



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, May 26, 2015
6:00 p.m.

1. Call to Order/Roll Call.
2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
3. Announcements of upcoming events.
4. Presentations.
 - Presentations to Payton and Teagan Chamblee as Junior Police Officers for the Day. **(DK)**

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)**
 - Regular Meeting – May 12, 2015
 - Special Called Meeting to Canvass May 9, 2015, General Election
- 5b. Consider and act upon a resolution authorizing *The Dallas Morning News* as an alternate advertising source. **(RB)**
- 5c. Consider and act upon the appointment of a Town of Prosper representative to the Board of Directors of the Upper Trinity Regional Water District. **(RB)**
- 5d. Consider and act upon a 380 agreement between Horizon Homes and the Town of Prosper, and authorizing the Town Manager to execute same. **(HJ)**
- 5e. Consider and act upon a 380 agreement between Sanders Custom Builder and the Town of Prosper, and authorizing the Town Manager to execute same. **(HJ)**
- 5f. Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and

requiring delivery of this resolution to the company and ACSC's legal counsel.
(HJ)

- 5g.** Consider and act upon approving an Operating Lease Renewal Addendum between Modular Space Corporation and the Town of Prosper, related to the Town Hall Annex building; and authorizing the Town Manager to execute same.
(JC)
- 5h.** Consider and act upon an ordinance amending subsection 13.1.3, "Exemptions" of subsection 13.1, "Conveyance of Land for Recreational Areas and Facilities" of section 13, "Parks and Other Public Uses," by adding a new subsection 13.1.3.3, relative to the exemption of Senior Living and Senior Care Facilities. **(JW)**
- 5i.** 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)**

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 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)**
- 8.** 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)**
- 9.** Conduct a Public Hearing, and consider and act upon an ordinance rezoning 2.0± acres from Retail (R) to Planned Development-Downtown Retail (PD-DTR), located on the southeast corner of Coleman Street and Gorgeous Road. (Z15-0004). **(JW)**

10. Conduct a Public Hearing, and consider and act upon an ordinance establishing a Specific Use Permit for a Helistop, on 10.5± acres, located on the northeast corner of US 380 and future Mahard Parkway. The property is zoned Planned Development-47 (PD-47). (S15-0003). **(JW)**

DEPARTMENT ITEMS:

11. Consider and act upon approving a Lease Agreement between Sarah Nell Templin and the Town of Prosper, related to the property located at 108 and 110 W. Broadway; and authorizing the Town Manager to execute same. **(JC)**
12. Consider and act upon authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Randall Scott Architects, related to architectural and engineering design services for Town Hall/Multi-Purpose Facility; and authorizing use of the construction manager at risk contracting method for construction. **(HW)**

13. **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:

13a. *Section 551.087 – To discuss and consider economic development incentives.*

13b. *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.*

13c. *Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.*

13d. *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.*

14. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
15. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
16. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 121 W. Broadway Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted on May 22, 2015, at 7:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.