

*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, March 24, 2015

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

The meeting was called to order at 6:00 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Meigs Miller (arrived at 6:10 p.m.)  
Deputy Mayor Pro-Tem Kenneth Dugger  
Councilmember Curry Vogelsang, Jr.  
Councilmember Michael Korbuly  
Councilmember Mike Davis  
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  
John Webb, Director of Development Services  
Alex Glushko, Senior Planner  
Kim Galvin, Interim Finance Director  
Doug Kowalski, Police Chief

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

Pastor Glen Gabbard of Christian Chapel Assembly of God led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of upcoming events.**

Deputy Mayor Pro-Tem Dugger made the following announcements:

Thank you to Prosper Scout Troop 1188 for providing the Color Guard and leading the Pledges at tonight's meeting. The troop is here tonight to fulfill a requirement for their "Citizenship in the Community" merit badge.

A public discussion of the Parks, Recreation and Open Space Draft Master Plan will take place on Thursday, March 26, at Prosper High School at 6:00 p.m. The discussion is intended to gather public input on the Town's needs and desires regarding parks and recreation programs and facilities.

The first of three water conservation seminars will be held on Monday, March 30, at the Public Works Office, located at 601 West Fifth Street, just west of the Burlington Northern Santa Fe Rail Line. The seminars will be held from 6:30-8:30 p.m., and will

include a range of topics such as rain barrels, lawn maintenance, and smart watering techniques during water restrictions.

On April 18, the Town will celebrate "Party at the Park," the final event of a year-long celebration of Prosper's 100th birthday. The event will take place at Frontier Park from 2:00-6:00 p.m. and will include food, live music, a kickball tournament, and activities for all ages.

Councilmember Korbuly announced that on Saturday, April 28, and Tuesday, March 31, PASO, will welcome Toronto Football Club Academy Division, which will be practicing at Frontier Park. Toronto FC's head coach is a former Prosper resident, and this is an excellent opportunity for soccer fans to see a professional soccer club practice in person.

Deputy Mayor Pro-Tem Dugger announced that Saturday, March 28, will be the opening ceremonies day for Prosper Little league.

Councilmember Vogelsang gave special thanks to all of the Town staff who helped with the Spring Cleanup event on Saturday, March 21.

#### **4. Presentations.**

- **Presentation of a Hometown Heroes Award to Erin Hubbard**

Erin Hubbard was joined by members of the Prosper Rotary Club and Prosper Police Department as Mayor Smith presented her with Prosper's first Hometown Heroes Award.

#### **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 – February 24, 2015**

**5b. Receive the February 2015 Financial Report. (KG)**

**5c. Consider and act upon Ordinance No. 15-15 revising Article 13.07 of the Code of Ordinances related to the utility billing policies. (KG)**

**5d. Consider and act upon authorizing the Town Manager to execute a Project Acceptance Agreement between D.R. Horton – Texas, Ltd., and the Town of Prosper, Texas, related to maintenance of public improvements to serve the Hawk Ridge development. (HW)**

**5e. 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)**

Deputy Mayor Pro-Tem made a motion and Councilmember Davis seconded the motion to approve all items on the Consent Agenda. The item 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.)**

**Other Comments by the Public -**

**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 9.4± acres, located 500± feet north of Prosper Trail, 3,000± feet west of Dallas Parkway, from Agricultural (A) to Planned Development-Single Family-12.5 (PD-SF-12.5). (Z14-0016). (JW)**

Development Services Director John Webb presented this item before the Town Council. At the January 13, 2015, Town Council meeting, this item was tabled and the Public Hearing was continued to the February 10, 2015, Town Council meeting. On February 10, per the applicant's request, the item was tabled to the March 24, 2015, Town Council meeting. The applicant has requested this item be tabled to the April 14, 2015 Town Council meeting to allow for additional time to further analyze the lot layout and the recommendations of the Low Density Residential District of the Future Land Use Plan, with regard to lot size and density. Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to table the item to the April 14, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

Mayor Smith opened Items 8 and 9 concurrently.

- 8. Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan, on the east side of Main Street, from Third Street to First Street, from Old Town – Office to Old Town – Main Street Retail. (CA15-0001). [Companion to Case Z15-0001]. (JW)**

9. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.8± acre, located on the southeast corner of Main Street and Third Street from Commercial (C) to Downtown Retail (DTR). (Z15-0001). [Companion to case CA15-0001]. (JW)**

Development Services Director John Webb presented this item before the Town Council. Town staff has received a zoning request to rezone the southeast corner of Main Street and Third Street from Commercial to Downtown Retail, which does not conform to the Future Land Use Plan (FLUP). The proposed amendment would revise the Old Town map inset of the FLUP on the east side of Main Street, from Third Street to First Street, to the "Main Street Retail" designation. The applicant has requested a change in zoning from Old Town-Office, which would create an extension of the Broadway Street character and increase the parameters of the downtown core. At the March 2, 2015, Planning & Zoning Commission meeting, the Commission recommended extending the Main Street Retail District from Third Street to Second Street; however, Town staff recommended extending the district to First Street.

Mayor Smith opened the Public Hearings on Item 8 and Item 9.

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

Mayor Pro-Tem Miller made a motion to approve a request to amend the Future Land Use Plan, on the east side of Main Street, from Third Street to First Street, from Old Town – Office to Old Town – Main Street Retail. The motion was approved by a vote of 7-0.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve a request to rezone 0.8± acre, located on the southeast corner of Main Street and Third Street from Commercial (C) to Downtown Retail (DTR). The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 1.1± acres, located on the north side of Third Street, 200± feet east of Coleman Street from Single Family-15 (SF-15) to Downtown Single Family (DTSF). (Z15-0002). (JW)**

Development Services Director John Webb presented this item before the Town Council. The request is to allow the development of five homes on lots to accommodate the redevelopment in the residential areas of the original town, in a district which recognizes the predominance of smaller, 50-foot wide lots. The existing structures will be removed to build the five homes.

Mayor Smith opened the Public Hearing.

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

Deputy Mayor Pro-Tem made a motion and Councilmember Dixon seconded the motion to approve Ordinance No. 15-16 rezoning 1.1± acres, located on the north side of Third Street, 200± feet east of Coleman Street from Single Family-15 (SF-15) to Downtown Single Family (DTSF). The motion was approved by a vote of 7-0.

11. **Conduct a Public Hearing, and consider and act upon an ordinance amending 3.5± acres of Planned Development-17 (PD-17), located on the northwest corner of First Street and Preston Road. (Z15-0003). (JW)**

Development Services Director John Webb presented this item before the Town Council. This is a limited amendment to PD-17, in that it would amend 3.5 acres of the 17.5-acre PD to accommodate a specific 3-story banking/office building totaling 25,000 square feet, with underground parking, and a drive-through.

Mayor Smith opened the Public Hearing.

Juan Vasquez spoke on behalf of the applicant. He explained that because of grading differences on the property, the building will appear taller on one side than the other. A representative from the bank added that while no landscape plan has been submitted yet, all landscaping will meet or exceed the Town's requirements.

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

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to adopt Ordinance No. 15-17 amending 3.5± acres of Planned Development-17 (PD-17), located on the northwest corner of First Street and Preston Road. (Z15-0003). The motion was approved by a vote of 7-0.

12. **Presentation of service plan and first public hearing to consider the annexation of a 18.6± acre tract of land, located on the south side of Prosper Trail, 2,500± feet west of Custer Road. (A15-0001). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. In January of 2015, the Town acquired the 18.6-acre tract of land for Town use as a potential future fire station site as well as park land and facilities. This is the first of two Public Hearings required to be held prior to annexation. Mr. Glushko responded to a question from Council that there is no street connection from the proposed annexed property to the Whitley Place subdivision.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing. No further action was taken.

**DEPARTMENT ITEMS:**

13. **Consider and act upon a resolution accepting the Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2014, as presented by Cara Hilbrich of Davis Kinard & Co., PC, Certified Public Accountants. (KG)**

Interim Finance Director Kim Galvin introduced Cara Hilbrich of Davis Kinard & Co., PC, Certified Public Accountants, who reviewed the annual Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the FY 2013-2014. The Town Council was provided with hard copies of the CAFR, and Prosper Economic Development Corporation Financial Statements, and Independent Auditor's Report for FY 2013-2014. Ms. Hilbrich reviewed some highlights of the CAFR, which showed the Town to be in excellent financial standing. The auditors found no conditions

requiring the drafting of a Management Letter for FY 2013-2014, which would indicate any practices or controls that were deemed deficient.

Councilmember Korbuly made a motion and Councilmember Vogelsang seconded the motion to approve Resolution No. 15-18 accepting the Independent Audit Report and Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2014. The motion was approved by a vote of 7-0.

**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 the Town Attorney to receive legal advice related to zoning districts, permitted uses, specific uses and state law requirements related to same, pursuant to Chapter 211 of the Texas Local Government Code, and all matters incident and related thereto.***
- 14d. *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 6:52 p.m.

Mayor Smith left the Executive Session at 7:57 p.m.

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

The Town Council reconvened the Regular Session at 8:22 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.**

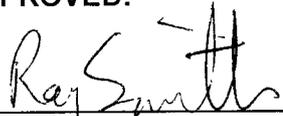
Councilmember Korbuly proposed a joint meeting with the Prosper ISD School Board. Town Attorney Terry Welch proposed that Councilmember Korbuly forward a proposed agenda to Town Secretary Robyn Battle for future consideration by the Town Council.

**17. Adjourn.**

The meeting was adjourned at 8:27 p.m.

These minutes approved on the 14th day of April, 2015.

APPROVED:

  
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Ray Smith, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Battle, Town Secretary