

Prosper is a place where everyone matters.

MINUTES

Regular Meeting of the Prosper Town Council

Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, February 11, 2014

1. Call to Order/Roll Call.

The meeting was called to order at 6:02 p.m.

Council Members Present:

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

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
Chris Cople, Director of Development Services
Kent Austin, Finance Director
Trish Featherston, Accounting Manager

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

Pastor Wayne Bartley of First Baptist Prosper led the invocation.

3. Announcements of upcoming events.

Mayor Pro-Tem Miller made the following announcements:

The City of McKinney has closed Coit Road south of the US 380 intersection in preparation for constructing a new asphalt connection. Southbound motorists should use Preston Road or Custer Road to minimize delays. Weather permitting, the intersection is scheduled to reopen this Friday, February 14.

The North Texas Municipal Water District will conduct maintenance on its system from February 17 through March 17. This annual winter maintenance reduces the need to flush systems during the warm weather periods, and conserves water. While residents might notice a change in the taste and odor of the water during this time, the water will continue to be safe.

Collin County is hosting a public meeting for area residents to review the Draft Collin County Mobility Plan on Tuesday, February 18, from 6-8:30 p.m. at the Collin County

Community College Campus in McKinney. The plan is updated every five years to address transportation needs of county residents and businesses.

Prosper's annual Trout Derby will be held on Saturday, February 22, from 9:00-11:00 a.m. at Frontier Park. This free, family activity encourages youth to learn about fishing. Prizes for various age groups will be awarded. Contact Julie Shivers with the Parks & Recreation Department for more information.

The Town will hold its third annual Prosper Spring Clean Up event on Saturday, March 22, from 8:00 a.m.-Noon in the parking lots around Main Street Park. Residents may bring old electronics, tree and yard debris, and bulk items to be recycled. On-site shredding services will be available. Please bring a current water bill and drivers license as proof of residency. For more information, please contact Kelly Vanaman in Utility Billing.

4. Presentation.

- **GFOA Achievement of Excellence in Financial Reporting—for fiscal year ended September 30, 2012. (KA)**

Mayor Smith, Deputy Mayor Pro-Tem Dugger, and Councilmember Vogelsang presented the GFOA Achievement of Excellence in Financial Reporting plaque to Finance Director Kent Austin and Accounting Manager Trish Featherston.

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 – January 28, 2014**
- **Special Meeting – January 29, 2014**

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve all items on the Consent Agenda. 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.)

Mayor Smith recognized the following individuals who requested to speak:

Alan Michlin, 3526 Smiley Road, Prosper, spoke regarding poor road conditions on the west side of Prosper. He urged Council to improve the maintenance of roads and

encouraged the use of chip seal rather than curb and gutter pavement on the west-side roads.

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 a request to rezone 6.5± acres, located on the west side of Custer Road, 500± feet north of Prosper Trail, from Agricultural (A) to Planned Development-Office (PD-O). (Z13-0009). (CC)**

Mayor Smith recused himself from Items 7 and 8, as he is currently a member of the Board of Directors of Lighthouse Church, and he stepped down from the Council bench.

Chris Copple, Director of Development Services, presented this item before the Town Council. The proposed zoning request is to allow for non-residential development and reduce the list of permitted uses from those allowed under straight Office zoning. The Future Land Use Plan (FLUP) recommends Low Density Residential uses for the property; however, Town Staff has considered the request using criteria provided in the Comprehensive Plan for zoning requests that deviate from the FLUP. The Planning and Zoning Commission has approved the request, and Town Staff recommends approval as well. Mr. Copple responded to questions from the Town Council on building height requirements and responses submitted by adjacent property owners.

Mayor Pro-Tem Miller opened the Public Hearing.

With no-one speaking, Mayor Pro-Tem Miller closed the Public Hearing.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve a request to rezone 6.5± acres, located on the west side of Custer Road, 500± feet north of Prosper Trail, from Agricultural (A) to Planned Development-Office (PD-O). The motion was approved by a vote of 6-1.

8. **Conduct a Public Hearing, and consider and act upon a request to amend 6.6± acres of Planned Development-57-Office (PD-57-O), located on the north side of Prosper Trail, 500± feet west of Custer Road. (Z13-0019). (CC)**

Chris Copple, Director of Development Services, presented this item before the Town Council. The proposed zoning request is to allow for the addition of two temporary buildings to be located north of the existing building within the PD. While the FLUP recommends Low Density Residential Uses for the property, the property was rezoned Planned Development-57-Office (PD-O) after consideration of the criteria outlined in the

Comprehensive Plan for zoning requests that deviate from the FLUP. The Planning and Zoning Commission has approved the request, subject to landscaping being planted between the temporary buildings and the Rhea Mills subdivision. The proposed ordinance exhibits have been updated to reflect this recommendation, and Town staff recommended approval of the request. Mr. Copple responded to questions from the Town Council regarding the landscaping requirements, detention pond, and requirements for temporary buildings under the current Town ordinance.

Mayor Pro-Tem Miller opened the Public Hearing.

Toby Haggard, 3737 E. Prosper Trail, Prosper, commented that the school district owns temporary buildings, and are unlikely to leave them behind.

With no-one else speaking, Mayor Pro-Tem Miller closed the Public Hearing.

Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve a request to amend 6.6± acres of Planned Development-57-Office (PD-57-O), located on the north side of Prosper Trail, 500± feet west of Custer Road. The motion was approved by a vote of 6-1.

DEPARTMENT ITEMS:

9. **Consider and act upon adopting an ordinance amending Article 4.02 of Chapter 4 of the Code of Ordinances related to the 2006 mixed beverage election and alcohol permit fees to be collected by the Town. (RB)**

Town Secretary Robyn Battle presented this item before the Town Council. At the January 28, 2014, Town Council meeting, the Council was provided with an update on the TABC fees for alcohol permits. The Town's ordinance currently allows for the collection of local permit fees. Ms. Battle reviewed the staff time required to process an alcohol permit, and responded to questions from the Town Council on the permit process.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Wilson seconded the motion to adopt Ordinance No. 14-06, amending Article 4.02 of Chapter 4 of the Code of Ordinances related to the 2006 mixed beverage election and alcohol permit fees to be collected by the Town. The motion was approved by a vote of 7-0.

10. **Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Bond Purchase Agreement, a Paying Agent/Registrar Agreement, and an engagement letter of Bond Counsel. (KA)**

Finance Director Kent Austin presented this item before the Town Council. On December 16, 2013, the Town Council approved a resolution directing staff to publish notice of the Town's intent to issue Town of Prosper Combination Tax and Surplus Revenue Certificates of Obligation to fund the Town's share of the Doe Branch wastewater treatment plant, in an amount not to exceed \$16 million. The plant is being

built by the Upper Trinity Regional Water District (UTRWD) for the benefit of Prosper, the City of Celina, Mustang Special Utility District, and Denton County Fresh Water Supply District #10. UTRWD is issuing its own bonds to fund the remainder of the project. Town staff proposes funding \$13 million of its \$16 million share by debt, with the remaining \$3 million funded by cash in the Water/Sewer Fund. At a meeting of the participants on January 17, it became apparent that the original overall timetable required modification. Consequently, Prosper agreed to postpone its bond issuance from February 11 to February 25.

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Wilson seconded the motion to reschedule adoption of an ordinance authorizing the issuance of the Town's Combination Tax and Surplus Revenue Certificates of Obligation, Series 2014, to the Town Council meeting scheduled to begin at 6:00 p.m. on February 25, 2014, at the Prosper Municipal Chambers, 108 W. Broadway, Prosper, Texas. The motion was approved by a vote of 7-0.

Town Manager Harlan Jefferson then informed the Town Council that the Town's bond rating had been increased. Mr. Austin explained that Moody's had recently upgraded the Town's bond rating from AA3 to AA2, which indicates the Town is a high-quality, low-risk bond issuer.

11. **Consider and act upon the proposed park land dedication within the limits of the preliminary plat of Brookhollow, on 158.5± acres, located on the north side of First Street, 1,600± feet east of Coit Road. (D12-0013). (PN)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Planned Development 39 (PD-39) requires a dedication of a minimum of 8.71 acres or 5% of the net platted acreage, whichever is less, to the Town for park purposes. The intent of this requirement was to complete the acquisition of land around Town Lake. The proposed preliminary plat shows 277 single family residential lots. Using the calculation stated above, the park land required by the development is 7.9 acres. At this time, the developer is proposing to dedicate 8.15 acres of park land to meet the required 7.9 acres of park land dedication. Mr. Webb responded to questions from the Town Council regarding the dedication and platting process, and access to trail connections around Town Lake. The Parks and Recreation Board approved the request, and Town staff recommended approval as well.

After discussion, Councilmember Wilson made a motion and Councilmember Korbuly seconded the motion to approve the proposed park land dedication within the limits of the preliminary plat of Brookhollow, on 158.5± acres, located on the north side of First Street, 1,600± feet east of Coit Road. The motion was approved by a vote of 7-0.

12. **Discuss and provide update on status of proposed alignment of DNT Backer Road. (HW)**

Since 2003, the Town's Thoroughfare Plans have depicted future roadways paralleling the Dallas North Tollway on either side from First Street to Frontier Parkway. In 2006, the Town Council approved a zoning request from Prestonwood Baptist Church, and recommended the future roadway paralleling the Dallas North Tollway from First Street to Prosper Trail be realigned to connect with Cook Lane south of Prosper Trail. Town staff met with representatives from Prestonwood Baptist Church, Blue Star Land, and

Tomlin Investments on the proposed realignment of the roadway paralleling the Dallas North Tollway from First Street to Prosper Trail, as well as a new east-west divided thoroughfare. Consensus could not be reached, so the preliminary site plan was approved which depicted the future roadways within the property boundaries of Prestonwood Baptist Church with a note that the alignment of the roadways would be determined at a future date. As part of the Town's 2012 update to the Comprehensive Plan, the Town's consultant recommended a continuous DNT Backer Road east of the Dallas North Tollway, from US 380 to Frontier Parkway. The Town's Thoroughfare Plan was updated to reflect this recommendation. Discussions are ongoing between Town staff and the property owners to develop an alignment plan that is acceptable to all parties. Town staff was directed to continue discussions to find a feasible resolution for the alignment.

13. Discuss and provide direction to Town staff regarding the naming of future thoroughfares. (CC)

Chris Copple, Director of Development Services, presented this item before the Town Council. Town staff is seeking direction from the Town Council on four unnamed segments depicted on the Town's Thoroughfare Plan. Mr. Copple reviewed Town staff's recommendations. Mr. Copple responded to questions regarding addressing and street naming standards for streets that change direction.

The Town Council recommended the following names:

Thoroughfare #1 – Shawnee Trail

Thoroughfare #2 – Prairie Drive

Thoroughfare #3 – will remain unnamed until the alignment of the DNT Backer Road is resolved

Thoroughfare #4 – Mahard Parkway

Councilmember Dixon asked a question to confirm whether the proposed DNT Backer Road would continue to US 380. Mr. Webb confirmed that it would.

14. 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:

14a. *Section 551.087. To discuss and consider economic development incentives.*

14b. *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.*

14c. *Section 551.071. Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:18 p.m.

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

The Regular Session was reconvened at 7:55 p.m.

No action was taken as a result of Executive Session.

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

- **Possibly cancel March 11, 2014, Town Council meeting. (RB)**

Town Secretary Robyn Battle proposed canceling the March 11, 2014, Town Council meeting due to Spring Break. The Town Council agreed to cancel the meeting, as there are not many items on the agenda.

- **Update on 100-Year Celebration (RB)**

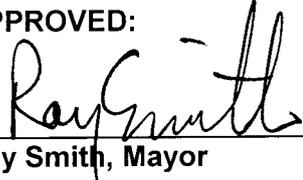
Town Secretary Robyn Battle updated the Town Council on the plans discussed by the 100-Year Celebration planning committee. Proposals include a celebration in downtown Prosper on April 26, and a ceremony to rename Frontier Park Pavilion and to bury a time capsule in April of 2015. The Town Council directed staff to pursue plans for both events.

17. Adjourn.

The meeting was adjourned at 8:09 p.m., on Tuesday, February 11, 2014.

These minutes approved on the 25th day of February, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary