



Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street, Prosper, Texas
Tuesday, January 12, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:04 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller
Councilmember Kenneth Dugger (arrived at 6:16 p.m.)
Councilmember Michael Korbuly
Councilmember Mike Davis
Councilmember Jason Dixon

Council Members Absent:

Deputy Mayor Pro-Tem Curry Vogelsang, Jr.

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Senior Planner
Jonathan Hubbard, Planner
Leslie Scott, Library Director
January Cook, Purchasing Agent
Betty Pamplin, Accounting Manager
Baby Raley, Human Resources Director
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief
Sergeant Barrett Morris

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

Bishop John Sallaway of the Church of Jesus Christ of Latter-Day Saints led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Davis read the following announcements:

Prosper residents are encouraged to increase their fitness by pledging to walk, jog, run, bike or swim more than 100 miles between January 15 and April 15. Participants who

accept the challenge can download a Mileage Tracking Sheet from www.ProspersParksandRec.org.

The Mayor has also endorsed a statewide competition called "It's Time - Texas Community Challenge," presented by H-E-B. The challenge seeks to mobilize residents to compete with municipalities of similar size as part of the year-round schedule of recreation activities to promote family and neighbor interaction in community parks. For a full listing of Town recreation activities, please visit www.ProspersParksandRec.org.

Brooke Walpole, a student at Rucker Elementary, carried the Prosper banner at the annual NFL Punt, Pass, Kick competition. Brooke was the Town's only first place winner at the local Sectional who advanced to compete at Cowboy Stadium, and she placed third overall in her age group.

TxDOT and Mario Sinacola will close the outside, westbound lane of US 380 between Custer and Lovers Lane for approximately one week to allow workers to lay asphalt on the newly-constructed lane. Motorists should anticipate minor delays while traveling on US 380.

Friday, January 15 will be the last day to drop off Christmas trees at the lot between the Fire Station and the water tower on First Street. Trees must be cleared of any lights, decorations, and ornaments.

4. Presentations

- **Presentation of a Proclamation to the PASO Firecrackers for winning the league's first U-10 state championship. (RB)**

Mayor Smith presented the Proclamation to the team.

- **Presentation to the Town's website committee for winning a 2015 Gold Davey Award for best municipality website. (RB)**

January Cook, Baby Raley, Leslie Scott, Gary McHone, and Alex Glushko were present to receive the award.

Councilmember Dugger arrived and took his place at the Council bench.

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 – December 8, 2015**

- 5b. Receive the November 2015 Financial Report. (BP)**

- 5c. Consider and act upon Resolution No. 16-01 authorizing the Town Manager to execute an application to the Texas Book Festival for the 2016 Collection Enhancement Grant. (LS)
- 5d. Consider and act upon Resolution No. 16-02 authorizing the Town Manager to execute an application to FEMA for the Assistance to Fire Fighters Grant. (RT)
- 5e. Consider and act upon authorizing the construction manager at risk contracting method of construction of the Frontier Park - North Field Improvements project. (PN)
- 5f. 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)

Mayor Pro-Tem Miller made a motion and Councilmember Korbuly 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.)

Lena Smith, representing the Prosper Ladies Association (PLA), presented information regarding their upcoming fundraiser, "IMforCharity." The event will be held on March 28, 2016, and it is intended to break the Guinness World Record for the most people texting within a 60-second time frame. Proceeds will benefit The Samaritan Inn and other charities supported by PLA.

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. Presentation of service plan and second Public Hearing to consider the voluntary annexation of 100.0± acres generally located on the south side of Prosper Road, 2,500± feet west of Legacy Drive. (A15-0003). (JW)

Development Services Director John Webb presented this item before the Town Council. The property owner has submitted a petition to be annexed by the Town. Upon annexation, the property would be classified as agricultural, unless otherwise rezoned.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

Mayor Smith stepped down from the Council bench.

- 8. Conduct a Public Hearing, and consider and act upon an ordinance for a Specific Use Permit (SUP) for a Private Street Development (Montclair), on 30.2± acres, located on the east side of Preston Road, 1,800± feet north of Prosper Trail. The property is zoned Single Family-15 (SF-15). (S15-0007). (JW)**

Development Services Director John Webb presented this item before the Town Council. The request is for a Private Street Development for Montclair. The request satisfies the Town's criteria for SUP approval, and conforms to the Future Land Use Plan.

Mayor Pro-Tem Miller opened the Public Hearing.

Mardy Brown, representing the developer, answered questions and provided additional detail to the Town Council related to the proposed development.

With no one else speaking, Mayor Pro-Tem Miller closed the Public Hearing.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-03 for a Specific Use Permit (SUP) for a Private Street Development (Montclair), on 30.2± acres, located on the east side of Preston Road, 1,800± feet north of Prosper Trail. The motion was approved by a vote of 5-0.

Mayor Smith returned to the Council bench.

- 9. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 1.0± acre, located on the northeast corner of Coleman Street and First Street from Single Family-15 (SF-15) to Downtown Office (DTO). (Z15-0012). (JW)**

Development Services Director John Webb presented this item before the Town Council. The request is to allow for the development of an office building in accordance with the DTO District standards and the Future Land Use Plan. The property is located within a Neighborhood Empowerment Zone.

Mayor Smith opened the Public Hearing.

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

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-04 rezoning 1.0± acre, located on the northeast

corner of Coleman Street and First Street from Single Family-15 (SF-15) to Downtown Office (DTO). The motion was approved by a vote of 6-0.

10. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 1.1± acres, located on the west side of Coleman Street, 1,100± feet north of Prosper Trail, from Agricultural (A) to Retail (R). (Z15-0013). (JW)**

Development Services Director John Webb presented this item before the Town Council. The request is to allow for the development of an Indoor Veterinarian Clinic and/or Kennel, in accordance with the Retail District standards and the Future Land Use Plan. The applicant intends to demolish the two mini-warehouse buildings on the subject property and construct a new building for the proposed use.

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-05 rezoning 1.1± acres, located on the west side of Coleman Street, 1,100± feet north of Prosper Trail, from Agricultural (A) to Retail (R). The motion was approved by a vote of 6-0.

11. **Conduct a Public Hearing, and consider and act upon an ordinance for a Special Purpose Sign District for the Shops at Prosper Trail (Kroger), on 14.0 ± acres, located on the east side of Preston Road, 500± feet north of Prosper Trail. (MD15-0005). (JW)**

Development Services Director John Webb presented this item before the Town Council. The request is to allow for wall signage to exceed the maximum height requirement within the Shops of Prosper Trail development. Specifically, the District would allow for the proposed Kroger to have three wall signs with increased height.

Mayor Smith opened the Public Hearing.

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

Mayor Pro-Tem Miller made a motion and Councilmember Dixon seconded the motion to approve Ordinance No. 16-06 for a Special Purpose Sign District for the Shops at Prosper Trail (Kroger), on 14.0± acres, located on the east side of Preston Road, 500± feet north of Prosper Trail. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

12. **Discussion on Town Hall/Multi-Purpose Facility. (HW)**

Hulon Webb, Executive Director of Development and Community Services, introduced Randall Scott of Randall Scott Architects, who presented this item before the Town Council. Mr. Scott presented architectural renderings of the proposed exterior design of the Town Hall/Multi-Purpose Facility, lobby sketches, the site plan, and floor plans for each floor of the building. Major revisions included a designated area for the Prosper

Historical Society, a floor plan that had the lobby opened to the second floor instead of the third floor, and balconies on each side of the exterior of the building.

David Wallace continued the presentation by addressing the square footage breakdown for the original programmed area, additional programmed area, and area reserved for future expansion. Councilmember Dugger requested to see an additional breakdown of square footage for the halls, Library and Municipal Chambers. Mr. Scott reviewed the timeline for construction.

The Council gave direction to make the conference room in the Finance Division more centralized and accessible to other departments, add a clock to both sides of the cupola, and open the cupola to the third floor to allow light in. The Town Council requested to see an architectural rendering with the wings constructed of a masonry material rather than metal. The site plan was approved with the addition of extending the walkway in the northern parking lot to connect with Broadway Street.

Mr. Webb and Mr. Scott responded to questions from the Town Council on the parking requirements and the improvements to Main Street that will accompany the project. Mr. Webb confirmed that the baseball fields will remain usable until approximately May 1 according to the current schedule.

No further action was taken.

13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 55 Prosper, LP, 104 Prosper, LP, 310 Prosper, LP, Reliable TEP Partners, LLC, Cothran Malibu, LP, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Brookhollow development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The developers of the Brookhollow development are interested in extending a wastewater line to serve their properties. Since the proposed wastewater lines are depicted on the Town of Prosper Wastewater System Capital Improvement Plan, the actual costs for the design and construction of the improvements are eligible for reimbursement of wastewater impact fees collected from the development. The purpose of the Development Agreement is to outline the obligations of the Town of Prosper and the developers related to the design, construction, and reimbursement of collected wastewater impact fees to fund the projects.

Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to authorize the Town Manager to execute a Development Agreement between 55 Prosper, LP, 104 Prosper, LP, 310 Prosper, LP, Reliable TEP Partners, LLC, Cothran Malibu, LP, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Brookhollow development. The motion was approved by a vote of 6-0.

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 regarding legal issues associated with annexation agreements in Town ETJ areas, development issues associated with areas subject to annexation agreements, and all matters incident and related thereto.**
- 14d. Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with the Texas Department of Housing and Community Affairs HTC Program, including requirements under Title 10, Chapter 10 of the Texas Administrative Code, and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 7:52 p.m.

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

The Town Council reconvened the Regular Session at 9:14 p.m. No action was taken as a result of Executive Session.

- 15. Consider and act upon a resolution concerning the construction of a grade separated crossing on Frontier Parkway over the BNSF Railroad, the reconstruction of FM 1461 from Preston Road to Custer Road, and the two southbound Dallas North Tollway service lanes along with the Dallas North Tollway overpass at US Highway 380. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The proposed resolution supports a grade separated crossing on Frontier Parkway over the BNSF Railroad, the reconstruction of FM 1461 from Preston Road to Custer Road, and the two southbound Dallas North Tollway service lanes along with the Dallas North Tollway overpass at US Highway 380.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve Resolution No. 16-07 in support of a grade separated crossing on Frontier Parkway over the BNSF Railroad, the reconstruction of FM 1461 from Preston Road to Custer Road, and the two southbound Dallas North Tollway service lanes along with the Dallas North Tollway overpass at US Highway 380. The motion was approved by a vote of 6-0.

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

The Town Council gave direction on the following items:

Town staff was directed to check the weight limits on certain roads within the Town limits; some may be outdated.

Town staff was directed to research the cost differential between using aggregate and concrete for the US 380 expansion.

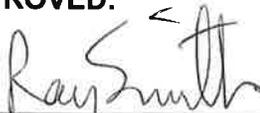
John Webb informed the Council that Town staff will bring back proposed revisions on the home occupation ordinance and the standards for accessory structures at a future meeting for Council's consideration.

18. Adjourn.

The meeting was adjourned at 9:21 p.m. on Tuesday, January 12, 2016.

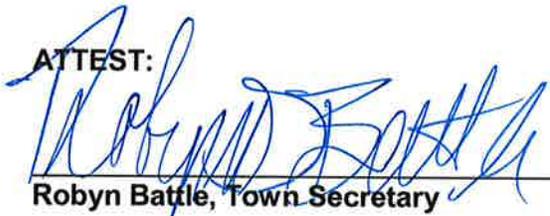
These minutes approved on the 26th day of January, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary