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MINUTES

Meeting of the Prosper Town Council

Prosper Municipal Chambers

108 W. Broadway Street

Prosper, TX 75078

Tuesday, May 10, 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

Alex Glushko, Senior Planner

January Cook, Purchasing Agent

Betty Pamplin, Accounting Manager

Doug Kowalski, Chief of Police

Gary McHone, Assistant Chief of Police

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.

Deputy Mayor Pro-Tem Vogelsang read the following announcements:

The Texas Department of Transportation will hold a Public Meeting on Thursday, May 12, to discuss proposed improvements to US 380 from Loop 288 to west of County Road 26. The meeting will be held at Navo Middle School in Aubrey from 5:30-7:30 p.m.

Prosper's Spring Blood Drive will take place on Saturday, May 14, from 10:00 a.m.-1:00 p.m. in the parking lot of American Bank of Texas. A mini-health fair will take place in conjunction with the blood drive. Sign up to donate blood at www.prosperchamber.com.

The Prosper Police Department will hold its annual Community Safety Initiative on Saturday, May 14, from 8:00 a.m.-noon at the Frontier Park Pavilion. Police and Fire equipment, vehicles and apparatus will be on display, and music, games and giveaways are part of this free event.

Mayor Smith, and staff members from the Parks and Recreation and Human Resources Departments will attend the IT'S TIME TEXAS COMMUNITY CHALLENGE award ceremony in Austin on Thursday, May 13. The Town will be awarded a trophy, a banner, and a \$1,200 grant for school health initiatives.

The Fire Department's Fill the Boot Campaign will be held May 18-20 to raise money for the Muscular Dystrophy Association. Firefighters will be at various intersections around town seeking donations from motorists who are completely stopped at intersections.

The Town's Public Works Department will host a seminar on the effective use of sprinkler systems on Saturday, May 21, at 9:00 a.m. at the Water Tower Garden located at the intersection of Craig Street and First Street. Attendees will learn about basic repairs and maintenance for their irrigation systems. Registration is available on the Town's website.

4. **Presentations.**

- **Administration of Oaths-of-Office and Presentation of Certificates of Election.**

Town Secretary Robyn Battle administered the oath-of-office to Councilmember Korbuly, Mayor Pro-Tem Miller, and Mayor Smith.

Mayor Smith presented certificates of election to Councilmember Korbuly and Mayor Pro-Tem Miller.

Mayor Pro-Tem Miller presented a certificate of election to Mayor Smith.

- **Presentation of a Proclamation to members of the Prosper Police Department declaring May 15-21, 2016, as *Police Week*, and declaring May 15, 2016, as *Peace Officers Memorial Day*. (RB)**

Police Chief Kowalski and Assistant Police Chief McHone accepted the Proclamation on behalf of the Prosper Police Department.

- **Recognition of Eldon Carter with Dave R. Williams Homes as Second Runner-Up, Kevin Dennings with Drees Homes as First Runner-Up, and Mark Clary with Megatel Homes as the recipient of the Building Inspection's "2015 Builder of the Year Award." (TW)**

Building Official Todd White and Mayor Smith presented the Builder of the Year awards to the respective winners.

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 – April 26, 2016
- 5b. Receive the March Financial Report. (BP)
- 5c. Receive the Quarterly Investment Report ending March 31, 2016. (BP)
- 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)

Councilmember Dugger 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 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.

Diana Smotherman, 603 E. First Street, Prosper, expressed her concern regarding excessive speeding along First Street.

Drake Dunn, 1301 Nacona Drive, Prosper, spoke on behalf of the Prosper Youth Sports Commission, encouraging the Council to increase the size of the baseball fields at Frontier Park North to 250-275 feet.

Allan Rutter, 4561 Acacia Parkway, Prosper, expressed his appreciation for the Fishtrap Road improvements and traffic patrols in the area. He requested the Council consider working with the City of Frisco to re-time the traffic lights along US 380 at the intersections of Gee Road, and County Road 423.

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 for a Special Purpose Sign District for Windsong Ranch Marketplace, on 56.6± acres, located on the northeast corner of US 380 and Gee Road. (MD16-0002). (JW)

Development Services Director John Webb presented this item before the Town Council. The applicant has requested the item be tabled to the June 14, 2016, Town Council meeting to allow time to make adjustments to the proposed sign package.

Councilmember Davis made a motion and Councilmember Dixon seconded the motion to table Item 7 to the June 14, 2016, 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 for a Specific Use Permit (SUP) for a Private Street Development, on 100.0± acres, located on the south side of Prosper Road, 2,100± feet west of Legacy Drive. (S16-0005) (JW)

Development Services Director John Webb presented this item before the Town Council. Mr. Webb reviewed the criteria used in determining the validity of the SUP request.

Mayor Smith opened the Public Hearing.

Patrick Filson, 4821 Merlot Avenue, Suite 210, Grapevine, spoke in favor of the item on behalf of the applicant. He responded to questions from Council, stating that the builder of the development has yet to be determined, and there is currently no definitive timeframe for the installation of water and sewer infrastructure.

Mr. Webb confirmed that public points of access were appropriate for the development. The applicant will pay park dedication fees in lieu of dedicating park land. The development will contain 216 homes, and the screening wall design will accompany the plat.

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

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve a Specific Use Permit (SUP) for a Private Street Development, on 100.0± acres, located on the south side of Prosper Road, 2,100± feet west of Legacy Drive. The motion was approved by a vote of 7-0.

9. Conduct a Public Hearing, and consider and act upon a request to rezone 5.5± acres, located on the east side of Preston Road, 1,750± feet south of Prosper Trail, from Single Family-15 (SF-15) to Retail (R). (Z16-0007). (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of the request is to rezone the subject property to Retail in accordance with the Future Land Use Plan to allow for the development of a future retail and/or office development.

Mayor Smith opened the Public Hearing.

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

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Vogelsang seconded the motion to approve a request to rezone 5.5± acres, located on the east side of Preston Road, 1,750± feet south of Prosper Trail, from Single Family-15 (SF-15) to Retail (R). The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon a request for an extension of a Specific Use Permit (SUP) for a Concrete Batching Plant on 5.0± acres, located on the west side of Dallas Parkway, 900± feet south of First Street. The property is zoned Planned Development-19-Commercial Corridor and Specific Use Permit-6 (PD-19-CC and S-6). (S16-0006). (JW)**

Development Services Director John Webb presented this item before the Town Council. The current SUP for the existing concrete batching plant will expire on January 14, 2017. The applicant has submitted a request to continue the operation of the concrete batch plant for an additional two years. Mr. Webb reviewed the terms of the agreement.

Mayor Smith opened the Public Hearing.

Tony Strickland of Nelson Brothers Ready Mix was present and offered to answer any questions from the Town Council.

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

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve an extension of an SUP for a Concrete Batching Plant on 5.0± acres, located on the west side of Dallas Parkway, 900± feet south of First Street, subject to:

1. The SUP expires January 14, 2019, two (2) years after the expiration of the existing ordinance. The applicant may seek a renewal term to the SUP in order to continue the Concrete Batching Plant use.
2. An on-site billing office is required to continue the Concrete Batching Plant use. All concrete deliveries from the physical Prosper location shall be billed as taxable to the Town of Prosper.
3. The Town of Prosper reserves the right to audit books to ensure that Prosper is the primary HUB for tax revenue and upon inspection, if there are any failures to correct errors, the Town of Prosper reserves the right to revoke the SUP.

The motion was approved by a vote of 7-0.

Mayor Smith opened Items 11, 12, and 13 concurrently.

11. **Conduct a Public Hearing, and consider and act upon an ordinance amending the Future Land Use Plan, located on the west side of Coit Road, 2,300± feet north of First Street, from Low Density Residential to Medium Density Residential. (CA16-0001). [Companion Case Z16-0002]. (JW)**
12. **Conduct a Public Hearing, and consider and act upon an ordinance zoning 54.0± acres of unincorporated property to Planned Development-Single Family-10 (PD-SF-10) and rezoning 28.9± acres from Agricultural (A) to Planned Development-Single Family-10 (PD-SF-10), located on the west side of Coit Road, 2,300± feet north of First Street. (Z16-0002). [Companion Case CA16-0001]. (JW)**
13. **Consider and act upon an ordinance annexing 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 the items before the Town Council. Town staff has received a request to annex and zone 54.0± acres of currently unincorporated land to Planned Development-Single Family-10 (PD-SF-10) and to rezone 28.9± acres from Agricultural (A) to Planned Development-Single Family-10 (PD-SF-10), Zoning Case Z16-0002. The two tracts will be developed as a new single family, 161-lot subdivision, known as Parkside. Since the proposed rezoning request is not requesting density greater than 2.5 dwelling units per acre, and there are no proposed lots less than 10,000 square feet, the request requires an amendment to the Future Land Use Plan.

Mayor Smith opened the Public Hearings.

Dale Clark, the developer, provided a PowerPoint presentation. Mr. Clark talked about the density of the development, the proposed builders, and the development standards for the development, which exceed the Town's minimum standards in some cases. He noted that if his proposal is not approved, the land owner will probably sell to another buyer, but there is no guarantee that another developer will submit a proposal of the same quality.

Kevin Westra, 2300 Reflection Lane, Prosper, spoke in opposition to the request due to the higher density.

Tamara Heath, 950 Elk Ridge Road, Prosper, spoke in favor of the request, expressing her appreciation to the developer for working with the adjacent homeowners to accommodate their concerns.

Greg Weaver, 2230 Reflection Lane, Prosper, spoke in opposition to the request due to the higher density.

Angela Wishon, 740 Sundance Court, Prosper, spoke in opposition to the request due to the higher density.

Christian Morris, 1208 N. Waddill Street, McKinney, spoke in favor of the request on behalf of Highland and Huntington Homes.

Harry Kidd of Drees Custom Homes spoke in favor of the request.

Justin Bright spoke in favor of the request on behalf of American Legend Homes.

David Byrd, 2010 Beaver Trail, Prosper, spoke in favor of the request, expressing his appreciation to the development for addressing the original objections of the adjacent homeowners.

Ken Weaver, 1480 Beacon Hill Drive, Prosper, submitted an email in opposition to the request due to the higher density.

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

After discussion, Mayor Pro-Tem Miller made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-32 annexing 52.2± acres generally located on the west side of Coit Road, 2,700± feet north of First Street. The motion was approved by a vote of 7-0.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-30 amending the Future Land Use Plan, located on the west side of Coit Road, 2,300± feet north of First Street, from Low Density Residential to Medium Density Residential. The motion was approved by a vote of 7-0.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Ordinance No. 16-31 zoning 54.0± acres of unincorporated property to Planned Development-Single Family-10 (PD-SF-10) and rezoning 28.9± acres from Agricultural (A) to Planned Development-Single Family-10 (PD-SF-10), located on the west side of Coit Road, 2,300± feet north of First Street with the following condition:

- a. Prior to filing an application for the first Final Plat, the developer shall provide a copy of the deed restrictions.

The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

14. **Consider and act upon approving the purchase of automated license plate readers from ARC Government Solutions, Inc.; and authorizing the Town Manager to execute an Enterprise Service Agreement and Federal Bureau of Investigation Criminal Justice Information Services Security Addendum with Vigilant Solutions, Inc., for the related software. (DK)**

Mayor Pro-Tem Miller left the meeting at 8:50 p.m.

Police Chief Kowalski presented this item before the Town Council. Automated LPR systems are used by law enforcement agencies across the country to identify persons or vehicles whose license plates are connected to a crime or infraction. Cameras mounted to police vehicles automatically take photos of license plates. The license plate characters in the photo are then translated into letters and numbers, and compared to law enforcement databases of registered vehicles known to be, or suspected of being involved with crimes or infractions. If a license plate that was read matches an entry on a database, the LPR system will alert the officer that a suspect vehicle is in the immediate area of that LPR system. Purchasing Agent January Cook responded to questions from the Town Council regarding the terms of the agreement.

After discussion, Councilmember Davis made a motion and Councilmember Dixon seconded the motion to approve the purchase of automatic license plate readers from ARC Government Solutions, Inc.; and authorize the Town Manager to execute an Enterprise Service Agreement and Federal Bureau of Investigation Criminal Justice Information Services Security Addendum with Vigilant Solutions, Inc., for the related software, with the understanding that the price provided to the Town will be verified by ARC, and no additional fees will be owed. The motion was approved by a vote of 6-0.

15. **Consider and act upon an amendment to the Capital Improvement Plan. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. He provided an update on recent changes for street, traffic, park, facility, and drainage projects, and reviewed the budget implications for each.

Town staff was directed to obtain cost estimates to increase the size of two of the Frontier Park North ball fields to 250-275 feet each.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to approve an amendment to the Capital Improvement Plan. The motion was approved by a vote of 6-0.

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.*

The Town Council recessed into Executive Session at 9:10 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 9:22 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 Planting List. (HW)**

Hulon Webb provided an update on the approved median plantings list. Town staff was directed to replace Vitex with Little Jim for planter beds.

- **Downtown Landscape Requirements (JW)**

John Webb reviewed the Downtown Office (DTO) landscaping standards, and provided Town staff's recommended changes.

- **Charter Review Process. (RB)**

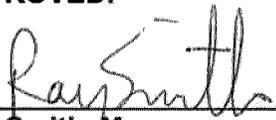
Town Secretary Robyn Battle provided an overview of the Charter Review Commission appointment process. Town Council members will submit names of potential appointees by May 31. The Council will consider appointing the Commission at the June 14, 2016, Town Council meeting.

19. Adjourn.

The meeting was adjourned at 9:32 p.m. on Tuesday, May 10, 2016.

These minutes approved on the 24th day of May, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary