

*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, April 22, 2014

**1. Call to Order/Roll Call.**

The meeting was called to order at 6:06 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

**Council Members Absent:**

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, Development Services Director  
Kent Austin, Finance Director  
Doug Kowalski, Interim Police Chief

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

Pastor David Hancock led the invocation. The pledge of allegiance and the pledge to the Texas flag were recited.

**3. Announcements of upcoming events.**

Councilmember Korbuly made the following announcements:

Please join us on Saturday, April 26th, as we celebrate the 100th birthday of our Town's incorporation. Prosper's Centennial Celebration will kick off with an Opening Ceremony at 12:30 p.m., followed by entertainment, food and fun activities for the whole family until 4:00 p.m. For more information, please contact Town Secretary Robyn Battle.

The Prosper Police Department will host a Community Safety Initiative on May 10 at Frontier Park, from 10:00 a.m. to 1:00 p.m. Residents will have the chance to meet police officers in person, learn about crime prevention efforts in our community, and

enjoy free food, games, music and other activities. Please contact Officer Juan Flores for more information.

The Prosper Parks and Recreation Department is seeking input from residents as part of the Parks, Recreation and Open Space Master Plan update. A public visioning and discussion meeting will be held on Monday, May 12, from 7 to 8:30 p.m. at the Prosper High School cafeteria. Residents are encouraged to share their thoughts, ideas and vision for the Town's parks programs and facilities. Please contact Will Mitchell, Parks and Recreation Manager, for more information.

TxDOT and Mario Sinacola will close the eastern half of the Frontier Parkway and Preston Road intersection this weekend. Weather permitting, 5:30 p.m. on Friday, April 25, crews will close the east side of Frontier to allow for the set up and pouring of concrete on Saturday. The intersection is scheduled to reopen before 7:00 a.m. Monday morning. During this closure of Frontier Parkway, motorists are asked to utilize Prosper Trail or CR 83 through Celina to access Preston Road.

Councilmember Wilson announced that Kite Day will be held at Frontier Park on Saturday, May 17, from 10:00 a.m. to 2:00 p.m.

**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 – April 8, 2014**
- 4b. Receive the March 2014 Financial Report.**
- 4c. 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. (CC)**
- 4d. Consider and act upon authorizing the Mayor to execute a Partial Termination of the Preannexation Agreement between the Town of Prosper and TVG Texas I, LLC. (CC)**
- 4e. Consider and act upon an Ordinance rezoning 29.5± acres, located on the southeast corner of Coit Road and Frontier Parkway, from Agricultural (A) to 17.9± acres of Single Family-17.5 (SF-17.5) and 11.6± acres of Retail (R). (Z14-0004). (CC)**

- 4f. **Consider and act upon an Ordinance granting a Specific Use Permit (SUP) for a Child Day Care Center, on 2.3± acres, located on the east side of Coit Road, 800± feet north of First Street. The property is zoned Retail (R). (S14-0001). (CC)**

Deputy Mayor Pro-Tem Dugger asked that items 4c and 4d be removed from the Consent Agenda.

Mayor Pro-Tem Miller 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 6-0.

Chris Copple, Director of Development Services, responded to questions from the Town Council on items 4c and 4d.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Wilson seconded the motion to approve items 4c and 4d. The motion was approved by a vote of 6-0.

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.)

Comments by the Public:

Irwin "Cap" Parry, 850 Kingsview Drive, read portions of the Town of Prosper's Comprehensive Plan, and indicated that he believes the recent Planned Developments considered by the Town Council do not follow the Comprehensive Plan.

**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 878.9± acres, located on the southeast and southwest corners of Prosper Trail and Dallas Parkway, from Planned Development-3 (PD-3), Planned Development-14 (PD-14), Planned Development-23 (PD-23), Planned Development-34 (PD-34), Single Family-10 (SF-10), Single Family-12.5 (SF-12.5), Office (O), and Commercial Corridor (CC) to Planned Development-Single Family/Office/Retail (PD-SF/O/R). (Z13-0018). (CC)**
7. **Conduct a Public Hearing, and consider and act upon a request to rezone 621.1± acres, located on the northeast and northwest corners of U.S. 380 and Preston**

Road, from Planned Development-2 (PD-2), Planned Development-3 (PD-3), Planned Development-13 (PD-13), Agricultural (A), and Single Family-15 (SF-15) to Planned Development - Single Family-10/Townhome/Multifamily/Office/Retail/Commercial (PD-SF-10/TH/MF/O/ R/C). (Z09-0013). (CC)

Mayor Smith announced that the applicant for Items 6 and 7 has requested a work session on April 30, 2014, which will be open to the public. Items 6 and 7 will be tabled until after the work session.

Mayor Smith recognized the following individual who requested to speak:

Ron Underwood, 8A Rhea Mills Circle, Prosper, requested to speak on Item 7. He encouraged the Town Council to support the construction of a Veterans Memorial as part of the proposed request.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to table Items 6 and 7 to the May 13, 2014, Town Council meeting. The motion was approved by a vote of 6-0.

Mayor Smith announced that the May 13, 2014, Town Council meeting will be held at the Prosper High School cafeteria.

#### **DEPARTMENT ITEMS:**

8. **Consider and act upon an ordinance approving a Water Resource and Emergency Management Plan and Water Conservation Plan; establishing criteria for the initiation and termination of drought response states; establishing restrictions on certain water uses; establishing administrative fees for violation and provisions for enforcement of these restrictions; establishing procedures for granting variances; repealing Ordinance Nos. 96-23, 00-20, 01-11, 02-30, 06-01 and 11-57; providing for repealing, savings and severability clauses; providing for an effective date of this Ordinance; and providing for the publication of the caption hereof. (FJ)**

Hulon Webb, Executive Director of Development and Community Services, requested that this item be tabled so that staff can revise the proposed regulations for enforcement and notification, and get clarification from the North Texas Municipal Water District (NTMWD) on the proposed changes to the various stages of the water conservation plan. The Town Council requested that the updated plan address when and how repairs may be made to existing systems.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Wilson seconded the motion to table Item 8. The motion was approved by a vote of 6-0.

9. **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:**

- 9a. *Section 551.087 - To discuss and consider economic development incentives.*
- 9b. *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.*

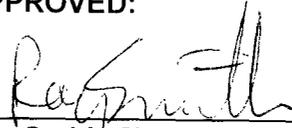
The Executive Session was not held.

10. **Reconvene in Regular Session and take any action necessary as a result of the Closed Session.**
11. **Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.**
12. **Adjourn.**

The meeting was adjourned at 6:26 p.m., on Tuesday, April 22, 2014.

These minutes approved on the 13th day of May, 2014.

**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**