



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Life Journey Church
104 W. Broadway Street
Prosper, TX 75078
Tuesday, June 12, 2018

1. Call to Order/Roll Call.

The meeting was called to order 6:00 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Mike Korbuly
Councilmember Kenneth Dugger
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terrence Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Pete Anaya, Deputy Director of Engineering Services
Steve Glass, Senior Engineer
Alex Glushko, Planning Manager
Paul Naughton, Landscape Architect
Matt Furr, Parks Superintendent
Kelly Neal, Finance Director
January Cook, Purchasing Agent

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

Col. Carl Rau, retired Chaplain for the United States Army, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of recent and upcoming events.

Councilmember Hodges read the following announcements:

Election Day for the Prosper Town Council runoff election is this Saturday, June 16. Prosper residents who live in Collin County may vote in Prosper Municipal Chambers, and Denton County residents may vote at Fire Station 2. Polls will be open from 7:00 a.m.-7:00 p.m.

The Library's Summer Kickoff Event took place on June 2. This year's theme is "On The Move." Check the Town website or the Library's Facebook page for information on weekly programs throughout the summer.

Registration is now open for Prosper's Summer recreation programs, sports, and activity camps, including Magic Camp, and Soccer Sparks. Sign up at www.ProspersParksandRec.org.

Prosper's Pride in the Sky event will take place on Tuesday, July 3, at Frontiér Park starting at 5:00 p.m. The annual Independence Day event will feature live music, a charity softball game, food trucks, vendors, and a kid zone. Bring your blankets and lawn chairs and enjoy the fireworks.

Last week, the Prosper High School Baseball team returned to the UIL state playoff tournament for the 13th consecutive year. The Town Council would like to congratulate Coach Carpenter and the entire team on another tremendous season.

4. Presentations.

- **Presentation by Sandra Rybicki of the United States Postal Service regarding a post office site in Prosper. (RB)**

Sandra Rybicki with the United States Post Office provided a presentation to the Town Council, as required by the Postal Code. The Post Office is considering acquiring land in the Town of Prosper for a new Post Office facility. Public comments will be accepted for the next 30 days.

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 meeting. (RB)**

- **Regular Meeting – May 22, 2018**

- 5b. Consider and act upon awarding CSP No. 2018-52-A to V&A Landscape and Lawn, at the unit prices proposed, to establish an annual fixed-price contract for Prosper Parkland and Right-Of-Way Maintenance; and authorizing the Town Manager to execute same. (MF)**

Deputy Mayor Pro-Tem Dixon removed Item 5c from the Consent Agenda.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 7-0.

- 5c. 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)

Alex Glushko, Planning Manager, responded to questions from the Council regarding roof pitch on a building elevation.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve Item 5c. 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.

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:

- 7. Conduct a Public Hearing, and consider and act upon a request to rezone Planned Development-25 (PD-25) and Planned Development-39 (PD-39), on 1,364.1± acres, in order to divide PD-25 and PD-39 into new Planned Developments corresponding with current ownership, and allocating existing entitlements accordingly, located north of US 380, east of Coit Road, west of Custer Road, and north and south of First Street. (Z18-0001). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The proposed rezoning is intended to be administrative in nature only, with the goal of breaking the two PDs into five new PDs corresponding with current ownership, while accurately allocating the entitlements as they currently exist. The proposed amendments are not intended to alter the existing development standards. Dividing the existing zoning into individual PDs that correspond to current ownership will more easily allow an individual property owner to develop and/or rezone their property without involving other property owners.

Doug Mousel, an applicant representing LandPlan, addressed the Council and requested approval of the zoning request. Aaron Richards, an applicant representing the Lakewood subdivision and 55 Prosper, also requested approval of the zoning request.

Mayor Smith opened the Public Hearing.

Rob Stogsdill, 3750 Dogwood Drive, Prosper, spoke in opposition to the item, noting his concerns about the possibility of the crime rate rising with the addition of multi-family housing in the area.

Dennis De Mattei, 300 Yosemite Drive, Prosper, spoke in opposition to the item, stating concerns with the addition of more multi-family housing, and the increase in the crime rate that may follow. He also noted concerns with the thoroughfare plan along First Street, and encouraged the Council to keep multi-family development near commercial developments and away from single-family residential areas.

India Rubin, 681 Cherrywood Drive, Prosper, spoke in opposition to the item, noting her concerns about the potential increase in multi-family developments. She encouraged the Council to keep multi-family and retail development along the US 380 corridor.

Nancy Stogsdill, 3750 Dogwood Drive, Prosper, did not wish to speak, but registered her opposition to the request.

Heather Powell, 711 Cherrywood Drive, Prosper, did not wish to speak, but registered her opposition to the request, noting that breaking up the PDs would make it easier for them to be rezoned in the future.

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

Mr. Glushko, and Hulon Webb, Executive Director of Development and Community Services, reviewed the proposed land uses for the PDs, specifically noting where multi-family developments would be permitted. Mr. Glushko stated that any future changes to the zoning would require a new zoning request, Public Hearings, and notification of adjacent property owners.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Dugger seconded the motion to approve a request to rezone Planned Development-25 (PD-25) and Planned Development-39 (PD-39), on 1,364.1± acres, in order to divide PD-25 and PD-39 into new Planned Developments corresponding with current ownership, and allocating existing entitlements accordingly, located north of US 380, east of Coit Road, west of Custer Road, and north and south of First Street. The motion was approved by a vote of 7-0.

8. **Conduct a Public Hearing, and consider and act upon a request to amend the Old Town Inset Map of the Future Land Use Plan from Old Town Core – Single Family to Old Town Core – Retail, located on the east side of Coleman Street, between Fifth Street and north of Seventh Street. (CA18-0001). [Companion Cases Z18-0002 and MD18-0003] (AG)**

Mayor Smith opened Items 8, 9, and 10 concurrently.

9. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.7± acre from Single Family-15 (SF-15) to Downtown Retail (DTR), located on the southeast corner of Seventh Street and Coleman Street. (Z18-0002). [Companion Cases CA18-0001 and MD18-0003] (AG)**

DEPARTMENT ITEMS:

10. **Consider and act upon a request for a Façade Exception for Cornerstone, located on the southeast corner of Seventh Street and Coleman Street. (MD18-0003). [Companion Cases CA18-0001 and Z18-0002 (AG)]**

The applicant has requested Items 8, 9, and 10 be tabled to the June 12, 2018, Town Council meeting.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to table Items 8, 9, and 10 to the June 26, 2018, Town Council meeting. The motion was approved by a vote of 7-0.

11. **Consider and act upon awarding RFP No. 2018-56-A to Pattillo, Brown & Hill, L.L.P., related to financial audit services; and authorizing the Town Manager to execute the engagement letter for same. (KN)**

Finance Director Kelly Neal presented this item before the Town Council. The Town requested proposals from qualified firms to provide financial audit services. The previous audit firm provided audit services for the Town for two years. Firms were scored based on qualifications, cost, references, and other criteria.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Korbuly seconded the motion to award RFP No. 2018-56-A to Pattillo, Brown & Hill, L.L.P related to financial and single audit services; and authorize the Town Manager to execute the engagement letter for same. The motion was approved by a vote of 7-0.

12. **Consider and act upon ratifying the Town Manager's signature on the Park Facilities Agreement between the Town of Prosper, Prosper Partners, LP (Developer) and Parks at Legacy Homeowners' Association, Inc. (HOA) for the Parks at Legacy, and execute the First Amendment to Park Facilities Agreement, between Prosper Villages at Legacy LLC, predecessor-in-interest to Prosper Partners, LP, a Texas limited partnership, the Parks at Legacy Homeowners Association, Inc. and the Town of Prosper, Texas, related to park dedication and park improvement fees for the Parks at Legacy. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. The Town Council previously approved a Park Facilities Agreement and a Property Exchange Agreement related to the Parks at Legacy development. The proposed First Amendment will amend the exhibits in the existing Park Facilities Agreement to match the exhibits as approved in the Property Exchange Agreement. Tonight's action by Council will also ratify the Town Manager's signature on the original Park Facilities Agreement.

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to ratify the Town Manager's signature on the Park Facilities Agreement between the Town of Prosper, Prosper Partners, LP (Developer) and Parks at Legacy Homeowners' Association, Inc. (HOA) for the Parks at Legacy, and execute the First Amendment to Park Facilities Agreement, between Prosper Villages at Legacy LLC, predecessor-in-interest to Prosper Partners, LP, a Texas limited partnership, the Parks at Legacy Homeowners

Association, Inc. and the Town of Prosper, Texas, related to park dedication and park improvement fees for the Parks at Legacy. The motion was approved by a vote of 7-0.

13. **Consider and act upon awarding Bid No. 2018-75-B, to RKM Utility Services, Inc., related to construction services for the Prosper Trail (Kroger to Coit Road) project; and authorizing the Town Manager to execute a construction agreement for same. (SG)**

Senior Engineer Steve Glass presented this item before the Town Council. The scope of this contract includes the widening of Prosper Trail from a two-lane rural section to a four-lane curb and gutter section with median, starting approximately 1,000 feet east of Preston Road, going east to Coit Road. This includes all necessary storm drainage, grading, paving, irrigation, landscaping, and conduit for future street lights for this widening project. Work in this contract is scheduled to be complete by Summer 2019.

After discussion, Councilmember Dugger made a motion and Councilmember Miller seconded the motion to award Bid No. 2018-75-B, to RKM Utility Services, Inc., related to construction services for the Prosper Trail (Kroger to Coit Road) project; and authorizing the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

14. **Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between Denton County FWSD #10, and the Town of Prosper, Texas, related to an approximate 700 linear foot additional extension of Teel Parkway to serve the Inwood Tract. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. On August 12, 2014, the Town Council approved an Interlocal Agreement to allow the District to construct two lanes of Teel Parkway north of Fishtrap Road to serve a portion of the Artesia development. In accordance with the Town of Prosper Thoroughfare Plan in place at the time of the 2003 agreement, Teel Parkway was depicted as a four-lane divided thoroughfare and therefore, the District was not planning to construct a three-lane bridge. Since Teel Parkway is ultimately planned to be a six-lane divided thoroughfare, it was beneficial for the bridge to be constructed as a three-lane bridge, versus a two-lane bridge and the Town agreed to fund the third lane of the bridge. This project is complete.

The District is continuing to develop the property and is requesting another Interlocal Agreement to capture the obligations of an additional extension of approximately 700 linear feet of Teel Parkway to serve the Inwood Tract. The proposed agreement also clarifies the financial contribution obligations of the District towards future improvements along this section of Teel Parkway as well as future final extension of two lanes of Teel Parkway adjacent to the Artesia development.

After discussion, Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute an Interlocal Agreement between Denton County FWSD #10, and the Town of Prosper, Texas, related to an approximate 700 linear foot additional extension of Teel Parkway to serve the Inwood Tract. The motion was approved by a vote of 7-0.

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 the Town Attorney regarding legal issues associated with nonconforming uses of land, and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 7:04 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 8:59 p.m. No action was taken as a result of Executive Session.

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

- **Solid Waste Specifications for RFP (KN)**

Kelly Neal briefed the Council on the preparations of a Request for Proposals (RFP) for Solid Waste and Recycling Services. The RFP will require estimates for the Town's existing base cost of service, plus optional additional services. Town staff was directed to include optional services such as weekly bulk trash pickup and designated dumpster collection days to the RFP.

- **First Street Traffic Counts (HW)**

Hulon Webb, Executive Director of Development and Community Services, reviewed the results of speed data that was recently collected on First Street. Results show average traffic speeds that were slightly higher than the 2017 speed studies. Town staff was directed to continue active patrols for enforcement of the speed limit, the periodic placement of speed trailers as a reminder of the speed limit, and additional monitoring with tube counters in the fall of 2018 for evaluation by the Engineering Division.

- **US 380 ILA Street Lighting and Landscaping (HW)**

Hulon Webb, Executive Director of Development and Community Services, updated the Council on the terms of a proposed Interlocal Agreement between the City of McKinney, the City of Frisco, and the Town of Prosper for the maintenance of US 380 lighting and landscaping. The Agreement is scheduled to be brought forward for Council consideration at the July 10, 2018, Town Council meeting.

18. **Adjourn.**

The meeting was adjourned at 9:22 p.m., on Tuesday, June 12, 2018.

These minutes approved on the 26th day of June 2018.



APPROVED:

Ray Smith
Ray Smith, Mayor

ATTEST:

Robyn Battle
Robyn Battle, Town Secretary