

*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 14, 2015

**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 Curry Vogelsang, Jr.  
Councilmember Michael Korbuly  
Councilmember Mike Davis

**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  
John Webb, Director of Development Services  
Matt Richardson, Senior Engineer  
Frank Jaromin, Public Works Director  
Tristan Cisco, Water Conservation Coordinator  
Will Mitchell, Parks and Recreation Manager  
Paul Naughton, Landscape Architect  
Doug Kowalski, Police Chief  
Gary McHone, Assistance Police Chief  
Natalee Warren, Dispatch Supervisor

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

Pastor John Herring of First Baptist Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of upcoming events.**

Councilmember Mike Davis made the following announcements:

This afternoon, the Town held a swearing-in ceremony for its newest members, Officer Carlos Riojas, Officer Jeremy Duerksen, Officer Jason Aguado, and Reserve Officer Anthony Pospick. We are proud to welcome these newest members to our Police Department. Officer Scott Lacagnin was also sworn in as the Municipal Court's Official Bailiff.

The second of three water conservation seminars will be held on Monday, April 27, at the Public Works Office, located at 601 West Fifth Street, just west of the Burlington Northern Santa Fe Rail Line. This seminar will cover basic lawn maintenance practices and selecting the right turf grass to improve the health and longevity of the landscape. Attendees will learn how to use less water, fertilizer, and pesticides.

The North Texas Municipal Water District is preparing to return to twice-per-week watering beginning May 1, when Stage 3 Seasonal restrictions will be lifted. Residents are encouraged to check sprinkler heads regularly to make sure they are functioning properly, and continue basic water conservation efforts. Questions about water conservation may be directed to Prosper's Water Conservation Coordinator, Tristan Cisco.

This Saturday, 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, the unveiling of Prosper's 2014 time capsule, and activities for all ages. Shuttle service will be available from Prosper High School beginning at 1:30 p.m. For more information, please contact Town Secretary Robyn Battle.

#### 4. Proclamations.

- **Presentation of a Proclamation to members of Prosper's Police Dispatch Personnel declaring the week of April 12-18, 2015, as *Telecommunicators Week*.**

Police Chief Doug Kowalski, Assistant Police Chief Gary McHone, and Dispatch Supervisor Natalee Warren were present to receive the proclamation.

#### 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 – March 24, 2015
  - Work Session – March 31, 2015
- 5b. Consider and act upon Ordinance No. 15-19 amending 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)
- 5c. Consider and act upon Ordinance No. 15-20 rezoning 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)
- 5d. Consider and act upon Resolution No. 15-21 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining

sanitary sewer easements, consisting of approximately 5 acres of property, situated generally in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County and Denton County, Texas, necessary for the construction of the Town's West Prosper Sanitary Sewer Extension project, and for other public purposes permitted by law.

- 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)

Councilmember Vogelsang 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 -**

There were no 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 amend the Future Land Use Plan located 500± feet north of Prosper Trail, 3,000± feet west of Dallas Parkway, from Low Density Residential to Medium Density Residential. (CA15-0003). [Companion to case Z14-0016] (JW)
8. 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). [Companion to case C15-0003] (JW)

Development Services Director John Webb presented Items 7 and 8 before the Town Council concurrently. The applicant has requested that Items 7 and 8 be tabled to the May 12, 2015, Town Council meeting to continue work on the final floodplain delineation and to determine final lot boundaries.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to table Items 7 and 8 to the May 12, 2015, Town Council meeting. The motion was approved by a vote of 6-0.

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

Development Services Director John Webb presented this item before the Town Council. This is the second of two required Public Hearings prior to annexation of the property.

Mayor Smith opened the Public Hearing.

Jack Dixon, 810 Long Valley Court, Prosper, requested that the Council consider preserving as many trees as possible on the property once it is developed.

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

**DEPARTMENT ITEMS:**

**10. Discussion on the Earth-Kind Dwarf Shrub Research Garden and Earth-Kind Demonstration Garden. (FJ)**

Public Works Director Frank Jaromin introduced Dr. Greg Church with the Texas A&M AgriLife Extension Service, who presented information on a proposed Earth-Kind Research and Demonstration project for Prosper. The project is a landscape management system that minimizes the need for fertilizers, pesticides, and irrigation by choosing plants and landscaping that are resistant to disease and drought. Dr. Church focused on several species of dwarf shrubs that will be tested at experimental design gardens at the First Street Water Tower and Rucker Elementary School. The Town Council expressed support for the projects.

**11. Consider and act upon authorizing the Town Manager to execute a Facilities Construction, Use and Maintenance Agreement between Preston Lakes Homeowners' Association, Inc., and the Town of Prosper, Texas, related to maintenance obligations of the right-of-way for Prosper Trail adjacent to the Preston Lakes subdivision and Preston Lakes Park. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The Town currently owns the right-of-way along Prosper Trail adjacent to the Preston Lakes subdivision as well as the Preston Lakes Park property within the development. These properties are both maintained by the Preston Lakes Homeowners' Association (HOA). The Preston Lakes HOA currently pays the monthly irrigation bill for the park, but not for the right-of-way property.

The proposed agreement clarifies the maintenance obligations of the Preston Lakes HOA and the Town related to the right-of-way property and Preston Lakes Park. The right-of-way property and Preston Lakes will continue to be maintained by the Preston Lakes HOA. At Preston Lakes Park, the Town will be responsible for the monthly water bill, and the Town will be allowed to construct and maintain a playground in the future, and maintain the existing perimeter hike and bike trail.

Councilmember Vogelsang made a motion and Councilmember Davis seconded the motion to authorize the Town Manager to execute a Facilities Construction, Use and Maintenance Agreement between Preston Lakes Homeowners' Association, Inc., and the Town of Prosper, Texas, related to maintenance obligations of the right-of-way for Prosper Trail adjacent to the Preston Lakes subdivision and Preston Lakes Park. The motion was approved by a vote of 6-0.

**12. Consider and act upon a request for a variance to the Subdivision Ordinance regarding Thoroughfare Screening along Windsong Parkway and Gee Road, for Windsong Ranch, Phases 1A, 1B, 1C, 3A-1, and 3B. (V15-0001). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting a variance to allow for the encroachment of existing utility easements into the required 25-foot landscape buffer in Windsong Ranch, Phases 1A, 1B, 1C, 3A-1, and 3B. The variance request is a result of CoServe Electric finalizing their design for electric infrastructure and requesting various easements be added to the plats. Although there are utility easement encroachments into the required 25-foot landscape buffer, all required landscaping has been provided in accordance with Town standards. The Planning & Zoning Commission recommended approval of the request at their March 17, 2015 meeting, and Town staff recommends approval as well.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve a request for a variance to the Subdivision Ordinance regarding Thoroughfare Screening along Windsong Parkway and Gee Road, for Windsong Ranch, Phases 1A, 1B, 1C, 3A-1, and 3B. The motion was approved by a vote of 6-0.

**13. Discussion on the Frontier Park North Conceptual Master Plan. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. At the February 10, 2015, Town Council meeting, Dunaway Associates presented conceptual plans for Frontier Park North and Sexton Park. At that meeting, Town staff and Dunaway were directed to focus only on Frontier Park North. Mr. Naughton introduced Elizabeth McIlrath of Dunaway Associates. Councilmember Dugger questioned whether Town staff had included the property at Doe Creek as part of the Parks, Recreation, and Open Space Master Plan. Philip Neely of Dunaway responded the firm was aware of the property, and although it was not part of the scope of this particular part of the project, the property would be incorporated into the Town's Parks, Recreation, and Open Space Master Plan. Ms. McIlrath continued her presentation on Frontier Park North. Council questioned the reasoning for the 300' baseball field when the other two fields were 225'. Ms. McIlrath responded that Town staff had requested to include one 300' field in the concept plan for flexibility for future programming. Ms. McIlrath then reviewed budget projections for natural turf and artificial turf options for the athletic field surfaces. Council's feedback was to keep all fields at a 225' foul line, to keep youth sports as an emphasis, to return with a more detailed cost comparison between natural turf and artificial turf, as well as a total cost of ownership between the two options.

Mayor Smith recognized the following individual who requested to speak:

Irwin "Cap" Parry, 850 Kingview Drive, Prosper, provided an estimate of the number of game and practice fields currently available in Prosper, and encouraged the Council to focus funding on other options such as a community center.

No further action was taken.

Mayor Smith opened Items 14, 15, and 16 concurrently.

**14. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Graham Associates, Inc., and the Town of Prosper, Texas, related to the Prosper Trail (Kroger – Coit) Project and the First Street (Dallas North Tollway – Coleman) project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. On January 13, 2015, Town staff discussed a priority list of shovel-ready projects with the Town Council, and was directed to begin negotiating an engineering services agreement for the design for two roadway segments: Prosper Trail from the Kroger property to Coit Road, and First Street from the Dallas North Tollway to Coleman Street. Mr. Richardson reviewed the terms of the proposed agreement with Graham Associates.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between Graham Associates, Inc., and the Town of Prosper, Texas related to the Prosper Trail (Kroger – Coit) Project and the First Street (Dallas North Tollway – Coleman) project). The motion was approved by a vote of 6-0.

**15. Consider and act upon an amendment to the FY 2014-2015 Capital Improvement Plan. (MR)**

Mr. Richardson continued the presentation on the CIP amendment, which is proposed to provide the funding for the Prosper Trail (Kroger – Coit) Project and the First Street (Dallas North Tollway – Coleman) project. Because these projects are not currently in the CIP, Mr. Richardson explained the amendment to the CIP that would be required to make these projects shovel-ready, and thus, attractive projects for regional funding.

Mayor Smith reiterated that regional funding is typically prioritized for shovel-ready projects, so it is to the Town's advantage to keep the Town's road projects moving forward in order to receive outside funding.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve an amendment to the FY 2014-2015 Capital Improvement Plan. The motion was approved by a vote of 6-0.

**16. Consider and act upon an ordinance amending the FY 2014-2015 budget. (KG)**

Senior Engineer Matt Richardson continued the presentation on the budget amendment. The approved FY 2014-2015 budget and FY 2014-2015 CIP do not include funding for the Prosper Trail (Kroger – Coit) Project and the First Street (Dallas North Tollway – Coleman) projects. Town staff proposed to increase expenditures in the Impact Fee Fund to provide adequate funding for these projects.

Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to adopt Ordinance No 15-22 amending the FY 2014-2015-budget. The motion was approved by a vote of 6-0.

**17. 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:**

**17a. *Section 551.087 – To discuss and consider economic development incentives.***

**17b. *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.***

**17c. *Section 551.071 – Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, bond validation litigation in Travis County regarding Little Elm boundaries and annexations, and all matters incident and related thereto.***

**17d. *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, Library Board, and Upper Trinity Regional Water District Board of Directors.***

The Town Council recessed into Executive Session at 7:37 p.m.

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

The Town Council reconvened the Regular Session at 8:32 p.m. No action was taken as a result of Executive Session.

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

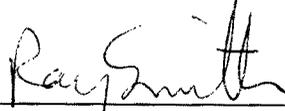
Councilmember Davis requested that the Council reevaluate the ranking of the Preston Lakes Park playground on the CIP list. Town Manager Harlan Jefferson suggested that this topic be added as a discussion item at the June 30 mid-year budget work session.

**20. Adjourn.**

The meeting was adjourned at 8:34 p.m.

These minutes approved on the 28th day of April, 2015.

APPROVED:

  
\_\_\_\_\_  
Ray Smith, Mayor

ATTEST:

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