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MINUTES

Meeting of the Prosper Town Council

Prosper Municipal Chambers

108 W. Broadway Street

Prosper, TX 75078

Tuesday, May 24, 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

Doug Kowalski, 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 annual Police Banquet was held on Thursday, May 19. Officer Kerry O'Brien was named Officer of the Year, Sergeant Barrett Morris was named Supervisor of the Year, Dispatcher Delanna ("Delaina") Copeland was named Dispatcher of the Year, and Sergeant Bryan Golden received the Top Shot award for marksmanship. A special thanks to the Prosper Ladies Association and 3R's Ranch for sponsoring this year's banquet.

The Prosper Summer Series will continue on Friday, July 1 with the Pride in the Sky Independence Day Celebration at Frontier Park. Come out and enjoy this community-wide event that will include lots of family fun. Bring your blankets and lawn chairs and enjoy the fireworks.

The Parks and Recreation Department and the Library are planning lots of fun programs for the summer. The activities during the summer will promote a fun and active schedule to keep young people physically and mentally fit and active during the summer months. More information about these summer programs is available on the Town's website.

Town offices will be closed on Monday, May 30, in observance of Memorial Day. The Town Council wishes everyone a happy and safe holiday weekend.

4. Presentations.

- **Presentation of a Certificate of Appreciation to a former member of the Town's Parks and Recreation Board. (RB)**

Mayor Smith presented a Certificate of Appreciation to Keith Yellin.

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 10, 2016**
- 5b. Consider and act upon Resolution No. 16-33 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the construction of Frontier Park North Field Improvements. (WM)**
- 5c. Consider and act upon Ordinance No. 16-34 rezoning 100.0± acres, located on the south side of Prosper Road, 2,100± feet west of Legacy Drive, from Agricultural (A) to Single Family-12.5 (SF-12.5). (Z16-0005). (JW)**
- 5d. Consider and act upon Ordinance No. 16-35 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)**
- 5e. Consider and act upon Ordinance No. 16-36 rezoning 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)**
- 5f. Consider and act upon Ordinance No. 16-37 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)**

- 5g. 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 Dixon 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.

Ane Casady, P.O. Box 726, Prosper, spoke in favor of a historical museum in the new Town Hall.

Bill Hays, 2316 Creek Ridge Drive, McKinney, spoke in favor of a historical museum in the new Town Hall. He referred to discussions held by the Town Council in 2002 that called for a Centennial Celebration to be held, as well as the construction of a new Town Hall in the downtown area, the formation of a Historical Society, and the creation of a Library and Museum, all to be funded through sales tax revenue.

Irwin "Cap" Parry, 850 Kingsview Drive, Prosper, spoke in favor of a historical museum in the new Town Hall.

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:

Mayor Smith opened Items 7 and 8 concurrently.

7. Conduct a Public Hearing, and consider and act upon an ordinance amending the Future Land Use Plan from Retail & Neighborhood Services to High Density Residential, located on the northeast corner of First Street and Coit Road, to allow for an age- restricted, private-gated, senior living development. (CA16-0002) (JW)

Development Services Director John Webb presented Items 7 and 8 before the Town Council. The applicant has requested both items be tabled to the June 28 Town Council Meeting.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to table Items 7 and 8 to the June 28, 2016, Town Council meeting. The motion was approved by a vote of 7-0.

8. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 12.7± acres, from Retail (R) to Planned Development-Multifamily (PD-MF), located on the northeast corner of First Street and Coit Road, to allow for an age-restricted, private gated, senior living development. (Z16-0004). (JW)**
9. **Conduct a Public Hearing, and consider and act upon an ordinance amending a portion of Planned Development-7 (PD-7), located on the north side of First Street between Preston Road and Hays Road, to establish a specific area to allow buildings to be in excess of two (2) stories and to permit lots to have frontage on access easements in lieu of fronting on a public street. (Z16-0008). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has requested to amend the existing PD to permit one area to allow three-story buildings and to allow frontage on access easements rather than a public street.

Mayor Smith opened the Public Hearing.

John Harris, 170 N. Preston Road, Suite 10, Prosper, spoke in favor of the item, noting that the applicant is proposing a three-story office building on the site. The building will not exceed three-stories, but will be a maximum of 50-feet tall to allow for roof pitch and parapets in the design.

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

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve Ordinance No. 16-38 amending a portion of Planned Development-7 (PD-7), located on the north side of First Street between Preston Road and Hays Road, to establish a specific area to allow buildings to be in excess of two (2) stories and to permit lots to have frontage on access easements in lieu of fronting on a public street. The motion was approved by a vote of 6-1, with Councilmember Korbuly casting the opposing vote.

DEPARTMENT ITEMS:

10. **Consider and act upon a resolution directing the Town Secretary to publish notice of intent to issue Combination Tax and Surplus Revenue Certificates of Obligation for the purpose of funding costs of multi-purpose municipal facilities, parks, and storm drainage utility projects in the Town. (HJ)**

Town Manager Harlan Jefferson presented this item before the Town Council. The principal amount of the bonds issued are not to exceed \$9,600,000, to be used to fund the Town Hall/Multi-Purpose Facility, parks and recreation facilities and projects, and storm drainage utility projects. Mr. Jefferson reviewed the timeline for the issuance of the Certificates of Obligation.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve Resolution No. 16-39 providing for publication of notice of intent to issue certificates of obligation to finance the obligations associated with the aforementioned projects. The motion was approved by a vote of 7-0.

11. Consider and act upon an ordinance approving and adopting the negotiated rate settlement resolving the 2016 “RRM – Rate Review Mechanism” filing for ATMOS Energy Corporation, Mid-Tex Division, and implementing the rate change. (HJ)

Town Manager Harlan Jefferson presented this item before the Town Council. The Town, along with other similarly situated towns and cities served by Atmos Energy Corp., Mid-Tex Division, is a member of the Atmos Cities Steering Committee (ACSC). In March 2016, Atmos made a Rate Review Mechanism (RRM) filing requesting \$35.4 million in additional revenues on a system-wide basis. ACSC and Atmos have negotiated an agreement to reduce the requested amount to \$29.9 million on a system-wide basis. If the Town chooses not to accept the negotiated rate settlement, it is obligated to negotiate its own rate with Atmos through a separate process set by state law.

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 16-40 approving the negotiated rate settlement resolving the 2016 “RRM – Rate Review Mechanism” filing for Atmos Energy Corporation, Mid-Tex Division, and implementing the rate change. The motion was approved by a vote of 7-0.

12. Discussion on the Downtown Office (DTO) Standards. (JW)

Development Services Director John Webb presented this item before the Town Council. With additional interest and requests to develop offices in the Old Town area, there is a need to address the impact of the current DTO standards regarding the development of new structures and the conversion of existing homes into offices. Mr. Webb recommended the landscape requirements and the off-street parking requirements be amended to facilitate and not hinder development. Town staff also made recommendations on the architectural standards of the DTO District and implications of the sign code.

Bob Jameson, 106 Collin Court, Prosper, did not wish to speak, but expressed his support for the item.

Craig Saunders, 704 E. First Street, Prosper, spoke in favor of the item.

Scott Buller, 704 First Street, Prosper, spoke in favor of the item.

After discussion, Town staff was directed to move forward with the proposed recommendations. No further action was taken.

13. Discussion on the Frontier Park North Field Improvements Project. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Mr. Webb provided cost estimates on various options for the ball fields at Frontier Park North that had been previously requested by Council. Councilmember Dixon proposed a high fence to be constructed in conjunction with a 275'

field that would compensate for the shorter foul line. Mr. Webb reviewed the cost comparisons for each option.

Mayor Smith recognized the following individuals who requested to speak:

Dan Williams, 1220 Concho Trail, Prosper, and Secretary of the Prosper Youth Sports Commission, spoke in favor of at least one 300-foot field to allow a place for older youth to play. The larger field could also attract tournaments to Prosper.

Shelley Creel, 1620 Hidden Glen Court, Prosper, spoke in favor of larger fields for older teen players, noting that windshields have been broken by balls hit outside the fields.

Bryan Vaughan of Prosper Little League spoke in favor of at least one 300-foot field, noting that the Town has no ball fields that are the appropriate size for older players, and that the extra turf in a larger field could be used as practice space when not being used for games.

Mayor Smith stated that several individuals had submitted cards in support of 300-foot fields at Frontier Park, but did not wish to speak.

Cards were received from the following individuals in support of 300-foot fields:

Tom and Norma Adkins, 931 Packsaddle Trail, Prosper
Paul Alsina, 601 Livingston Drive, Prosper
Jason Barth, 2320 Nocona Drive, Prosper
Rachelle Barth, 2320 Nocona Drive, Prosper
Bill Beavers, 851 Echo, Prosper
Dane Blankenship, 16024 Alvarado Drive, Prosper
Kevin and Lipita Clark, 781 Texana Drive, Prosper
Robert Clark, 781 Texana Drive, Prosper
Adam Coggan, 850 Limestone Drive, Prosper
Amy Cooper, 2501 Greenspoint Lane, Prosper
Dan Cooper, 2501 Greenspoint Lane, Prosper
Wayne Creel, 1620 Hidden Glen Court, Prosper
Scott Crysel, 4154 Heritage Trail, Celina
Kathy Fink, 3030 Pecan Grove Lane, Prosper
Chris Godek, 3511 Fieldview Court, Prosper
Jennifer Gordon, 1051 Pasewark Circle, Prosper
Jennifer Allie, 980 Tumbleweed Drive, Prosper
Shane and Heidi Hall, 5305 Heatherwood Drive, McKinney
McLane Hansen, 3710 Millstone Way, Celina
JR Hapes, 3204 Twin Lakes Drive, Prosper
Kelly and Roy Harris, 1243 Chandler Circle, Prosper
Chris and Shannon Hellerman, 811 Dentwood Trail, Prosper
Jennifer Hinojosa, 15905 Crosslake Court, Prosper
Tamara Jackson, 401 Willow Run, Prosper
Jennifer Jobe, 801 Blue Ridge Drive, Prosper
Bethe Kichula, 4621 Acacia Parkway, Prosper
Peter Kichula, 4621 Acacia Parkway, Prosper
Michelle Lecklitner, 1720 Highland Meadows Drive, Prosper
Kyle Leney, 3101 Brookhollow Court, Prosper
George Machin, 540 Michelle Court, Prosper
Alfredo and Rosa Maldonado, 2230 Nocona Drive, Prosper

Chuck Marshall, 1301 Millers Creek Drive, Prosper
Marc Maxey, 1040 Elk Ridge Road, Prosper
Kevin and Holly McCleary, 501 Darian Drive, Prosper
Brent Murphree
Jason Petermeier, 861 White River Drive, Prosper
Brett Peters, 721 Moss Glen Drive, Prosper
Todd Rainwater, P.O. Box 1053, Prosper
Carlos Reyes, 270 Dave Trail, Prosper
Jere Shellberg, 730 Buffalo Springs Drive, Prosper
Reg Shepherd, 2500 Greenspoint, Prosper
Travis Singleton, 800 Texana Drive, Prosper
John Stanley, 4101 Chama Street, Prosper
Jeffrey Thomas, 1105 Blanco Lane, McKinney
Marcie Thomas, 1105 Blanco Lane, McKinney
Steve and Stacy Wages, 1160 Kirkwood Lane, Prosper
John Washburn, 2201 Nocona Drive, Prosper
Shana Wagnon, 1220 Monticello Drive, Prosper
Troy Wagnon, 1220 Monticello Drive, Prosper
Josh Williams, 1541 Brookhill Court, Prosper
Kevin Winter, 4630 Crossvine Drive, Prosper
Melissa Winter
Roger Zebroski, 1740 Cross Timbers, Prosper

After discussion, Town staff was directed to bring the item back to a future meeting with additional cost estimates for various field sizes that include options for natural turf and a higher outfield wall. No further action was taken.

Councilmember Dixon left the meeting at 7:15 p.m.

14. Consider and act upon authorizing the Town Manager to execute a Water Impact Fees Reimbursement Agreement between Blue Star Development Company and the Town of Prosper, Texas, related to the extension of water lines to serve the Star Trail development. (HW)

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Blue Star Development Company is developing Star Trail, and will be required to extend several water lines in conjunction with the development. Since the proposed water lines are depicted on the Town of Prosper Water System Capital Improvement Plan, the actual costs for the design and construction of the improvements are eligible for reimbursement of water impact fees collected from the development. Mr. Webb outlined the obligations of the Town of Prosper and Blue Star Development Company related to the design, construction, and reimbursement of collected water 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 Water Impact Fees Reimbursement Agreement between Blue Star Development Company and the Town of Prosper, Texas, related to the extension of water lines to serve the Star Trail development. The motion was approved by a vote of 6-0.

15. 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:

- 15a. Section 551.087 – To discuss and consider economic development incentives.**
- 15b. 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.**
- 15c. Section 551.071 – Consultation with Town Attorney regarding legal issues associated with existing zoning classifications and districts, and all matters incident and related thereto.**
- 15d. Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.**
- 15e. Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.**

The Town Council recessed into Executive Session at 7:32 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 8:15 p.m.

Mayor Pro-Tem Meigs Miller made a motion and Councilmember Korbuly seconded the motion to appoint Curry Vogelsang, Jr., as Mayor Pro-Tem and Jason Dixon as Deputy Mayor Pro-Tem. The motion was approved by a vote of 5-1, with Councilmember Davis casting the opposing vote.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to appoint Rebekah Land to fill the unexpired term of Place 6 on the Parks & Recreation Board. 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.

- **Prosper Youth Sports Commission (PYSC) amended bylaws. (HW)**

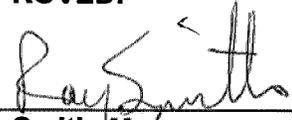
Hulon Webb, Executive Director of Development and Community Services, provided an overview of the proposed amendments to the PYSC bylaws. A proposed ordinance will be brought forward at a future Town Council meeting.

18. Adjourn.

The meeting was adjourned at 8:25 p.m. on Tuesday, May 24, 2016.

These minutes approved on the 14th day of June, 2016.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary