



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, September 9, 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 Mike Davis (arrived at 6:39 p.m.)
Councilmember Curry Vogelsang, Jr.
Councilmember Jason Dixon

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Robert Brown, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
John Webb, Director of Development Services
Alex Glushko, Senior Planner
Matt Richardson, Senior Engineer
Bill Elliott, Building Official
Will Mitchell, Parks & Recreation Manager
Kent Austin, Finance Director
Trish Featherston, Accounting Manager
January Cook, Purchasing Manager
Baby Raley, Human Resources Director
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief
Ronnie Tucker, Fire Chief
Robert Winningham, Economic Development Corporation Executive Director

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

Doug Kriz of Grace Christian Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

Councilmember Vogelsang made the following announcements:

The Prosper Fire Department will host its third annual September 11 Remembrance Ceremony the morning of September 11 at 8:40 a.m. at the Fire Station. The public is invited to attend.

The annual Community Picnic will take place on Saturday, September 13, at Frontier Park from 5:00 p.m. - 8:00 p.m. The event includes free hot dogs and soft drinks until 6:00 p.m., bounce houses, games, music, and lots of fun activities for kids and families. Bethlehem Place will be accepting donations of non-perishable food, diapers, shampoo, and other personal grooming items. "The Lego Movie" will begin at dusk.

On Monday, September 1, residential and commercial water customers in Prosper returned to once-a-week watering of lawns and landscapes with automatic sprinkler systems. The change to weekly watering from twice-a-month watering will help ensure that water quality is maintained throughout the water distribution systems. The new restrictions will be in place through the end of October.

Town Manager Harlan Jefferson introduced John Webb, the Town's new Director of Development Services.

Councilmember Korbuly congratulated Prosper High School head football coach, Kent Scott, for coaching his 100th football game for Prosper ISD.

4. Proclamations.

- **Presentation of a Proclamation to members of the Leukemia & Lymphoma Society declaring September 2014 as *Leukemia, Lymphoma & Myeloma Awareness Month*. (RB)**

Kim Brown, representing the Leukemia and Lymphoma Society, was present to receive the Proclamation. She was accompanied by Audrey, a child from Prosper who is currently receiving treatment, and Audrey's grandfather.

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 meetings. (RB)**
 - **Joint Meeting with the City of Celina – August 19, 2014**
 - **Regular Meeting – August 26, 2014**
- 5b. **Receive the July 2014 financial report. (KA)**
- 5c. **Consider and act upon adopting the FY 2014-2015 Prosper Economic Development Corporation budget. (JW)**
- 5d. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between D.R. Horton – Texas, LTD, and the**

Town of Prosper, Texas, related to the channel improvements adjacent to the Hawk Ridge development. (HW)

- 5e. Consider and act upon awarding Bid No. 2014-59-B to Four Star Excavating, Inc., related to construction services for the Seventh Street Drainage Improvements project; and authorizing the Town Manager to execute a construction agreement for same. (MR)
- 5f. Consider and act upon Ordinance No. 14-59 involuntarily annexing a 2.3± acre tract of land, located on the east side of Dallas Parkway, 500± feet south of First Street. (A14-0001). (AG)
- 5g. Consider and act upon Ordinance No. 14-60 involuntarily annexing an 18.0± acre tract of land, located 800± feet south of Prosper Trail, 4,500± feet east of Coit Road. (A14-0002). (AG)
- 5h. Consider and act upon Ordinance No. 14-61 rezoning 0.2± acre, located on the north side of Broadway Street, 550± feet east of Coleman Street, from Single Family-15 (SF-15) to Downtown Office (DTO). (Z14-0012). (AG)

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 6-0.

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.)

Other Comments by the Public:

Irwin "Cap" Parry, 850 Kingsview Drive, Prosper, encouraged the Town Council to create a committee for the development of downtown Prosper to include municipal buildings and a Veterans Memorial.

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 to consider and discuss the FY 2014-2015 Budget, as proposed. (KA)

Finance Director Kent Austin presented this item before the Town Council. The proposed FY 2014-2015 budget includes no rate increases, and focuses primarily on public safety, street improvements, and parks improvements. Mr. Austin reviewed growth projections for the Town. Hulon Webb, Executive Director of Development and Community Services continued the presentation by providing a summary of the proposed Capital Improvement Program (CIP). After discussion on the location of dynamic speed limit signs, Town staff was directed to come up with a Town-wide strategy for the placement of these signs, and the Town Council will consider a budget amendment to fund the items at a later date. Town Manager Harlan Jefferson provided additional information on the timing of concrete and asphalt road improvements on the west side of Town, and the funding options for those projects.

Councilmember Mike Davis arrived at the meeting and took his place at the Council bench during the presentation.

Mayor Smith opened the Public Hearing.

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

8. Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 11.07 percent. (KA)

Finance Director Kent Austin presented this item before the Town Council. This is the second of two required Public Hearings for the proposed tax rate of \$0.52 per \$100 valuation. The Town Council is scheduled to adopt the tax rate at the September 23, 2014, Town Council meeting.

Mayor Smith opened the Public Hearing.

J.D. Sanders, 1511 Stillhouse Hollow, Prosper, urged the Town Council to be fiscally responsible now in response to the increase in tax revenues, and the effect it would have on families.

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

Mayor Smith asked Town Manager Harlan Jefferson to explain the budget process and respond to the speaker's concerns. Mr. Jefferson explained that the budget process begins in January with the Council's direction outlined in the annual Strategic Plan. From there, Town staff identifies funding mechanisms to provide the services that Council has prioritized, which is dependent on projected tax revenue. Town staff then develops a budget based on the needs of the Town and Council's priorities. One specific goal was to open a new Fire Station on the west side of Town without raising the tax rate. While the tax rate itself is not increasing, the increase in tax revenue is from new construction added to the tax rolls, and an increase in the values of existing homes. The proposed budget addresses the growth in population, and the increased demand for services. Mr. Jefferson explained that the Town utilizes

partnerships whenever possible to share the cost of infrastructure construction with developers through impact fees. The Town also utilizes Regional Toll Revenue, County funds, land donations, and grants, and continues to pursue a partnership with Prosper ISD to accommodate the growing need for additional school sites.

9. Conduct a Public Hearing, and consider and act upon a request to rezone 60.9± acres, located 2,000± feet south of First Street, 3,000± feet west of Dallas Parkway, from Planned Development-47 (PD-47) to Planned Development-Single Family-10 (PD-SF-10). (Z14-0013). (AG)

Senior Planner Alex Glushko presented this item before the Town Council. The request is to rezone the property to allow for the construction of single family homes. Mr. Glushko reviewed the proposed PD standards compared to straight SF-10 zoning. Several development regulations in the proposed PD exceed the minimum standards in the Town's Zoning Ordinance. The proposed PD would allow for a minimum lot size of 8,400 square feet.

Mayor Smith opened the Public Hearing.

Jack Dixon, 810 Long Valley Court, Prosper, spoke in opposition to the minimum lot size for the project, since the minimum lot size in the Zoning Ordinance is 10,000 square feet.

Dave Wilcox spoke on behalf of the applicant and presented a PowerPoint presentation with additional information on the project. The applicant's position is that the property is not viable for commercial development, and the proposed residential development would help reduce the oversupply of retail zoning in the Town.

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

Several Council members expressed concern with the minimum lot size. The applicant was asked to revise the proposal to include a minimum lot size of 10,000 square feet.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to table this item until the September 23, 2014, Town Council meeting. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

10. Consider and act upon an ordinance amending Section XIII "Parks and Recreation User Fees" of Appendix A "Fee Schedule" of the Town's Code of Ordinances by amending subsection (a) the field user fees. (JS)

Julie Shivers, Recreation Services Coordinator, presented this item before the Town Council. At the August 12, 2014, Town Council meeting, Town staff was provided with a recommendation from the Town Council on a revised field user fee structure. On September 2, 2014, Town staff met with representatives from the Town's various sports leagues, and were provided with additional feedback. Chuck Washburn addressed the Council on behalf of Prosper Little League. Ms. Shivers reviewed the fee structure proposed by the sports organizations, as well as data that she had compiled related to cost estimates for field maintenance and lighting. The Town

Council discussed the sharing of facilities between surrounding Towns, and the determination of league boundaries as they relate to the proposed fee changes.

After discussion, Town staff was directed to revise the ordinance to reflect the recommendation of the sports leagues. Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to table this item until the September 23, 2014, Town Council meeting. The motion was approved by a vote of 6-1.

11. 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:

11a. Section 551.087 – To discuss and consider economic development incentives.

11b. 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.

11c. 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 8:11 p.m.

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

The Regular Session was reconvened at 9:10 p.m. The following action was taken as a result of the Closed Session:

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to appoint the following individuals to the Town's Boards and Commissions, with terms to begin on October 1, 2014:

Board of Adjustment/Construction Board of Appeals	
Place No. 2	Bob Wierschem
Place No. 4 (Alternate)	George Dupont
Place No. 6	Ane Casady
Place No. 7 (one-year term)	Leray Meeks

Prosper Economic Development Corporation	
Place No. 2	Ray Smith
Place No. 4	David Bristol
Library Board	
Place No. 2	Sherilyn Bird
Place No. 3 (one-year term)	Chris Sanchez
Place No. 4	Janet Hudson
Place No. 5 (one-year term)	Jennifer Stice
Place No. 6	Amber Bowden
Place No. 7 (one-year term)	Jamie Pouster
Parks and Recreation Board	
Place No. 2	Jeffrey Hodges
Place No. 4	Jennifer Severance
Place No. 6	Keith Yellin
Planning and Zoning Commission	
Place No. 2	John Hema
Place No. 4	Klaus Hillman
Place No. 6	David Snyder

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

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

- **Speed Limit Ordinance (MR)**

Matt Richardson updated the Town Council on the proposed changes to the speed limit ordinance that will be presented for Council consideration at the September 23, 2014, Town Council meeting. A strategy for the placement of dynamic speed limit signs will be presented to Council in approximately two months.

- **Appointment process for Municipal Judge (RB)**

Town Secretary Robyn Battle updated the Town Council on the appointment process for the Municipal Judge, whose term will expire in October. Town staff was directed to place an item on the September 23, 2014, Town Council agenda, and to include an agreement outlining the compensation and duties of the Municipal Judge.

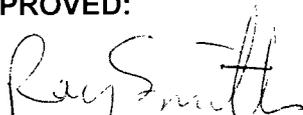
- Town staff was directed to expedite the amendments to the Zoning Ordinance increasing the residential development standards.
- Town Manager Harlan Jefferson addressed the Council on the current process for handling code violations. Town staff was directed to give one notice of violation, then pursue the issuance of citations.
- The Town Council was asked to provide feedback on the recently completed screening wall along First Street.

14. Adjourn.

The meeting was adjourned at 9:29 p.m.

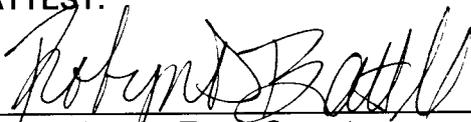
These minutes approved on the 23rd day of September, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary