



*Prosper is a place where everyone matters.*

**MINUTES**  
**Meeting of the Prosper Town Council**  
Prosper High School Cafeteria  
301 Eagle Drive, Prosper, Texas  
Tuesday, May 13, 2014

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

The meeting was called to order at 5:00 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 Copple, Development Services Director  
Kent Austin, Finance Director  
Doug Kowalski, Chief of Police

**2. 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:

- 2a. Section 551.087 - To discuss and consider economic development incentives.**
- 2b. 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.**
- 2c. Section 551.074. - To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment, Construction Board of Appeals, and Library Board.**

The Town Council recessed into Executive Session at 5:01 p.m.

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

The regular session was reconvened at 7:30 p.m.

No action was taken as a result of Executive Session.

**REGULAR MEETING**

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

Pastor John Fowler led the invocation. The pledge of allegiance and the pledge to the Texas flag were recited.

2. **Announcements of upcoming events.**

Councilmember Korbuly made the following announcements:

This morning at the Prosper Chamber of Commerce Networking Breakfast, Congressman Sam Johnson presented the Town Council with a flag and a Congressional Record in honor of Prosper's Centennial Celebration. The Town Council would like to thank the volunteers, staff, and partners who helped make the Celebration a success.

Prosper ISD will host its second annual Special Olympics Track Meet on Friday, May 16. Opening Ceremonies will begin at approximately 9:45 a.m. Residents are invited to come out and support these exceptional athletes. Contact Heather Brister at Prosper ISD for more information.

The Danny Wilson Allstate Kite Day is set for Saturday, May 17, from 10:00 a.m. to 2:00 p.m. at Frontier Park. Everyone is encouraged to bring their favorite kite, or they can pick one up for free at the event while supplies last. Several sponsors will be on site to provide fun activities, food, and information. There is no charge to participate in the event.

Prosper's Summer Series begins this Saturday, May 17, at 6:00 p.m. at Frontier Park. There will be food, music and a 16-foot inflatable slide, followed by a live concert by Prosper's own country music artist Lucy Scholl at 7:00. We will end the evening with a movie showing of "Frozen." Admission is free. Please bring your blankets and lawn chairs.

TxDOT and Mario Sinacola will close the eastern half of the First Street and Preston Road intersection this weekend. Weather permitting, crews will close the east side of First Street at 5:30 p.m. on Friday 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 First Street, motorists are encouraged to utilize Hays Road or Prosper Trail to access Preston Road.

Councilmember Korbuly congratulated the Prosper Police Department on their successful Community Safety Initiative event that took place on Saturday, May 10.

3. **Proclamations.**

- **Presentation of a Proclamation to members of the Prosper Police Department declaring May 11-17, 2014, as *Police Week*, and declaring May 15, 2014, as *Peace Officers Memorial Day*.**
- **Presentation of a Proclamation to members of Denton ABATE declaring May 2014 as *Motorcycle Safety Awareness Month*.**

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 meetings. (RB)**
- **Special Called Meeting – April 22, 2014**
  - **Regular Meeting – April 22, 2014**
  - **Work Session – April 30, 2014**
- 4b. **Consider and act upon Resolution No. 14-27 of the Town Council of the Town of Prosper, Texas, denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division, under the Company’s 2014 annual rate review mechanism (RRM) filing in all cities exercising original jurisdiction. (KA)**
- 4c. **Consider and act upon Resolution No. 14-28 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for Cockrell Park Land Acquisition. (PN)**
- 4d. **Consider and act upon authorizing the Town Manager to execute an agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, Texas, related to the design of SH 289 Median Lighting. (MR)**
- 4e. **Consider and act upon authorizing the Town Manager to execute the Amended and Restated Potable Water Supply Contract between North Texas Municipal Water District and the Town of Prosper, Texas. (FJ)**

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

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.)

Mayor Smith recognized the following individuals who requested to speak:

Irwin "Cap" Parry, 850 Kingsview Drive, Prosper, encouraged the Town Council and Town Staff to make efforts to attract homebuyers to the area from companies such as Toyota, who will soon be relocating to the area.

Jack Dixon, 810 Long Valley Court, Prosper, congratulated the Prosper Eagles on their successful baseball season.

Brady Haarmeyer, 160 Wilson Drive, Prosper, did not wish to speak, but submitted a Public Meeting Appearance Card requesting the Council to take steps to enforce the quiet zone along the BNSF railroad.

### **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)**

Development Services Director Chris Copple presented this item before the Town Council. The Town Council held a work session on April 30, 2014, and on May 7, 2014, the applicant submitted revised zoning exhibits to reflect issues brought forward during the work session. Mr. Copple reviewed the details of The Villages of Star Trail Planned Development proposed zoning request, including recommendations made by the Parks and Recreation Board and the Planning and Zoning Commission. Town staff provided a list of several items for the Town Council to consider prior to taking action on the item.

Mayor Smith opened the Public Hearing.

Jack Dixon, 810 Long Valley Court, Prosper, was pleased that the updated application had removed all multifamily residential from the application, but was still concerned about the number of high-density lots. Mr. Copple clarified the number and size of residential lots in the proposed development.

Larry Delzell, 2401 Wing Point Lane, Plano, representing Darling Homes, spoke in favor of the item, noting that the current homebuying market is demanding high-quality development, but with a variety of styles and lot sizes.

Ron Underwood, 8A Rhea Mills, Prosper, submitted a Public Meeting Appearance Card for Items 6 and 7, encouraging the Town Council to designate an area within the Blue Star development for a Veterans Memorial.

Ken Weaver, 1480 Beacon Hill Drive, Prosper, submitted comments in opposition of the items, unless the recommendations of the Parks and Recreation Board, the Planning and Zoning Commission, and Town Staff are adopted as part of the item.

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

Dena Compton Devoto of Blue Star Land continued the presentation to Council, addressing some of the comments made previously, and reviewing some of the major features of the proposed zoning request. Several representatives from potential homebuilders for the project were present for the meeting. Blue Star's goal for the project is to provide an array of housing options to residents, while maintaining quality and integrity, and meeting the needs and desires of the Prosper community. While they have eliminated multifamily units from the project at the request of the Town, Blue Star believes The Villages of Star Trail Planned Development still meets those overall goals.

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve 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), subject to the following conditions:

1. Revise Exhibit F to state the elevations on the following pages are artists' concepts, the following elevations shall be representative of the architectural style, color, and material selections for the single family dwellings in Star Trail.

The motion was approved by a vote of 5-2.

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)**

Development Services Director Chris Copple presented this item before the Town Council. The Town Council held a work session on April 30, 2014, and on May 7, 2014, the applicant submitted revised zoning exhibits to reflect issues brought forward during the work session. Mr. Copple reviewed the details of The Gates of Prosper Planned Development proposed zoning request, including recommendations made by the Planning and Zoning Commission. Town staff provided a list of several

items in the Council packet materials for the Town Council to consider prior to taking action on the item.

Mayor Smith opened the Public Hearing.

Ken Weaver, 1480 Beacon Hill Drive, Prosper, submitted comments in opposition of the items, unless the recommendations of the Planning and Zoning Commission, and Town Staff are adopted as part of the item.

Clint McCaffree, 1120 Mystic Way, Prosper, spoke in opposition to the item on behalf of Willow Ridge HOA, noting that although he does appreciate the relocation of the multifamily residential development, he expressed concern regarding the development of Lovers Lane, he requested the existing tree line between The Gates of Prosper development and Willow Ridge be preserved as a buffer, in addition to the wetland.

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

Scott Shipp of Blue Star Land continued the presentation to Council, addressing some of the comments made previously, and reviewing some of the major features of the proposed zoning request.

At 9:30 p.m., the Town Council recessed into Executive Session to consult with the Town Attorney.

The regular session was reconvened at 9:35 p.m. No action was taken as a result of Executive Session.

Mr. Shipp answered several questions from the Town Council about the development, including façade materials, landscape buffers, and the timeline for the various phases of development.

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve 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)., subject to the following conditions:

1. The conceptual elevations or photographs contained in the proposed Planned Development Ordinance shall contain the following language: The following elevations (or photographs, where appropriate) shall be representative of the architectural style, color and material selections depicted therein.
2. Maximum Number of Apartments and Townhomes; Location. Apartments shall not exceed 600 units and town homes shall not exceed 150 units. Apartments shall be constructed in (i) that portion of subdistrict 2 immediately east of the BNSF railroad line, south of Lovers Lane, north of the Lifestyle Center and west of the proposed north-south greenbelt, (ii) the area bordered on the north by Lovers Lane, on the east by Coleman Street, on the south by the Lifestyle

Center, and on the west by the proposed north-south greenbelt, and (iii) that portion of subdistrict 3 immediately east of the BNSF railroad line, north of Lovers Lane and west of the proposed north-south greenbelt. Town homes may be constructed in (i) the same locations as the apartments referenced herein, (ii) adjacent to First Street in subdistrict 3 and (iii) that area west of Coleman Street, north of Lovers Lane and east of the proposed north-south greenbelt.

3. Timing Requirements for Multifamily and Townhome Construction. Upon the issuance by the Town of tenant certificates of occupancy for at least 300,000 square feet of retail development on the property, the developer may construct up to 300 multifamily units and 150 townhome units. Upon the issuance by the Town of tenant certificates of occupancy for at least a total of 600,000 square feet of retail development on the property, the developer may construct up to an additional 300 multifamily units.
4. For nonresidential buildings in any subdistrict, a minimum of twenty-five percent (25%) of the front façade and any side façades shall be natural or manufactured stone. A minimum of twenty percent (20%) of the rear façade of any building along U.S. Highway 380 shall be natural or manufactured stone; all other rear façades facing a public right-of-way shall be a minimum of ten percent (10%) natural or manufactured stone unless a landscape screen consisting of a double row of evergreen canopy trees is provided along said right-of-way.
5. Townhomes and multifamily units shall be constructed of a minimum of twenty percent (20%) natural or manufactured stone or integral color split-faced block. Stucco shall only be permitted on the second floor of a townhome unit or higher, or the third floor of a multifamily building or higher.
6. I further move to direct Town staff to review whether that portion of Lovers Lane between U.S. Highway 380 and Preston Road adjacent to the Willow Ridge residential development shall be designated by the Town as a "no through truck" route. In the event that a future traffic impact study indicates that this section of Lovers Lane should be a two-lane collector, the developer shall proportionately increase its landscape buffers along that section of Lovers Lane. I additionally move to direct Town staff to review alternate median landscaping for this portion of roadway.

The motion was approved by a vote of 6-1.

#### **DEPARTMENT ITEMS:**

8. **Consider and act upon a resolution requesting the Texas Department of Transportation restrict commercial vehicle traffic along eastbound Frontier Parkway (FM 1461) between Preston Road (SH 289) and Custer Road (FM 2478). (DK)**

Police Chief Doug Kowalski presented this item before the Town Council. The proposed resolution is a request for the Texas Department of Transportation to designate the eastbound portion of Frontier Parkway (FM 1461) between Preston Road (SH 289) and Custer Road (FM 2478) to be designated as a "no truck route" in the interest of public safety. The City of Celina will be making the same request to

the Texas Department of Transportation as a result of action taken by the Celina City Council. Hulon Webb, Executive Director of Development and Community Services, elaborated on the presentation by depicting a map of current and future traffic signs and signals along Frontier Parkway. Town staff recommended the Town Council approve the proposed resolution.

Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to adopt Resolution No. 14-29, requesting the Texas Department of Transportation restrict commercial vehicle traffic along eastbound Frontier Parkway (FM 1461) between Preston Road (SH 289) and Custer Road (FM 2478). The motion was approved by a vote of 7-0.

**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.**

**9c. Section 551.074. - To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment, Construction Board of Appeals, and Library Board.**

The Town Council did not recess into Executive Session.

**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.**

**• Downtown Enhancements Project**

Senior Engineer Matt Richardson updated the Council on this Project. Town staff was directed to proceed with the street lighting project, but to limit the scope to Broadway and two blocks of Main Street, and to incorporate expanded sidewalks and enhanced landscaping.

**• Set date to canvass May 10, 2014, General Election**

Town Secretary Robyn Battle updated the Council on the May 10, 2014, General Election. Town Staff was directed to set May 19, 2014, as the date to canvass the election.

- **Proactive traffic enforcement on US 380**

Police Chief Doug Kowalski updated the Council on this item. Due to the increased number of accidents along US 380, the Police Department will begin proactive enforcement of the area by increasing visibility in the area to encourage motorists to drive more safely, and by increasing education efforts through social media about traffic safety.

- **Amendment to the Future Land Use Plan**

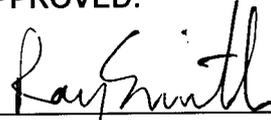
Development Services Director Chris Copple updated the Council on this item. Due to a recent zoning request, Town staff is seeking direction on whether to place an item on a future agenda regarding an amendment to the Future Land Use Plan. Town staff was directed to do so.

**12. Adjourn.**

The meeting was adjourned at 11:07 p.m., on Tuesday, May 13, 2014.

These minutes approved on the 27th day of May, 2014.

**APPROVED:**



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Ray Smith, Mayor

**ATTEST:**



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Robyn Battle, Town Secretary