



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, April 12, 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

Council Members Absent:

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
Alex Glushko, Senior Planner
Jonathan Hubbard, Planner
Frank Jaromin, Public Works Director
Betty Pamplin, Accounting Manager
January Cook, Purchasing Agent
Doug Kowalski, Chief of Police
Ashley Price, Dispatcher
Maria Imperial, Dispatcher
Ronnie Tucker, Fire Chief

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 recent and upcoming events.

Councilmember Michael Korbuly read the following announcements:

It's official! Prosper is the winner of the It's Time Texas Community Challenge for small communities. With the help of our Town employees, schools, churches, businesses, and residents, Prosper won with a substantial lead over our statewide competition. Team Prosper will be awarded with a \$1,200 grant for healthy school initiatives, a trophy, and a Town banner. Thanks to everyone who helped us win this championship!

The Texas Department of Transportation will conduct a Public Meeting on Thursday, May 12, from 5:30-7:30 p.m. at Navo Middle School in Aubrey to receive public comments on the proposed widening of US Highway 380 from Loop 288 to west of County Road 26. More information is available at www.keepitmovingdallas.com.

A variety of Parks and Recreation programs are now available for registration. Spring archery and tennis classes are available, and several summer programs for adults and children are now open. Sign up online at www.prosperparksandrec.org.

The Prosper Police Department will host "Coffee with a Cop" at the new Kroger Marketplace on Thursday, April 14, from 8:00-10:00 a.m. Buy your favorite cup of coffee at Starbucks, then join some of Prosper's police officers for an informal discussion about the issues that are important to you.

Councilmember Korbuly congratulated the Prosper Lady Eagles soccer team for their recent area championship.

Councilmember Dugger announced the Prosper Historical Society's veterans event to be held at Frontier Park on Memorial Day, May 30.

Councilmember Dugger also announced that the Prosper Lions Club now meets on the first and third Friday of every month at 7:15 a.m. at the Kroger Marketplace on Preston Road.

4. **Presentations**

- **Presentation of a Proclamation declaring April 18-22 as *Juvenile Diabetes Walk For A Cure Week*. (RB)**

Tiziana Kanouse, Crystal Kirsch, and Catherine Kirsch were present to receive the Proclamation.

- **Presentation of a Proclamation to members of the Town of Prosper Police Department declaring April 10-16 as *Public Safety Telecommunicators Week*. (RB)**

Police Chief Doug Kowalski, Fire Chief Ronnie Tucker and dispatchers Ashley Price and Maria Imperial 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 meetings. (RB)**

- **Regular Meeting – March 22, 2016**

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

- 5c. Consider and act upon Ordinance No. 16-23 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)**

Councilmember Dugger pulled Item 5d from the Consent Agenda.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Items 5a, 5b, and 5c on the Consent Agenda. The motion was approved by a vote of 6-0.

- 5d. 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)**

Development Services Director John Webb responded to questions from the Town Council about the building's façade. Exhibit D from the original Special Use Permit (SUP) referenced the architectural style of the buildings. The applicant no longer wishes to incorporate office use in the proposed second building; however, the SUP still requires it to have a similar façade. Rick Jones of Advantage Storage addressed the Council, stating that he feels the proposed elevation for the second building meets the spirit and intent of the SUP. Councilmember Dugger would like the applicant to work with Town staff to make the appearance of the building more similar to the existing building. The Council discussed with the Town Attorney the consequences of appealing the decision of the Planning & Zoning Commission.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to postpone Item 5d to a future Town Council agenda. The motion failed with a vote of 3-3.

The Town Council and the applicant continued to discuss options to make the two buildings more similar in appearance. The applicant agreed to consider adding awnings to the west side of the second building, and to meet with staff to discuss other options to enhance the office appearance.

Councilmember Vogelsang made a motion and Councilmember Dugger seconded the motion to postpone Item 5d to the April 26, 2016, Town Council meeting. 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.

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. **Presentation of service plan and second Public Hearing to consider the voluntary annexation of 52.2± acres generally 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 subject property owner and an adjacent property owner, Sexton Farms Ltd., 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 161 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 Specific Use Permit (SUP) for a Child Day Care Center and Private Athletic Stadium or Field (with no lights) for St. Martin de Porres Catholic Church, on 51.7± acres, located on the north side of US 380, 1,400± feet west of Teel Parkway. This property is zoned Planned Development-40 (PD-40). (S16-0004). (JW)**

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to allow for a Child Day Care Center and Private Athletic Stadium or Field with no lights for St. Martin de Porres Catholic Church. The ultimate build-out of the property will be comprised of a church, parish hall, two private school buildings (pre-k through 8th grade), playgrounds, a ministry/life center, athletic fields with no lights, and a gym.

Prior to the Town Council meeting, Town staff received two Public Hearing Notice Reply Forms in opposition to the request. In general, the property owners in opposition noted the impacts that the proposed church, private school, and/or day care may have on future potential alcoholic beverage sales on their future commercial development.

Mayor Smith opened the Public Hearing.

Steven Knobbe, 9863 Shell Ridge Drive, Frisco, Texas, spoke in favor of the item, stating that he is chairman of the church building committee. He submitted a letter stating the church's position on alcohol sales by adjacent property owners.

Bill Baird, 6300 Ridglea Place, Ste. 700, Fort Worth, Texas, spoke in favor of the item as the project engineer.

Marie Pishko, 377 Burnswick Isles Way, Frisco, Texas, spoke in favor of the item, specifically for the day care and preschool.

Joann Messina, 2240 Meadow View, Prosper, Texas, did not speak, but wished to register her support for the item for the record.

Dan Messina, 2240 Meadow View, Prosper, Texas, did not speak, but wished to register his support for the item for the record.

Santos Martinez, 900 Jackson #640, Dallas, Texas, spoke in favor of the item. Mr. Santos represents Masterplan, an adjacent property owner who had originally submitted a reply form in opposition to the request. Masterplan has since submitted a letter withdrawing their opposition, and asking the Town Council to consider adoption of an alcohol waiver ordinance to allow alcohol sales near churches and schools on a case-by-case basis.

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

Councilmember Vogelsang made a motion and Councilmember Dugger seconded the motion to approve the request for a Specific Use Permit (SUP) for a Child Day Care Center and Private Athletic Stadium or Field (with no lights) for St. Martin de Porres Catholic Church, on 51.7± acres, located on the north side of US 380, 1,400± feet west of Teel Parkway. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

9. **Consider and act upon an ordinance 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. On March 22, 2016, the Town Council approved the request for an SUP for Primrose, subject to revising the elevations to increase the amount of stone on the front elevation. Council was presented with two options, and approved a revised elevation that reallocates stone from the side elevation to the front. Representatives of the applicant were present to answer questions from the Town Council.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-24 for a Specific Use Permit 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, subject to the inclusion of Option 2 being the Exhibit D Façade Plan. The motion was approved by a vote of 6-0.

10. Consider and act upon amending Ordinance No. 15-58 (FY 2015-2016 Budget) with a net budget impact of \$380,890. (BP)

Accounting Manager Betty Pamplin presented this item before the Town Council. The proposed budget amendment will reallocate funds to the appropriate impact fee funds, and allocate funding for mid-block sidewalk flashers, signage and flashers at Windsong Ranch Elementary, the Harper Road Construction Project, the First Street at Dallas North Tollway Traffic Signal, and median landscaping.

Councilmember Korbuly suggested that the budget amendment allocate funding for a new fraize mower to be used by the Parks and Recreation Department to maintain playing fields; however, because the public notice for this agenda item specifies a particular dollar amount, no change was made to the proposed budget amendment.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve Ordinance No. 16-25 amending Ordinance No. 15-58 (FY 2015-2016 Budget) with a net budget impact of \$380,890 to fund increased revenues, expenditures, and transfers in the General Fund, Impact Fee Funds, and the CIP Fund. The motion was approved by a vote of 6-0.

11. Consider and act upon awarding Bid No. 2016-36-B to McMahon Contracting, L.P., related to construction services for the Harper Road Repair project; and authorizing the Town Manager to execute a construction agreement for same. (FJ)

Public Works Director Frank Jaromin presented this item before the Town Council. The proposed contract will repair Harper Road for the slope failure that occurred due to the heavy rains in June 2015. The roadway embankment will be excavated below the failure line and compacted in twelve-inch lifts. The surface will include six inches of flex base and erosion control. The contract specifies a substantial completion time of 30 calendar days. Staff anticipates starting construction as soon as weather permits.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to award Bid No. 2016-36-B to McMahon Contracting, L.P., related to construction services for the Harper Road Repair project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-0.

12. 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:

12a. Section 551.087 – To discuss and consider economic development incentives.

12b. 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.

12c. 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.

The Town Council recessed into Executive Session at 7:38 p.m.

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

The Regular Session was reconvened at 8:40 p.m. No action was taken as a result of Executive Session.

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

- **Preston Lakes Playground Design (HW)**

This item will be discussed at a future meeting.

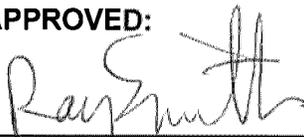
Councilmember Korbuly requested that discussion of the purchase of a fraize mower be placed on a future Town Council agenda when Matt Furr, Parks Superintendent, can be present.

15. Adjourn.

The meeting was adjourned at 8:41 p.m. on Tuesday, April 12, 2016.

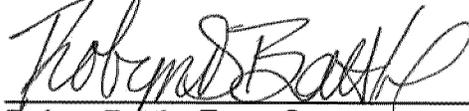
These minutes approved on the 26th day of April, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary