through restaurant, outdoor sales and display, modified parking regulations, and architectural design. (Z19-0017). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of this request is to amend Planned Development-68 (PD-68), Shops at Prosper Trail, 33.2± acres, to modify the development standards to accommodate existing development, as well as to allow for the development of the remaining pad sites within the development. Mr. Glushko reviewed the details of the request. Don Silverman, the applicant, also provided an overview of the proposed changes, noting that all of the buildings in the development will have a consistent palette of materials.

Mayor Smith opened the Public Hearing.

O. B. Barsh, 1350 Preston Road, Prosper, spoke in favor of the development, and provided photographs of the requested outdoor storage for Council's review. He noted that the items will be brought in at night, and would not impede sidewalk traffic or the sidewalk ramp.

Curt Mooney, 1230 Packsaddle Trail, Prosper, spoke in opposition to the item, stating that there was significant opposition to the development in 2014, since it did not comply with the Town's Comprehensive Plan at the time. He encouraged the Council to uphold the Town's standards and prohibit outdoor sales and storage, and the drive-through restaurant.

Barbara Nugent, 961 Grassy Shore, Prosper, spoke in opposition to the item, noting the noise and traffic that would accompany the drive-through restaurant.

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

The Council discussed the modifications to the parking area. Although the modifications were made without Town review or permitting, the Council was supportive of the applicant's request to allow the parking to remain as it currently exists.

Town Attorney Terry Welch responded to questions from the Council on the proposed Development Agreement. An ordinance and a development agreement will be brought forward for Council consideration at a future meeting which will incorporate the terms discussed tonight, as well as detailed building elevations.

After discussion, Councilmember Ray made a motion and Councilmember Hodges seconded the motion to approve the request to amend Planned Development-68 (PD-68), Shops at Prosper Trail, on 33.2± acres, located on the northeast corner of Preston Road and Prosper Trail, subject to the following conditions and exceptions:

1. Denial of the drive-through restaurant use on Lot 6;
2. Approval of the flat-roof architecture on Lot 7, subject to approval of a development agreement, including elevations consistent with proposed Exhibit F;
3. Denial of additional outdoor sales and display uses;
4. Approval of the modified parking on Lot 5, as it presently exists; and
5. Approval of a development agreement, including elevations of the office located on Lot 8 consistent with proposed Exhibit F.

The motion was approved by a vote of 5-2, with Deputy Mayor Pro-Tem Dixon and Councilmember Miller casting the opposing votes.

15. Consider and act upon authorizing the Town Manager to execute Contract Amendment #1 to the Professional Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail (Coit – Custer) project. (PA)

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. As part of the adoption of the Town's 2019-2020 Capital Improvement Program, the Town Council approved the funding for the construction of two lanes of the ultimate four lanes on Prosper Trail from Coit Road to Custer Road. The proposed Contract Amendment #1 includes the revision of the design plans to proceed from the 90% to 100% design, repackages the submittal of construction drawings and specifications to reflect the construction of two lanes of the ultimate four-lane design, modifies the drainage system to include open drainage, and provides record drawings at conclusion of construction.

The Council expressed a preference to accelerate the timeline on this project. Town Manager Harlan Jefferson noted that the project is currently scheduled so that design, right-of-way acquisition, and utility relocation can occur concurrently.

After discussion, Councilmember Hodges made a motion and Councilmember Andres seconded the motion to authorize the Town Manager to execute Contract Amendment #1 to the Professional Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail (Coit – Custer) project. The motion was approved by a vote of 7-0.

16. Consider and act upon an ordinance amending Subpart (4) "Amount of Park Improvement Fee," of Subsection (H), "Park Improvement Fee," of Section 6.20, "Park Land Dedications, and Fees," of Section 6, "Subdivision Design

Standards,” of the Subdivision Ordinance by removing park improvement fee amounts; amending Subsection (2) “Other Fees,” of Section V, “Development Fees,” of Appendix A, “Fee Schedule,” of the Town’s Code of Ordinances, by establishing new park improvement fees and amending the term, “Park Fee” to “Park Land Fee Lieu of Dedication” in the “Fee Schedule.” (MD19-0008)

Parks and Recreation Director Dudley Raymond presented this item before the Town Council. At the Town Council Strategic Session in January 2019, staff presented the current park improvement and park dedication fee rates. During the presentation, staff received direction from Town Council regarding the amount of fees that should be increased in the near term, as well as possible fee increases in the future. Staff recommended, and Council agreed, on no change to the “Fee in Lieu of Park Land Dedication” requirement because it is currently meeting the needs of existing parks, and appears to be sufficient for future park needs. Town staff proposed an increase in the single family unit Park Improvement Fee from \$1,500 to \$2,300, and an increase in the multifamily unit fee from \$2,000 to \$2,800. The Town’s fees have not been updated since 2010. Staff met with the Prosper Developers Council (PDC) on September 10, 2019, to discuss the updated park improvement fee rates. Staff did not receive any formal comments from the PDC.

Mayor Smith recognized the following individual who requested to speak:

David Lehde, 5816 W. Plano Parkway, Plano, Director of Government Affairs at the Dallas Builders Association, spoke in opposition to the item, stating that the proposed Park Improvement Fees are higher than those of the surrounding cities, and will ultimately increase home prices for future homeowners in Prosper.

Responding to a question from the Town Council, Town Attorney Terry Welch responded that the fee goes into effect when the property is platted.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to table Item 16 indefinitely. The motion was approved by a vote of 7-0.

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:

Section 551.087 – To discuss and consider economic development incentives.

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.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with incentivization and revitalization of residential construction in the Old Town District, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with ordinance waivers, exceptions, and recommendations, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding legal issues relative to Section 1.03.002 of the Town's Code of Ordinances, and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

The Town Council recessed into Executive Session at 8:57 p.m.

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

The Town Council reconvened the Regular Session at 11:41 p.m. No action was taken as a result of the Closed Session.

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

17. No parking on Talon. (HW)

Hulon Webb, Director of Engineering Services, briefed the Council on a safety concern with parking along Talon Lane before and after school. Prosper ISD plans to erect permanent "no parking" signs in the area. The Prosper Police Department is assisting with enforcement in the area; however, the Town would need to adopt an ordinance and enter into an agreement with Prosper ISD in order to issue citations for parking violations.

18. Fence on west side of Talon. (HW)

Mr. Webb briefed the Council on a safety concern with students crossing the train tracks near the new football stadium. The Town proposed a fence and pedestrian bridge near the railroad tracks prior to the construction of the stadium; however, Prosper ISD, who owns the property adjacent to the railroad tracks, declined. A partial fence currently exists along the eastern property boundary of the football stadium, along Wesley Drive. Town staff was directed to stay in communication with Prosper ISD regarding the construction of a fence along the railroad tracks.

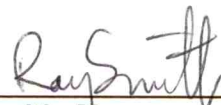
Adjourn.

The meeting was adjourned at 11:55 p.m. on Tuesday, November 18, 2019.

These minutes approved on the 26th day of November 2019.




APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary