



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, June 10, 2014

**1. Call to Order/Roll Call.**

The meeting was called to order at 6:01 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Meigs Miller  
Deputy Mayor Pro-Tem Kenneth Dugger  
Councilmember Michael Korbuly  
Councilmember Mike Davis  
Councilmember Curry Vogelsang, Jr.

**Council Members Absent:**

Councilmember Jason Dixon

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary  
Terrence Welch, Town Attorney  
Hulon T. Webb, Jr., Executive Director of Development and Community Services  
Chris Cople, Development Services Director  
Paul Naughton, Landscape Architect  
Frank Jaromin, Public Works Director

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

Pastor Mel Pugh led the invocation. The pledge of allegiance and the pledge to the Texas flag were recited.

**3. Announcements of upcoming events.**

Deputy Mayor Pro-Tem Dugger made the following announcements:

Registration is now open for several Parks and Recreation Summer Programs, including fitness programs, sports camps, dance camps, Kindermusik, and more. Contact Julie Shivers in the Parks and Recreation Department for more information.

Summer programs at the Prosper Community Library have begun. Story Time at the Library will take place each Tuesday at 11:00 a.m., and family activities will take place on Thursdays at 11:00 a.m., including a presentation by Prosper's Police Officers and Firefighters about "Summer Safety for Kids" on June 19. Events are free and open to

the public. Contact Leslie Scott at the Prosper Community Library for more information.

Bethlehem Place Food Pantry is hosting a classic car show, "Hot Rods and Hot Dogs," at Frontier Park on Saturday, June 14, from 10:00 a.m. to 3:00 p.m. Prizes will be given for winning entries. There will be snow cones, bounce houses, and lots of fun activities for all ages. Contact Prosper United Methodist Church for more information.

Live & Prosper Magazine is hosting "Pride in the Sky" as part of its 2014 Summer Series. This Independence Day celebration will take place on Thursday, July 3, from 5:00 to 10:00 p.m. at Frontier Park. Activities will include a charity softball game, car show, music, food, games, and fireworks.

The Town Council congratulated the Prosper High School baseball team on their successful season.

**4. 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.)

- 4a. Consider and act upon minutes from the following Town Council meeting. (RB)**
  - **Regular Meeting – May 27, 2014**
- 4b. Consider and act upon on Resolution No. 14-35 approving bylaws for the Prosper Library Board. (HW)**
- 4c. Consider and act upon Ordinance No. 14-36 for a Specific Use Permit (SUP) for a Child Day Care Center on 1.4± acres, located on the north side of Richland Boulevard, 400± feet west of Coit Road. The property is zoned Office (O). (S14-0002). (CC)**

Mayor Pro-Tem Miller removed Item 4b from the Consent Agenda.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Vogelsang seconded the motion to approve Items 4a and 4c on the Consent Agenda. The motion was approved by a vote of 6-0.

Hulon Webb, Executive Director of Development and Community Services, responded to questions from the Town Council on the proposed bylaws for the Library Board. The bylaws are intended to increase the number of board members to 7, rather than 5, and to make the bylaws consistent with the board appointment policies and procedures that were put in place by the Town Council in 2013.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Item 4b. The motion was approved by a vote of 6-0.

5. **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.)

Other Comments by the Public –

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:**

6. **Conduct a Public Hearing, and consider and act upon a request to amend 46.6± acres of Planned Development-40 (PD-40), located on the northeast corner of Gee Road and US 380. (Z14-0010). (CC)**

Chris Copple, Director of Development Services, presented this item before the Town Council. The request is to amend PD-40 to allow for the development of a retail shopping center anchored by a big box retail building. Mr. Copple compared the proposed PD standards to existing PD-40 standards. The zoning request complies with the Future Land Use Plan, and the Thoroughfare Plan. The Planning & Zoning Commission recommended approval of the request, subject to the removal of some items from the list of permitted uses. The applicant has complied with the request. Town staff recommended approval of the request, subject to stipulations regarding building materials. Mr. Copple responded to questions regarding permitted materials, landscaping, landscape buffer requirements, and lighting, noting that all standards in the proposed PD meet the requirements of the Town's zoning ordinance. Council expressed an interest in increasing the screening and lighting standards.

Mayor Smith opened the Public Hearing.

Robert Dorazil with United Commercial Development, spoke on behalf of the applicant, Kroger. Responding to Council's question on lighting and screening, he stated that he could not respond to those concerns at this meeting, but could ask Kroger to look into it. Christina Conrad of Kroger responded to concerns from the Town Council on the proposed building materials, which include Quik-Brik. Mr. Copple responded that although it is not specifically listed in the zoning ordinance as a permitted material, Town staff believes it to be an appropriate material for the proposed project. Terrence Welch, the Town Attorney, advised Council of suggested

language that could be used in the motion to approve the request that could address their concerns.

Mayor Smith closed the Public Hearing.

The Town Council, Mr. Dorazil and Ms. Conrad discussed the proposed changes to lighting standards, berms, landscaping and building materials. The applicant agreed to submit the site plan, façade plan, and landscape plan for Council approval.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the request to amend 46.6± acres of Planned Development-40 (PD-40), located on the northeast corner of Gee Road and US 380, subject to:

1. Limiting a single building material to 80% of an elevation area and requiring a minimum of 10% of the rear elevation be natural or manufactured stone.
2. The site plan, landscape plan, and façade plan shall be subject to Town Council approval.

The motion was approved by a vote of 6-0.

**7. Conduct a Public Hearing, and consider and act upon an amendment to the Town's Future Land Use Plan. (CA14-0001). (CC)**

Chris Copple, Director of Development Services, presented this item before the Town Council. Town staff has received a zoning request for a Planned Development-Retail District on the northeast corner of Preston Road and Prosper Trail. The Future Land Use Plan (FLUP) recommends Low Density Residential uses for this property. The proposed amendment would revise the FLUP to reflect Retail and Neighborhood Services uses on the northeast corner of Preston Road and Prosper Trail. The Planning & Zoning Commission recommended the Town Council deny an amendment to the FLUP. Mr. Copple clarified that approving the amendment to the Town's Future Land Use Plan would not rezone the property, it would only revise the FLUP.

Mayor Smith opened the Public Hearing.

Joshua Cogburn, 1601 Tahoe Trail, Prosper, spoke in favor of this item.

Stephen Goss, 1204 Chandler Circle, Prosper, spoke in opposition to this item.

Jack Dixon, 810 Long Valley Court, Prosper, spoke in opposition to this item.

Irwin "Cap" Parry, 850 Kings View Drive, Prosper, spoke in opposition to this item.

Chris Kern, 570 Abbey Lane, Prosper, spoke in opposition to this item.

Tom Strouse, 1215 Chandler Circle, Prosper, spoke in opposition to this item.

John Harris, 170 N. Preston Road, Suite 10, Prosper, spoke in opposition to this item.

Brian Beasley, 1250 Packsaddle Trail, Prosper, spoke in opposition to this item.

Curt Mooney, 1230 Packsaddle Trail, Prosper, spoke in opposition to this item. The following individuals did not wish to speak, but asked that their opposition to this item be recorded for the record:

Kristi Graff Fisher, 1206 Chandler Circle, Prosper  
Ray and Sharon Lawrence, 1217 Chandler Circle, Prosper  
Donna Strouse, 1215 Chandler Circle, Prosper  
Stephen Nelson, 1207 Chandler Circle, Prosper  
Tamie W. Nelson, 1207 Chandler Circle, Prosper  
Scott Fisher, 1206 Chandler Circle, Prosper

With no-one else wishing to speak, Mayor Smith closed the Public Hearing.

Town Manager Harlan Jefferson introduced William Cothrum and Karen Wunsch of Masterplan, a consulting service the Town has retained to perform a review of the Town's Comprehensive Plan. Masterplan was asked to provide a land use recommendation for the northeast corner of Preston Road and Prosper Trail as part of their overall review of the Comprehensive Plan. Ms. Wunsch responded to Council's questions about the criteria for amending the Comprehensive Plan, noting that the decision to amend the FLUP should be looked at as a land use decision, not a specific request from Kroger. Potential negative impacts to surrounding neighborhoods can be mitigated through design and site amenities in a Planned Development. It is also a possibility that some of the land in Town that is already zoned for retail development may not actually be developed as retail, and could be rezoned to something different in the future, depending on the demands of the market. Ms. Wunsch recommended devoting a study to more closely analyze the amount of retail the Town already has zoned, and the amount that will be needed in the future. William Cothrum then addressed the Council, explaining that as market conditions change, it is sometimes necessary for plans to change as well.

After further discussion and deliberation by the Town Council, Mayor Pro-Tem Miller made a motion and Councilmember Davis seconded the motion to approve the amendment to the Town's Future Land use Plan. The motion was approved by a vote of 6-0.

**DEPARTMENT ITEMS:**

8. **Consider and act upon the proposed park land dedication within the limits of the conveyance plat of Prosper Road Community Park, Block A, Lots 1 and 2, on 58.1± acres, located on the north side of Prosper Road, 3,000± feet east of Teel Parkway. (D14-0025). (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. The conveyance plat dedicates land for a community park and the necessary right-of-way for future Prosper Trail to the Town. The dedication is in conformance with the park land dedication requirements of the preannexation agreement for Planned Development-40 (Windsong Ranch). Water and sewer infrastructure will be constructed as the surrounding property develops. Development Services Director Chris Cople clarified that part of Prosper Road still lies within Denton County. The

name of the road will be changed to Prosper Trail once the property is annexed to the Town.

Councilmember Korbuly made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the proposed conveyance of land for a community park, as shown on the conveyance plat of Prosper Road Community Park. The motion was approved by a vote of 6-0.

**9. 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:

- 9a. *Section 551.087 - To discuss and consider economic development incentives.***
- 9b. *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.***
- 9c. *Section 551.071 - Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.***

The Town Council recessed into Executive Session at 8:22 p.m.

Mayor Smith left the Executive Session at 9:30 p.m.

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

The Town Council reconvened the Regular Session at 9:39 p.m. No action was taken as a result of Executive Session.

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

- **Water Conservation Education Program**

Frank Jaromin, Public Works Director, updated the Town Council on efforts to educate the public on the Town's current Stage 3 watering restrictions, as recommended by the North Texas Municipal Water District. Town staff proposed placing signs in the yards of violators notifying them of the violation, as well as the appropriate dates and times for watering. Additional agenda items related to enforcement may be brought before the Town Council at a future date.

- **Frontier Park Athletic Field Lighting Update**

Hulon Webb, Executive Director of Development and Community Services, updated the Town Council on efforts to light the southwest and southeast corners

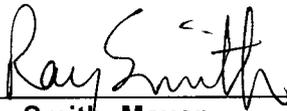
of Frontier Park. Photometric plans are underway for both areas, and Town staff will update the Parks and Recreation Board, local sports leagues, and area HOA members about the Town's plans to light these areas. Town staff was given direction to move forward with initiating change orders to existing contracts in order to lay conduit in both areas in preparation to add athletic field lighting at a later date. Funding options will be brought forward for Council approval through a CIP amendment at a future meeting.

**12. Adjourn.**

The meeting was adjourned at 9:53 p.m., on Tuesday, June 10, 2014.

These minutes approved on the 24th day of June, 2014.

**APPROVED:**

  
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Ray Smith, Mayor

**ATTEST:**

  
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Robyn Battle, Town Secretary