



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, March 22, 2016

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 Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Mike Davis
Councilmember Jason Dixon

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
Leslie Scott, Library Director
Frank Jaromin, Public Works Director
Betty Pamplin, Accounting Manager
Doug Kowalski, Chief of Police
Ronnie Tucker, Fire 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 recent and upcoming events.

Councilmember Jason Dixon read the following announcements:

The Town Council would like to welcome the students of Dr. Abraham Benavides from the University of North Texas Master of Public Administration program. The class is here to observe local government at work.

The Prosper Police Department welcomed three new members this afternoon during a swearing-in ceremony. Officers Brendan McMorrow, Larry Windon, and Daniel Travis took their oaths of office just prior to tonight's Council meeting. The Town also welcomes three new dispatchers, Maria Imperial, Roxanna Johnson and Jennifer Roberts, and Administrative Assistant, Sheila Thornhill, who were also sworn in today.

The It's Time Texas Community Challenge ends on March 31 and Prosper continues its first place lead with over 272,000 points. Lancaster is in second place with 220,000 points. During the final week of the contest, we encourage everyone to participate and help Prosper finish with a strong first place lead.

Prosper's 2016 Spring Cleanup was a huge success. Containers were filled to the top with over 35 tons of items to be recycled. 115 hazardous waste vouchers were issued, and Cornerstone completely filled its truck with donations of furniture, clothing, and household items. Thanks to everyone who participated in this event.

4. Presentations

- **Presentation to the Prosper High School Film Team for winning the state championship for their documentary at the 2016 UIL Young Filmmakers Festival. (RB)**

The Prosper High School Documentary Film Team was present to receive letters of congratulation from Mayor Smith.

- **Presentation to Prosper High School senior Gabe Costa for winning the 2016 5A State UIL Wrestling Championship. (RB)**

Gabe Costa, Wrestling Head Coach Darren Snyder, and Assistant Wrestling Coach Gabe Reyes were present to receive letters of congratulation from Mayor Smith.

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 – February 23, 2016**

- 5b. Receive the January 2016 Financial Report. (BP)**

- 5c. Consider and act upon Resolution No. 16-18 canceling the May 7, 2016, General Election and declaring each unopposed candidate elected to office. (RB)**

- 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 Jason Dixon removed Item 5d from the Consent Agenda.

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

5d. Consider and act upon authorizing the Town Manager to execute the Playground Joint Use Agreement between the Town of Prosper, Texas, and Prosper Independent School District (PISD), related to Windsong Park. (WM)

Hulon Webb, Executive Director of Development and Community Services, responded to questions from the Town Council on the accessibility of the playground to the public. Mr. Webb explained that the terms of the agreement ensure that the public will have access to the playground during the day.

Councilmember Dixon made a motion and Councilmember Davis seconded the motion to approve Item 5d. The motion 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.

Irwin "Cap" Parry, 850 Kings View Drive, Prosper, requested a Public Hearing on the building of a Veterans Memorial downtown, at or near the new Town Hall.

Bob Jameson, 106 Collin Court, Prosper, spoke regarding the Town's Downtown Office District (DTO), which is part of the zoning ordinance. He proposed changes to the landscape requirements for the DTO District to allow for some flexibility and discretion. Mr. Jameson also suggested changes to the downtown development proposals, such as the 8-foot sidewalks.

Jack Dixon, 810 Long Valley Court, Prosper, requested an item be placed on the next Town Council agenda to discuss the proposed Veteran's Memorial.

Rod Murrell, 1930 Fair Oaks, Prosper, spoke regarding SafePlay Sports, an artificial turf company.

John Stampley, 1531 Quail Meadow Road, Campbell, Texas, spoke regarding SafePlay Sports, emphasizing the safety benefits of artificial turf.

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 first Public Hearing to consider the voluntary annexation of 52.2± acres located on the west side of Coit Road, 2,700± feet north of First Street. (A16-0001). (JW)**

Development Services Director John Webb presented this item before the Town Council. In 2014, the Town extended the five-year Annexation Agreement with the subject property owner which allows for development of the property in accordance with the Agricultural District of the Town's Zoning Ordinance. The property owner has submitted a petition to be annexed by the Town. In conjunction with this request, the property owner has also submitted a request to amend the Future Land Use Plan (CA16-0001) and to zone 82.9± acres for a private, gated residential subdivision consisting of 164 lots.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

8. Conduct a Public Hearing, and consider and act upon a request for a Special Purpose Sign District for the Gates of Prosper, on 93.0± acres, located on the northeast corner of US 380 and Preston Road. (MD16-0001). (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to allow for two additional unified development signs, and permit three wall signs to exceed the maximum height requirement within the Gates of Prosper development. Mr. Webb reviewed the specifications of the Special Purpose Sign District (SPSD).

Mayor Smith opened the Public Hearing.

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

Mr. Webb responded to questions from the Town Council, stating that the size of each tenant sign is flexible, depending on the number of tenant names to be placed on each sign. Council also made positive comments on the color scheme presented. Tod McCoy of Lincoln Properties stated that he would look at similar color schemes for the SPSPD.

After discussion, Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to approve the request for a Special Purpose Sign District for the Gates of Prosper, on 93.0± acres, located on the northeast corner of US 380 and Preston Road. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a Child Day Care Center (Primrose), on 2.9± acres, located on the east side of Gee Road, 2,000± feet north of US 380. This property is zoned Planned Development-40 (PD-40). (S16-0002). (JW)

Development Services Director John Webb presented this item before the Town Council. Mr. Webb reviewed the specifications of the request, which includes a one-story child day care center for a maximum of 252 students. The applicant has revised the proposed elevations in response to recommendations from the Planning & Zoning Commission to replace the brick with an alternate color to match existing construction within Windsong Ranch. In addition, at the time of Site Plan review, the Engineering Department will evaluate the erosion control measure proposed by the day care development.

Mayor Smith opened the Public Hearing.

Clay Christie representing the applicant spoke in favor of the item. The Town Council questioned whether the applicant would agree to add stone on the exterior archways. The applicant will look into options to add stone to the archways if the expense can be offset in another area.

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

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to approve the request for a Specific Use Permit (SUP) for a Child Day Care Center (Primrose), on 2.9± acres, located on the east side of Gee Road, 2,000± feet north of US 380. The motion was approved by a vote of 7-0.

10. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.4± acre, located on the south side of Broadway Street, 650± feet east of Coleman Street, from Single Family-15 (SF-15) to Downtown Office (DTO). (Z16-0003). (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of the rezoning request is to allow for the development of an office building, in accordance with the DTO District standards and the Future Land Use Plan. Upon submission of an application for "straight" zoning, the applicant is not required to submit an exhibit depicting how the property will be specifically developed or elevations of the proposed building. Prior to development, the developer will be required to submit a Preliminary Site Plan and/or a Site Plan for review and approval by the Planning & Zoning Commission.

Mayor Smith opened the Public Hearing.

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

Councilmember Dugger made a motion and Councilmember Vogelsang seconded the motion to approve Ordinance No. 16-19 rezoning 0.4± acre, located on the south side of Broadway Street, 650± feet east of Coleman Street, from Single Family-15 (SF-15) to Downtown Office (DTO). The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

11. Consider and act upon a resolution authorizing the Town Manager to execute an application to the Federal Emergency Management Agency (FEMA) for the 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grant. (RT)

Fire Chief Ronnie Tucker presented this item before the Town Council. The SAFER grant application would allow the Town to hire six firefighters/paramedics to staff Fire Station No. 2. If awarded, the grant amount would be \$925,950. No matching funds are required, and the SAFER Grant would pay for 100% of personnel costs for six people for two years.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve Resolution No. 16-20 authorizing the Town Manager to execute an application to the Federal Emergency Management Agency (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The motion was approved by a vote of 7-0.

12. **Consider and act upon a resolution accepting the Independent Audit Report and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2015, as presented by a representative of Davis Kinard & Co., PC, Certified Public Accountants. (BP)**

Town Manager Harlan Jefferson introduced Kevin Randolph of Davis Kinard & Co., PC, who presented the Town Council with the details of the Audit Report and CAFR, which is available in its entirety on the Town's website.

Councilmember Davis made a motion and Councilmember Vogelsang seconded the motion to approve Resolution No. 16-21 accepting the Independent Audit Report and Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2015. The motion was approved by a vote of 7-0.

13. **Consider and act upon an ordinance of the Town of Prosper amending Chapter 13, "UTILITIES" of the Code of Ordinances of the Town of Prosper, Texas, by adding a new Article 13.11 "Fats, Oils and Grease (FOG) Outreach Plan;" amending Appendix A "Fee Schedule" to the Code of Ordinances of the Town of Prosper, Texas, by adding a new section XIX, "FOG Outreach and Enforcement Fees." (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The Town of Prosper has been working with North Texas Municipal Water District Member and Customer Cities to develop a Capacity, Management, Operation, and Maintenance (CMOM) Program in order to comply with the demands made by the EPA. Under the CMOM Program, the Town is required to develop a written FOG Program Manual and a FOG Public Outreach Program.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-22 amending Chapter 13, "UTILITIES" of the Code of Ordinances of the Town of Prosper, Texas, by adding new Article 13.11 "Fats, Oils, and Grease (FOG) Outreach Plan," amending Appendix A "Fee Schedule" to the Code of Ordinances of the Town of Prosper, Texas, by adding Section XIX, "FOG Outreach and Enforcement Fees." The motion was approved by a vote of 7-0.

14. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between Legacy Estates at Prosper Trail, Inc., West Prosper 76, Ltd., Blue Star Allen Land, LP, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Legacy Estates at Prosper Trail, Legacy Creek Estates, and Star Trail developments. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Legacy Estates at Prosper Trail, Inc., is developing the Legacy Estates at Prosper Trail and Blue Star Allen Land, LP, is developing Star Trail. In order for these developments to occur, they will be required to extend an eighteen-inch wastewater line as 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 Wastewater Impact Fees Reimbursement Agreement is to outline the obligations of the Town of Prosper, Legacy Estates at Prosper Trail, Inc., West Prosper 76, Ltd., and Blue Star Allen Land, LP, related to the design, construction, and reimbursement of collected wastewater impact fees to fund the project.

Councilmember Korbuly made a motion and Mayor Pro-Tem Miller seconded the motion to authorize the Town Manager to execute a Development Agreement between Legacy Estates at Prosper Trail, Inc., West Prosper 76, Ltd., Blue Star Allen Land, LP, and the Town of Prosper, Texas, related to the extension of wastewater lines to serve the Legacy Estates at Prosper Trail, Legacy Creek Estates, and Star Trail developments. The motion was approved by a vote of 7-0.

15. 2011 Bond Propositions update. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Mr. Webb updated the Town Council on the original bond amounts for each of the 2011 bond propositions, the projects that have been funded, and those propositions that still have funding assigned to future projects. Town Manager Harlan Jefferson stated that the Town will continue to leverage funding from other sources to help pay for capital projects. No further action was taken.

16. 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:

16a. Section 551.087 – To discuss and consider economic development incentives.

16b. 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.

16c. 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.

16d. Section 551.071 – Consultation with the Town Attorney regarding property repair issues and contractual agreement regarding same.

16e. Section 551.071 - Consultation with the Town Attorney regarding possible litigation with the Texas Public Utility Commission, and all matters incident and related thereto.

16f. Section 551.074 – To discuss and review the Town Manager’s performance evaluation.

The Town Council recessed into Executive Session at 7:41 p.m.

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

The Town Council reconvened the Regular Session at 9:42 p.m. No action was taken as a result of Executive Session.

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

- **Median Landscaping. (HW)**

Hulon Webb presented the Council with options for replacing existing landscape grass with Hameln grass, and to replace Lantana, Knockout Roses, and Liriope in select areas with Color Guard Yucca, Dwarf Crape Myrtle, and Mexican Petunia. Council provided direction to replace grassed area with Hameln only where site issues exist, and to change out remaining plant material with the new standard on First Street and Coit Road for a total cost of \$58,000. A budget amendment of \$33,000 will be proposed on April 12, and the remaining funding will come from cost savings in the Park Operations budget.

- **Process for considering alternative, exterior construction materials. (JW)**

John Webb proposed a process that would allow flexibility on a case-by-case basis for developments wishing to use alternative exterior construction materials. A proposed ordinance will be presented at a future meeting.

- **Discussion on Municipal Court as a Court of Record. (TW)**

Town Attorney Terry Welch explained the process for the Town of Prosper Municipal Court to become a Court of Record. State law requires that a Municipal Judge of a Court of Law must be an attorney, and the court must be equipped with sufficient audio recording equipment. The Town Council considered the transition to a Court of Record to coincide with the construction of the new Town Hall.

- **Process for Charter review. (RB)**

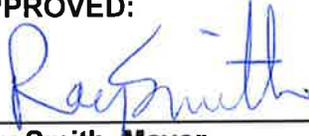
Town Secretary Robyn Battle reviewed the process of initiating a charter amendment. The Town Council provided direction to schedule an agenda item in June 2016 to appoint a Charter Review Commission. The Commission will meet periodically through December 2016 and present recommendations to the Council in January 2017. A charter election will be held in May 2017.

19. Adjourn.

The meeting was adjourned at 10:07 p.m. on Tuesday, March 22, 2016.

These minutes approved on the 12th day of April, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary