

Prosper is a place where everyone matters.

MINUTES
Regular Meeting of the
Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, May 26, 2015

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 Kenneth Dugger
Councilmember Curry Vogelsang, Jr.
Councilmember Michael Korbuly
Councilmember Mike Davis
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
John Webb, Director of Development Services
Alex Glushko, Senior Planner
January Cook, Purchasing Agent
Gary McHone, Assistant Police Chief
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 upcoming events.

The Live & Prosper Summer Series will continue on July 3 with their 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 in a combined campaign called "Grow Wild in Prosper." 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. The Parks and Recreation Department will offer programs and classes that emphasize an active, outdoor lifestyle, while the library will focus on programming related to animals and the environment. More information about these summer programs is available on the Town's website.

Weather permitting, Broadway between Preston and Craig Road will be closed most of the day next Wednesday, May 27. TxDOT has scheduled crews to arrive at 7:00 a.m. to completely remove and replace the asphalt roadway which has fallen into disrepair. Motorists are asked to use caution in the area

The Public Works Department would like to send out a friendly safety reminder to residents asking them not to drive around or through road barricades. Road crews are diligently working to repair roads recently damaged by heavy rains. Thank you for your patience.

Councilmember Dixon gave an update on the continued success of Prosper High School's baseball team, and also gave an update on the spring football game.

4. Presentations.

- **Presentations to Payton and Teagan Chamblee as Junior Police Officers for the Day. (DK)**

Payton and Teagan Chamblee were present to receive their Proclamations. They were selected to be Junior Police Officers for the Day as part of the Cornerstone North Central Texas Gala. Payton and Teagan will participate in several Police Department events throughout the year as Junior Police Officers.

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 12, 2015
 - Special Called Meeting to Canvass May 9, 2015, General Election
- 5b. Consider and act upon Resolution 15-31 authorizing *The Dallas Morning News* as an alternate advertising source. (RB)**
- 5d. Consider and act upon a 380 agreement between Horizon Homes and the Town of Prosper, and authorizing the Town Manager to execute same. (HJ)**
- 5e. Consider and act upon a 380 agreement between Sanders Custom Builder and the Town of Prosper, and authorizing the Town Manager to execute same. (HJ)**
- 5f. Consider and act upon Resolution No. 15-32 of the Town Council of the Town of Prosper, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the**

settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and ACSC's legal counsel. (HJ)

- 5h. Consider and act upon Ordinance No. 15-33 amending subsection 13.1.3, "Exemptions" of subsection 13.1, "Conveyance of Land for Recreational Areas and Facilities" of section 13, "Parks and Other Public Uses," by adding a new subsection 13.1.3.3, relative to the exemption of Senior Living and Senior Care Facilities. (JW)
- 5i. 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)

Mayor Pro-Tem Miller removed items 5c and 5g from the Consent Agenda.

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

- 5c. Consider and act upon the appointment of a Town of Prosper representative to the Board of Directors of the Upper Trinity Regional Water District. (RB)

Mayor Pro-Tem Miller suggested tabling this item for further discussion. He made a motion and Councilmember Davis seconded the motion to table Item 5c to the June 9, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

- 5g. Consider and act upon approving an Operating Lease Renewal Addendum between Modular Space Corporation and the Town of Prosper, related to the Town Hall Annex building; and authorizing the Town Manager to execute same. (JC)

Mayor Pro-Tem Miller asked Purchasing Agent January Cook to clarify the original lease date, which was October of 2013. Ms. Cook responded to questions related to leasing versus purchasing the building, and verified that there is a purchase option on the building if the Town finds that there is a need. Councilmember Davis asked whether the Town would continue to use the modular building once the new Town Hall/Multi-Purpose facility was built, and Town Manager Harlan Jefferson answered that the Town is not planning to do so. Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve an Operating Lease Renewal Addendum between Modular Space Corporation and the Town of Prosper, related to the Town Annex building; and authorize the Town Manager to execute same. 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.)

Other Comments by the Public -

Irwin "Cap" Parry, 850 Kings View Drive, Prosper asked for clarification on the monthly rent for the Town Hall Annex. Ms. Cook responded to his questions.

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 to amend the Future Land Use Plan, located on the northwest corner of Prosper Trail and future Shawnee Trail, from Medium Density Residential to Dallas North Tollway District. The property is zoned Single Family-15 (SF-15) and Commercial Corridor (CC). (CA15-0002). [Companion Case Z14-0005] (JW)**

Mayor Smith opened Items 7 and 8 concurrently. Development Services Director John Webb presented Items 7 and 8 concurrently. The applicant is proposing to rezone 67.7± acres located on the northwest corner of Prosper Trail and Dallas Parkway from Single Family-15 and Commercial Corridor to Planned Development-Single Family/Office/Retail. The request includes a 7.5 acre tract at the northwest corner of Prosper Trail and the future Shawnee Trail that is currently zoned Single Family-15. The applicant desires to rezone the property for Office use, which does not conform to the Future Land Use Plan (FLUP). The applicant has submitted a letter detailing the basis for the request. Mr. Webb introduced Kathryn Edwards, a representative of the developer, who presented a PowerPoint presentation further explaining the details of the proposed development.

Mayor Smith opened the Public Hearing for Items 7 and 8.

With no one speaking, Mayor Smith closed the Public Hearing for Items 7 and 8.

Mr. Webb returned to the podium and responded to questions regarding Single Family-12.5 versus Single Family-15 minimum development standards. Ms. Edwards responded to questions related to architectural standards for the development. The criteria in the Planned Development would stipulate that the first tenant/business to submit a preliminary site plan would set the architectural standard for the entire tract, and would become a part of the Planned Development standards. Gas stations would be approved only by SUP or by amending the PD. Council would prefer to see a majority of the single-family residential lots be at least 15,000 square feet, but would be willing to make one or two exceptions if needed, and carports are discouraged. Council would also like to see the northern entry on Shawnee Trail to the retail development moved further north, and increase the amount of landscaping/berming along the thoroughfares. Council provided additional recommendations to the applicant, suggesting roof pitches on office, retail, gas station, etc., rather than flat roofs, and additional screening around loading docks.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to table Items 7 and 8 to the June 23, 2015, Town Council Meeting. The motion was approved by a vote of 6-1 with Councilmember Davis casting the opposing vote.

8. **Conduct a Public Hearing, and consider and act upon a request to rezone 67.7± acres, located on the northwest corner of Prosper Trail and Dallas Parkway, from Single Family-15 (SF-15) and Commercial Corridor (CC) to Planned Development-Single Family/Office/Retail (PD-SF/O/R). (Z14-0005). [Companion case CA15-0002] (JW)**
9. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 2.0± acres from Retail (R) to Planned Development-Downtown Retail (PD-DTR), located on the southeast corner of Coleman Street and Gorgeous Road. (Z15-0004). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting to rezone 2.0± acres to Planned Development-Downtown Retail to accommodate a daycare/retail building. The first phase would include 15,000 square feet for the daycare, which would accommodate 190 children. The second phase would include 5,000 square feet for retail.

Randall Chrisman, 1501 Broken Bow Trail, Carrollton, spoke on behalf of the applicant, and offered to answer any questions Council may have. He added that the intent of the development was to add to the downtown look and feel of the area, and he thanked the Town staff for their help on the project.

Mayor Smith opened the Public Hearing.

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

Hulon Webb, Executive Director of Development and Community Services, responded to questions from Council regarding traffic flow and safety issues. Staff does not anticipate any future traffic or safety issues resulting from this development.

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve Ordinance 15-34 rezoning 2.0± acres from Retail (R) to Planned Development-Downtown Retail (PD-DTR), located on the southeast corner of Coleman Street and Gorgeous Road. The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon an ordinance establishing a Specific Use Permit for a Helistop, on 10.5± acres, located on the northeast corner of US 380 and future Mahard Parkway. The property is zoned Planned Development-47 (PD-47). (S15-0003). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting a Specific Use Permit (SUP) for a Helistop in conjunction with 122,500 square feet of medical office and clinic uses on the northeast corner of US 380 and future Mahard Parkway. The proposed Helistop is proposed to be located on the north side of the building and will meet all Federal Aviation Administration (FAA) regulations. Mr. Webb reviewed all of the criteria relevant for consideration of an SUP, and the request satisfies the Town's criteria for SUP approval.

Mayor Smith opened the Public Hearing.

Michael Clark, 6750 Hillcrest Plaza, #325, Dallas, spoke in favor of the item.

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

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Dixon seconded the motion to approve Ordinance No. 15-35 establishing a Specific Use Permit for a Helistop, on 10.5± acres, located on the northeast corner of US 380 and future Mahard Parkway. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

11. **Consider and act upon approving a Lease Agreement between Sarah Nell Templin and the Town of Prosper, related to the property located at 108 and 110 W. Broadway; and authorizing the Town Manager to execute same. (JC)**

January Cook, Purchasing Agent, presented this item before the Town Council. The Town has been leasing the property at 108 and 110 W. Broadway to accommodate the Police Department, Municipal Court, Town Council meetings, and other Board and Commission meetings for several years; however, the lease agreement has expired. Ms. Cook reviewed the terms of the new lease agreement, which will go into effect on June 1, 2015. It includes a base rent, with an additional 5% annual increase, plus an additional monthly amount for utilities. The agreement also includes a one-time reimbursement for unpaid utilities. Cost comparisons were conducted, and Town staff has concluded that it is in the Town's best interest to enter into a new lease for the current property at 108 and 110 W. Broadway.

After discussion, Councilmember Vogelsang made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve a Lease Agreement between Sarah Nell Templin and the Town of Prosper, related to the property located at 108 and 110 W. Broadway; and authorize the Town Manager to execute same. The motion was approved by a vote of 7-0.

12. **Consider and act upon authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Randall Scott Architects, related to architectural and engineering design services for Town Hall/Multi-Purpose Facility; and authorizing use of the construction manager at risk contracting method for construction. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Supplemental conditions of the agreement are still being negotiated, so Town staff is requesting that this item be tabled; however, Mr. Webb asked Council to clarify a few points that were discussed on the tour that was held on May 22, 2015.

Mr. Webb asked for clarification on the square footage of the new Town Hall/Multi-Purpose Facility. The Town Council was in consensus that the original estimate of 36,000 square feet would not be sufficient, and that the building would need to be at least 50,000 square feet. The Council had mixed opinions on whether the building should go from two to three stories to accommodate the extra space, or stay at two stories and expand to a larger footprint. Greg Conaway of Randall Scott Architects recommended that both options should be studied with cost comparisons for each.

Council's direction was that both alternatives be explored, with the option that the entire building may not be finished out at once.

Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to table Item 12 to the June 9, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

13. 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:

13a. *Section 551.087 – To discuss and consider economic development incentives.*

13b. *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.*

13c. *Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.*

13d. *Section 551.074 – To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment/Construction Board of Appeals, and Library Board.*

The Town Council recessed into Executive Session at 8:39.

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

The Town Council reconvened the Regular Session at 9:29.

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem seconded the motion to appoint Brandon Daniel to fill the unexpired term of Place 7 of the Planning & Zoning Commission, due to Mike McClung's resignation. The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Kenneth Dugger made a motion and Councilmember Korbuly Seconded the motion to appoint Meigs Miller as Mayor Pro-Tem and Curry Vogelsang, Jr. and Deputy Mayor Pro-Tem. The motion was approved by a vote of 7-0.

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

Deputy Mayor Pro-Tem Dugger requested that Town staff research the possibility of Cornerstone NCT holding more than three garage sales in one year. Town Manager Harlan Jefferson directed Town staff and the Town Attorney to review potential options.

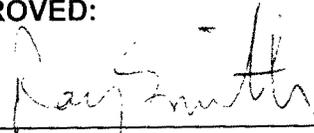
Councilmember Dixon directed Town staff to research the potential of acquiring property owned by Mahard Egg Ranch south of Prestonwood Church for municipal purposes.

16. **Adjourn.**

The meeting was adjourned at 9:32 p.m.

These minutes approved on the 9th day of June, 2015.

APPROVED:



Ray Smith, Mayor

ATTEST:


Robyn Battle, Town Secretary