



*Prosper is a place where everyone matters.*

**MINUTES**  
**Meeting of the Prosper Town Council**  
Prosper Town Hall  
Council Chambers  
200 S. Main Street  
Prosper, TX 75078  
Tuesday, January 8, 2019

**AGENDA BRIEFING**

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

The meeting was called to order at 5:46 p.m.

**Council Members Present:**

Mayor Ray Smith  
Councilmember Mike Korbuly  
Councilmember Craig Andres  
Councilmember Meigs Miller  
Councilmember Jeff Hodges

**Council Members Absent:**

Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Mike Korbuly

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Terry Welch, Town Attorney  
Robyn Battle, Town Secretary/PIO  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Alex Glushko, Planning Manager  
Pete Anaya, Deputy Director of Engineering Services  
Leslie Scott, Director of Library Services  
Chuck Springer, Executive Director of Administrative Services  
Kelly Neal, Finance Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief

**2. Questions about items listed on the Regular Meeting Agenda.**

Discussion was held on the proposed changes to the Special Events ordinance (Item 4d on the Consent Agenda), and the current enforcement procedures. Town staff responded that the proposed changes are intended to provide more time for staff to review applications.

Planning Manager Alex Glushko responded to questions regarding the density of the Townhome development in Windsong Ranch, and the proposed changes to the development standards (Item 7 on the Regular Agenda). Now that the development has been fully master-planned, developers are able to more accurately reflect the anticipated density, which will decrease from 8 dwelling units per acre to 6 dwelling units per acre, although the number of townhomes will increase slightly.

Mr. Glushko clarified that the repeal of the SUPs in Items 8 and 9 on the Regular Agenda are intended to amend the permitted uses on the property, since the developer's plans have changed.

Fire Chief Blasingame clarified the location of the proposed modular building near the Central Fire Station (Item 4g on the Consent Agenda).

**3. Discussion Items:**

- **HOA Presidents Meeting (HJ)**

Town Manager Harlan Jefferson briefed the Council on an upcoming meeting for HOA Presidents on January 24, 2019. The purpose of the meeting is to update the HOA leaders on the US 380 expansion issue, as well as current topics of interest within the Town.

- **Discussion on Draft Non-residential Standards (AG)**

Planning Manager Alex Glushko briefed the Council on proposed non-residential development standards. He presented images of brick patterns, window details, building materials, and landscaping. The proposed standards will include a combination of descriptive language and images to provide developers and architects clear guidance on preferred architectural details and landscaping. A proposed ordinance will be brought forward for Council consideration at a future meeting.

The Agenda Briefing was adjourned at 6:21 p.m.

**REGULAR MEETING CONVENES IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING AGENDA BRIEFING**

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

The meeting was called to order at 6:24 p.m.

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

Retired U.S. Army Chaplain Carl Rau led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of recent and upcoming events.**

Councilmember Craig Andres read the following announcements:

The Community Library's Winter & Spring 2019 Program is now available, and programs begin today. A variety of events and activities are offered each week for children, teens, and adults. More information is available on the Town website.

The Town of Prosper is providing a central drop-off point for Christmas trees through Sunday, January 13. The unattended drop-off center is located in the parking area on the south side of First Street between the Central Fire Station and the water tower. The site is open 24 hours a day, and there is no charge for the service. Trees must be cleared of any lights, ornaments, tinsel, and any other non-organic material.

The Town has contracted with CWD as the new provider for trash and recycling services. New trash and recycling carts will be delivered to residents later this month, and service begins on January 28. Informational brochures will be delivered to residents with their new carts, and with their monthly utility bills. More information is available on the Town website.

Town offices will be closed on Monday, January 21, in honor of Martin Luther King Jr. Day.

**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 – December 11, 2018**
- 4b. Consider and act upon Ordinance No. 19-01 amending Ordinance No. 18-71 (FY 2018-2019 Budget). (KN)**
- 4c. Consider and act upon ratifying a Purchase Contract with Nortex Modular Leasing and Construction Company, dba BOXX Modular, for the purchase of a modular building to provide adequate space for administration of the Fire Department, Fire Marshal's Office, and Emergency Management. (SB)**
- 4d. Consider and act upon Ordinance No. 19-02 amending Article 4.09, "Special Events and Temporary Outdoor Seasonal Sales," of Chapter 4, "Business Regulations," of the Town's Code of Ordinances. (JW)**
- 4e. Consider and act upon Ordinance No. 19-03 rezoning a portion of Planned Development-17 (PD-17) to Planned Development-Office/Retail (PD-O/R) and rezoning Single Family-15 (SF-15) to Planned Development-Office (PD-O), on 15.2± acres, located on the southwest corner of Broadway Street and Preston Road. (Z18-0007). (AG)**
- 4f. Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between BG-GBT Broadway & Preston, L.P., and the Town of Prosper, Texas, concerning the design and construction of a downtown monument sign at the southwest corner of Broadway Street (FM 1193) and Preston Road (SH 289). (HW)**
- 4g. 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 Hodges made a motion and Councilmember Andres seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 5-0.

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.

Bruce Carlin, 921 Grapevine Court, Prosper, spoke regarding increased truck traffic and speeding on Prosper Trail, between Preston Road and Coleman Road. He asked for additional enforcement efforts from the Police Department.

**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.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

6. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.4± acre from Single Family-15 (SF-15) to Downtown Office (DTO), located on the south side of Broadway Street, east of Coleman Street (306 E. Broadway Street). (Z18-0016). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of the rezoning request is to allow for the conversion of the existing home into a beauty salon, in accordance with the DTO District standards and the Future Land Use Plan. Applicants Ben and Teresa Hammond were present for any questions from the Council. No additional exterior modifications to the home are required, however, the applicants will construct a parking lot and add landscaping.

Mayor Smith opened the Public Hearing.

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

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 19-04 rezoning 0.4± acre from Single Family-15 (SF-15) to Downtown Office (DTO), located on the south side of Broadway Street, east of Coleman Street (306 E. Broadway Street). The motion was approved by a vote of 5-0.

7. **Conduct a Public Hearing, and consider and act upon an ordinance amending a portion of Planned Development-40 (PD-40), modifying the townhome development standards, on 57.4± acres, located on the west side of Teel Parkway, south of Fishtrap Road. (Z18-0017). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. In January, 2015, the Town Council approved an amendment to Planned Development-40 (PD-40), specifically regarding the development standards for the 300 permitted townhomes within Windsong Ranch. With this proposed amendment, the PD for the townhomes will be

amended in its entirety; however, the development standards for the townhomes constructed in Phase 1 will not be modified. Only townhomes to be constructed in the future will be affected. The proposed amendment modifies the development standards and allows for a new architectural style that will appeal to a broad customer base. The number of allowed townhouses will be increased from 300 to 312 total lots along with additional area for common areas.

David Blom of Tellus Group, the developer of Windsong Ranch, reiterated the terms of the request.

Mayor Smith opened the Public Hearing.

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve Ordinance No. 19-05 amending a portion of Planned Development-40 (PD-40), in order to modify the Development Standards for the Windsong Ranch Townhouses, on 57.4± acres, generally located along the west side of Teel Parkway, south of Fishtrap Road. The motion was approved by a vote of 5-0.

8. **Conduct a Public Hearing, and consider and act upon an ordinance repealing Specific Use Permit-24 (S-24), for a Drive-Through Restaurant in Westfork Crossing (Lot 2), on 2.1± acres, located on the north side of US 380, west of Gee Road. The property is zoned Commercial (C) and Specific Use Permit-24 (S-24). (S18-0010). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. On January 23, 2018, the Town Council adopted Ordinance No. 18-09, granting Specific Use Permit-24 (S-24) which requires development of a drive-through restaurant on the subject property, located on Lot 2 of the Westfork Crossing development. As opposed to a drive-through restaurant, the applicant is proposing to develop a bank with drive-through on the subject property, which is a permitted use in a Commercial (C) District. Development of a use other than drive-through restaurant requires a repeal of the existing Specific Use Permit. Because the Specific Use Permit was granted through the zoning process, involving public hearings and notification, repealing of the Specific Use Permit requires the same zoning process, involving public hearings and notification. The applicant has provided a letter outlining their request to repeal S-24.

Mayor Smith opened the Public Hearing.

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 19-06 repealing Specific Use Permit-24 (S-24), for a Drive-Through Restaurant in Westfork Crossing (Lot 2), on 2.1± acres, located on the north side of US 380, west of Gee Road. The motion was approved by a vote of 5-0.

9. **Conduct a Public Hearing, and consider and act upon an ordinance repealing Specific Use Permit-26 (S-26), for a Drive-Through Restaurant in Westfork Crossing (Lot 3), on 1.0± acre, located on the north side of US 380, west of Gee Road. The property is zoned Commercial (C) and Specific Use Permit-26 (S-26). (S18-0011). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. On May 22, 2018, the Town Council adopted Ordinance No. 18-36, granting Specific Use Permit-26 (S-26) which requires development of a drive-through restaurant on the subject property. As opposed to a drive-through restaurant, the applicant is proposing to develop a minor automotive repair use on the subject property, which is a permitted use in a Commercial (C) District. Development of a use other than drive-through restaurant requires a repeal of the existing Specific Use Permit. Because the Specific Use Permit was granted through the zoning process, involving public hearings and notification, repealing of the Specific Use Permit requires the same zoning process, involving public hearings and notification. The applicant has provided a lettering outlining their request to repeal S-26.

Mayor Smith opened the Public Hearing.

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

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to approve Ordinance No. 19-07 repealing Specific Use Permit-26 (S-26), for a Drive-Through Restaurant in Westfork Crossing (Lot 3), on 1.0± acre, located on the north side of US 380, west of Gee Road. The motion was approved by a vote of 5-0.

- 10. Consider and act upon a Site Plan, Landscape Plan, and Façade Plan for a Drive-Through Restaurant (Rosa's Café) in Westfork Crossing, on 2.2± acres, located on the north side of US 380, west of Gee Road. The property is zoned Commercial (C) and Specific Use Permit-27 (S-27). (D18-0109). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. Per Specific Use Permit-27 (S-27), the Site Plan, Landscape Plan, and Façade Plan for a drive-through restaurant on the subject property shall be approved by the Planning & Zoning Commission and Town Council. The Site Plan shows the 6,940 square-foot drive-through restaurant (Rosa's Café) in Westfork Crossing, which is a permitted use with the approved Specific Use Permit. Ken Taft, representing the applicant, addressed the Council regarding the building elevations, noting that the exterior will be similar to other stores in the area.

After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve a Site Plan, Landscape Plan, and Façade Plan for a drive-through restaurant (Rosa's Café) in Westfork Crossing, on 2.2± acres, located on the north side of US 380, west of Gee Road, subject to Town staff recommendations. The motion was approved by a vote of 5-0.

- 11. 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:**

- 11a. Section 551.087 – To discuss and consider economic development incentives.**
- 11b. 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.**

**11c. Section 551.074 – To discuss and review the Town Manager's performance evaluation.**

The Town Council recessed into Executive Session at 6:50 p.m.

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

The Town Council reconvened the Regular Session at 8:05 p.m.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to authorize the Town Manager to execute a Real Estate Purchase and Sale Agreement for approximately 17.763 acres, and further, to execute all appropriate drainage easement and temporary construction easement documentation related thereto for the purchase price referenced in the Agreement, for the property to be utilized for municipal purposes. The motion was approved by a vote of 5-0.

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

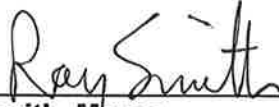
No action was taken on this item.

**14. Adjourn.**


The meeting was adjourned at 8:06 p.m., on Tuesday, January 8, 2019.

These minutes approved on the 22<sup>nd</sup> day of January 2019.

**APPROVED:**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Robyn Battle, Town Secretary

