



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, May 12, 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
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
Leslie Scott, Library Director
Frank Jaromin, Public Works Director

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

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

3. Announcements of upcoming events.

The Prosper Fire Department is raising funds for the Annual Muscular Dystrophy Campaign with its "Fill The Boot" event to be held May 13-15. Firefighters will be at North Dallas Parkway and Prosper Trail, at First Street and Coit Road, and at several intersections along Preston Road during the fundraiser. Motorists will only be approached during complete traffic stops, and donors should only reach out of their vehicles when they are completely stopped. Every dollar donated provides funds for medical treatment and support services to over 100 individuals and their families living with neuromuscular diseases in the Prosper area. This year's goal is \$8,000. Please consider donating to this worthy cause.

The book "Unbroken" has been chosen as the topic for the Town's very first "One Book, One Town" program, which will launch this summer with guest speakers, programs and events for all ages.

The Prosper High School Choir competed in the Bluebonnet Festival in San Antonio on April 24, and received several top honors. The Choir Department's Spring Pop Show will be held on Thursday, May 14, in the PHS Auditorium at 7:30 p.m. Tickets are \$5 at the door, and the public is invited to attend.

The Prosper High School Baseball team are undefeated district champions, and are in the second round of playoffs. They play in Argyle this Friday night.

The Live & Prosper Summer Series will kick off on Saturday, May 16, at Frontier Park with music, inflatables, food, games, activities, and a 20-foot inflatable movie screen showing "Big Hero 6" at dusk. Bring your blankets and lawn chairs and come out to enjoy the fun.

Councilmember Korbuly expressed his appreciation for the large voter turnout in the recent election, and also for the candidates who participated in the election.

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 28, 2015**
- 4b. Consider and act upon acceptance of a grant, in the amount of \$4,878.96, from the Edge Reimbursement Program, and authorizing the Mayor to execute any award documents. (LS)**
- 4c. Consider and act upon acceptance of a grant, in the amount of \$2,365.40, from the Texas Book Festival, and authorizing the Mayor to execute any award documents. (LS)**
- 4d. Consider and act upon Resolution No. 15-24 authorizing various individuals as signers of specific accounts and certain investment matters. (KG)**
- 4e. Consider and act upon a 380 agreement between Highland Homes and the Town of Prosper, and authorizing the Town Manager to execute same. (KG)**
- 4h. Consider and act upon Ordinance No. 15-26 annexing an 18.6± acre tract of land, located on the south side of Prosper Trail, 2,500± feet west of Custer Road. (A15-0001). (JW)**
- 4i. 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 Dixon removed Items 4f and 4g from the Consent Agenda.

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

- 4f. Consider and act upon authorizing the Town Manager to execute a Landscape Maintenance Agreement between the Texas Department of Transportation and the Town of Prosper, Texas, related to maintenance obligations for landscape and irrigation improvements in the medians of SH 289 (Preston Road) from US 380 to FM 1461 (Frontier Parkway). (HW)**

Hulon Webb, Executive Director of Development and Community Services, responded to questions from the Council related to irrigation improvements in the future. The Town is responsible for maintaining whatever improvements TxDOT allows as stated in the agreement.

Councilmember Dixon made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to authorize the Town Manager to execute a Landscape Maintenance Agreement between the Texas Department of Transportation and the Town of Prosper, Texas, related to maintenance obligations for landscape and irrigation improvements in the medians of SH 289 (Preston Road) from US 380 to FM 1461 (Frontier Parkway). The motion was approved by a vote of 7-0.

- 4g. Consider and act upon a resolution authorizing the reduction and release of the Town of Prosper's extraterritorial jurisdiction and entering into a development agreement, as a result of the Extraterritorial Jurisdiction Allocation Agreement between the Town of Prosper, Texas and the City of Aubrey, Texas for the reduction and release of designated portions of the Town of Prosper's Extraterritorial Jurisdiction, and Development Agreement between the Town of Prosper and CADG Comanche 248, LLC, by removing 145± acres of land from the Town's extraterritorial jurisdiction, generally located west of FM 1385 and north of Bryan Road, and authorizing the Town Manager to execute the same. (HW)**

Mayor Smith stepped down from the Council bench at this time.

Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve Resolution No. 15-25 and authorizing the reduction and release of the Town of Prosper's extraterritorial jurisdiction and entering into a development agreement, as a result of the Extraterritorial Jurisdiction Allocation Agreement between the Town of Prosper, Texas and the City of Aubrey, Texas for the reduction and release of designated portions of the Town of Prosper's Extraterritorial Jurisdiction, and Development Agreement between the Town of Prosper and CADG Comanche 248, LLC, by removing 145± acres of land from the Town's extraterritorial jurisdiction, generally located west of FM 1385 and north of Bryan Road, and authorizing the Town Manager to execute the same. 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.)

Other Comments by the Public -

Kyle Legman, 16508 Toledo Bend Court, Prosper, addressed the Council as a new resident of Prosper. He inquired how to find out about development projects that would occur in Prosper in the future. Town Manager Harlan Jefferson directed Mr. Legman to John Webb, Director of Development Services, for more information.

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 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. The property is zoned Planned Development-60 (PD-60). (CA15-0003) [Companion case Z14-0016] (JW).**

Mayor Smith opened Items 6 and 7 concurrently. Development Services Director John Webb presented this item before the Town Council. The applicant is proposing to amend the Future Land Use Plan (FLUP) from Low Density to Medium Density to allow for the development of lots ranging in size from 12,500 to approximately 16,000. The applicant has reconfigured the property to double the number of lots that are over 15,000 square feet since the request was first presented.

Mayor Smith opened the Public Hearing on Items 6 and 7 concurrently.

Rob Baldwin spoke on behalf of the applicant. He reiterated the changes the developer had made to increase the number of 15,000 square foot lots. The PD will also include improved development standards that are not found in the Town’s typical zoning standards.

Mayor Smith closed the Public Hearings on Items 6 and 7.

The Town Council was in agreement that its intent was to maintain the Future Land Use Plan in this area and encouraged the developer to utilize more of the open space in order to make the lots bigger to conform to the FLUP.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to deny the request to amend the Future Land Use Plan. The motion was approved by a vote of 7-0.

- 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) [Companion case CA15-0003] (JW)

Councilmember Dixon made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to table Item 7 to the June 9, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

8. **Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan, located on the northwest corner of Prosper Trail and future Shawnee Trail, from Medium Density Residential to Dallas North Tollway District. The property is zoned Single Family-15 (SF-15) and Commercial Corridor (CC). (CA15-0002). [Companion Case Z14-0005] (JW)**

Mayor Smith opened Items 8 and 9 concurrently.

John Webb presented Items 8 and 9 to the Town Council concurrently. The applicant has requested that this item be tabled to the May 26, 2015, Town Council meeting. Councilmember Dixon asked if the request to table Items 8 and 9 were based on the action taken on Items 6 and 7. Mr. Webb responded that he did not think the two requests were related.

Councilmember Korbuly made a motion and Councilmember Vogelsang seconded the motion to table Items 8 and 9 to the May 26, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

9. **Conduct a Public Hearing and consider and act upon a request to rezone 67.7± acres, located on the northwest corner of Prosper Trail and Dallas Parkway, from Single Family-15 (SF-15) and Commercial Corridor (CC) to Planned Development-Single Family/Office/Retail (PD-SF/O/R). (Z14-0005). [Companion case CA15-0002] (JW)**

DEPARTMENT ITEMS:

10. **Consider and act upon an ordinance approving the Water Conservation Plan and Water Resource and Emergency Management Plan, amending the title of Article 13.05, "Water Conservation and Drought Contingency and Water Emergency Response Plan," of Chapter 13, "Utilities," of the Town's Code of Ordinances, to "Water Conservation Plan and Water Resource and Emergency Management Plan," amending section 13.05.001 "Plan Adopted" of Article 13.05, and amending section XVII "Water Conservation and Enforcement Fees," of Appendix A of the Town's Code of Ordinances. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The updated Water Conservation Plan and Water Resource and Emergency Management Plan is intended to update the Town's current Water Conservation and Drought Contingency Plan, and to better model the plan utilized by the North Texas Municipal Water District (NTMWD), as well as surrounding NTMWD member and customer cities and towns. Mr. Jaromin reviewed the highlights of the Plan, as well as the differences between the 2014 water conservation stages and the 2015 water conservation stages, which have some significant differences. Town staff is also recommending with this new plan an implementation process for landscape irrigation that is based on geographic areas, rather than postal address. Mr. Jaromin reviewed

the Town's administrative fees and education programs, and compared the Town's enforcement actions to those of some surrounding municipalities.

After discussion, Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Ordinance No. 15-27 approving the Water Conservation Plan and Water Resource and Emergency Management Plan, amending the title of Article 13.05, "Water Conservation and Drought Contingency and Water Emergency Response Plan," of Chapter 13, "Utilities," of the Town's Code of Ordinances, to "Water Conservation Plan and Water Resource and Emergency Management Plan," amending section 13.05.001 "Plan Adopted" of Article 13.05, and amending section XVII "Water Conservation and Enforcement Fees," of Appendix A of the Town's Code of Ordinances. The motion was approved by a vote of 7-0.

11. **Consider and take action on a resolution directing the Town Secretary to publish notice of intent to issue Combination Tax and Surplus Revenue Certificates of Obligation for the purpose of funding costs of public safety and street projects in the Town. (KG)**

Kim Galvin, Interim Finance Director, presented this item before the Town Council. She summarized the purpose of the certificates of obligation, which would not exceed \$8,600,000, and outlined some of the projects for which the money would be used. Ms. Galvin then introduced Jason Hughes of FirstSouthwest, the Town's financial advisor, who explained the process of the sale of the certificates of obligation.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Davis seconded the motion to approve Resolution No. 15-28 providing for publication of notice of intent to issue certificates of obligation to finance the obligations associated with the aforementioned projects. The motion was approved by a vote of 7-0.

12. **Consider and act upon an ordinance amending the FY 2014-2015 budget allocating \$107,521 from fund balance in the General Fund to Inspections and Municipal Court, as outlined in the attachment, to fund increasing building rental expense, reclassifying a current part-time Court Clerk to full-time, adding a new full-time Plans Examiner, and continuing the use of the professional services of Bureau Veritas North America, Inc., related to third-party building permit plan review and inspection services. (KG)**

Kim Galvin, Interim Director of Finance, presented this item before the Town Council. The amendment would add an additional Plans Examiner to the Development Services Division, continue the use of Bureau Veritas North America, Inc. for the remainder of the current fiscal year to assist with commercial building inspections, fund increased rental expenses for the building currently utilized by the Municipal Court, Police Department, and Town Council, and reclassify the current part-time Municipal Court Clerk to full-time.

After discussion, Deputy Mayor Pro-Tem made a motion and Mayor Pro-Tem Miller seconded the motion to approve the budget amendment Ordinance No. 15-29 with a net budget impact of \$107,521 to fund increased building rental expense, reclassify a Court Clerk, fund a new full-time Plans Examiner, and fund the continued use of the professional services of Bureau Veritas North America, Inc., related to third-party building permit plan review and inspection services. The motion was approved by a vote of 7-0.

13. Discuss possible amendments to the Zoning Ordinance regarding Permitted Uses. (JW)

Development Services Director John Webb presented this item before the Town Council. Town staff has identified numerous land uses in the Zoning Ordinances which should be reevaluated in regard to the appropriateness of the use being permitted by right or permitted upon approval of a Specific Use Permit. There are also antiquated land use terms that may need to be amended or removed from the Zoning Ordinance. Mr. Webb reviewed some specific examples of land uses under review, comments from Town staff, and proposals Council may consider changing in the Zoning Ordinance in the future. Town staff was directed to pursue changes to the Zoning Ordinance and to bring back specific wording at a future meeting for Council to review before bringing the actual ordinance before the Town Council for adoption.

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 551.074 – 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 7:31 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 8:26 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.

• Town Hall Tour Update (HW)

Executive Director of Development and Community Services reviewed the schedule for the upcoming Town Hall Tour, which will include tours of the facilities in Corinth, Lewisville, and Coppell on Friday, May 22.

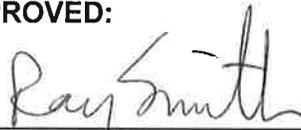
Councilmember Dixon requested staff to look into the status of high speed internet and cell phone service within the Town.

17. Adjourn.

The meeting was adjourned at 8:30 p.m.

These minutes approved on the 26th day of May, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary