



*Prosper is a place where everyone matters.*

## MINUTES

### Regular Meeting of the Prosper Town Council

Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, January 28, 2014

#### 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 Michael Korbuly  
Councilmember Curry Vogelsang, Jr.  
Councilmember Danny Wilson  
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 Copple, Director of Development Services  
Kent Austin, Finance Director  
Doug Kowalski, Interim Police Chief  
Gary McHone, Assistant Police Chief  
Wayne Snell, Building Official  
Trish Eller, Code Compliance Officer

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

Pastor Jason McConnell of Prosper United Methodist Church led the invocation.

The Pledge of Allegiance and the Pledge to the Texas Flag were led by Cub Scout Den #4 from Pack 289.

#### 3. **Announcements of upcoming events.**

Councilmember Vogelsang made the following announcements:

The Town Council welcomes Cub Scout Den #4, from Pack 289, to tonight's meeting to lead the pledge of allegiance and the Texas pledge. The scouts are working on their "Law is a Big Job" badge.

Prosper's Parks & Recreation Trout Derby will be held on Saturday, February 22, from 9:00 – 11:00 a.m. at Frontier Park. This free activity encourages youth to learn about fishing, and provides a fun way for families to spend time together. Prizes for various

age groups will be awarded, and raffle items and door prizes will be provided by local sponsors. Contact Julie Shivers with the Parks & Recreation Department for more information.

The North Texas Municipal Water District will conduct free chlorine maintenance of its distribution system from February 17 through March 17. During this time, the Town's water may have an altered taste, but this will not affect the water's quality or purity. The Texas Commission on Environmental Quality allows water suppliers to perform this maintenance, which reduces the need to flush systems during the warm weather periods, thus conserving water. While a few water customers might detect a change in the taste and odor of the water during the maintenance period, the water will continue to be safe.

For the second time in three years, the Town of Prosper has been granted the Gold Level award from the Texas Comptroller Leadership Circle. This is the highest award for online financial transparency from the Texas Comptroller of Public Accounts. Prosper attained a perfect 20 out of 20 score. The Town was judged on criteria including the officially adopted budget, annual financial report, check register, and web page. Congratulations to Town Manager Harlan Jefferson, Finance Director Kent Austin, and the Finance Department staff for their commitment to openness and transparency in keeping residents informed of the Town's financial picture.

**4. Proclamation.**

- **Presentation of a Proclamation declaring February 7-14, 2014, as Congenital Heart Defect Awareness Week.**

Mayor Smith presented a Proclamation to Melissa Hansen and another member of Mended Little Hearts of Dallas, a support group for families of children affected by congenital heart defects.

**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 – January 14, 2014**

**5b. Receive the November 2013 financial report. (KA)**

**5c. Receive the December 2013 financial report. (KA)**

**5d. 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. (CC)**

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger 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.)

Mayor Smith recognized the following individuals who requested to speak:

Dr. Phyllis Hoffschwelle, 2640 Glen Haven Court, Prosper, spoke regarding the Prosper Ladies Association, which was formed in 2013. She presented information on the Association's membership, activities and fundraisers, including their Boots & Bling event to be held on Saturday, March 29.

There were no other 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.)

**DEPARTMENT ITEMS:**

7. **Consider and act upon awarding Bid No. 2014-29-B to Quality Excavation LTD., related to the construction services for the 2<sup>nd</sup> Upper Plane 30/24-Inch Treated Water Pipeline; and authorizing the Town Manager to execute same. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. This project will create a second water transmission line out of the newly expanded Custer Road Pump Station, to the corner of First Street and Coit Road. The existing water line at first and Coit will be extended north to connect to the line feeding the Quail Lake subdivision.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2014-29-B to Quality Excavation LTD., in the amount of \$3,599,581.00; and authorize the Town Manager to execute a Construction Services Contract Agreement between Quality Excavation LTD., and the Town of Prosper related to construction services for the 2<sup>nd</sup> Upper Plane 30/24-Inch Treated Water Pipeline. The motion was approved by a vote of 7-0.

8. **Consider and act upon an ordinance repealing and replacing Chapter 2 of the Code of Ordinances regarding Animal Control. (TE)**

Code Compliance Officer Trish Eller presented this item before the Town Council. The proposed ordinance would update the Town's animal control standards to include several regulations typically found in animal control ordinances from surrounding cities. During the 2013 Strategic Planning Session, updating the Town's animal control ordinance was identified as a major initiative related to maintaining safety and security within the Town. Ms. Eller reviewed some of the proposed amendments to the ordinance, and answered questions from the Town Council related to the number of animals allowed on a piece of property and regulations regarding the keeping of livestock. Terry Welch confirmed that all residents would be required to be in compliance with the ordinance once it has been adopted and published. Misty Brown from Collin County Animal Services was present and answered questions about animal control services provided by the county, and reported that the county receives approximately 20-40 animal complaint calls per month from Prosper residents. The county works with the Town's Code Compliance Officer to respond to animal complaints and issues.

Mayor Smith recognized the following individual who requested to speak:

Janet Tharp, 1227 Chandler Circle, Prosper, spoke in favor of this item. She explained her concerns regarding livestock being kept on her neighbor's property.

After discussion, Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve Ordinance No. 14-05 repealing and replacing Chapter 2 of the Code of Ordinances regarding Animal Control. The motion was approved by a vote of 7-0.

**9. Update on threat analysis for Prosper ISD campuses. (DK)**

Interim Police Chief Doug Kowalski presented this item before the Town Council. A threat assessment will be conducted at each Prosper ISD campus and facility located within the Town. This is the first joint effort between the Town of Prosper Police Department and Prosper ISD personnel to conduct this type of assessment, which will be conducted on a regular basis going forward.

This was an informational item only, and no action was taken.

**10. Discussion on Collin County Discretionary Funding Call for Projects. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Collin County has identified \$15 million of discretionary funding from the 2007 transportation bond program that is available to municipalities for transportation improvements. The Town is required to provide matching funds for any projects that receive funding. Town staff recommended two projects: the reconstruction of Coleman Street from Prosper Trail to Prosper High School, and the widening of Coleman Street across the south edge of Prosper High School resulting in a four-lane divided roadway. Mr. Webb presented an additional option to request funding for the design of improvements to the southbound service road of the Dallas North Tollway. Council also discussed other options, including extending Coleman Street to Preston Road.

Mayor Smith recognized the following individual who requested to speak:

Chris Blair, 841 Sibyl Lane, Prosper, asked about other options that Town staff considered, and recommended that the Council pursue projects other than the Dallas North Tollway that would have more of a local impact.

Ann Lieber, 1190 Crooked Stick Drive, Prosper, questioned whether funding from SH 121 could be used to fund improvements to the Dallas North Tollway service road, rather than County funding.

Matt Richardson, Senior Engineer addressed the question by stating that there has not been a call for projects to use SH 121 toll money, and explained the benefits of requesting funding for the design of the Dallas North Tollway service road.

Jack Dixon, 810 Long Valley Court, Prosper, inquired about future plans for Talon Lane, and Mr. Webb responded.

Town staff was directed to submit the following projects to Collin County in response to the Collin County Discretionary Funding Call for Projects:

- **Coleman Street (Prosper Trail to Prosper High School & Prosper High School to Preston Road):** Reconstruct an existing two-lane 20' wide asphalt roadway as a two-lane 24' wide undivided (one-half of ultimate four-lane divided) concrete roadway from Prosper Trail to the southern boundary of Prosper High School. Construct a new two-lane 24' wide undivided (one-half of ultimate four-lane divided) concrete roadway on a new alignment from the east boundary of Prosper High School to Preston Road.
- **Coleman Street (at Prosper High School):** Widen an existing two-lane 24' wide undivided (one-half of ultimate four-lane divided) concrete roadway to a four-lane divided roadway across the frontage of Prosper High School.
- **Dallas North Tollway Southbound Frontage Road (US 380 – Frontier Parkway), Engineering Only:** Conduct engineering design for two southbound lanes of the Dallas North Tollway Frontage Roads from Frontier Parkway to US 380, including intersection improvements at Frontier Parkway, Prosper Trail, and First Street.

**11. Discussion on street light standards for the Town's thoroughfares and the Downtown Enhancements Project. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Town staff has researched options for decorative street light options to be placed in the medians of the Town's thoroughfares, as well as lighting options for the downtown area through the Downtown Enhancements Project. The Town Council selected the "Omega" design for thoroughfare lighting. Bill Hays from the Prosper Historical Society was present, and recommended the "Heritage" style for the downtown area. The Town Council directed staff to move forward with the "Omega" style for thoroughfare lighting and the "Heritage" style for the downtown area.

**12. Discussion on Alcohol Permit Fees. (RB)**

Town Secretary Robyn Battle presented this item before the Town Council. The Town's local option elections allow for the sale of alcohol in permitted areas within the Town.

The current Town ordinance authorizing a local permit fee was adopted in 2006. Ms. Battle reviewed the fees that a typical establishment in the Town of Prosper would pay to TABC and to the Town for alcohol permits under the current TABC fee schedule, and presented the results of a survey to determine which municipalities in the area also charge local permit fees. The benefits of charging a fee versus not charging a fee were discussed. Town staff was directed to bring the item and proposed ordinances to either amend the fee ordinance or discontinue the fees back to the Town Council at the February 11 Town Council meeting.

Mayor Smith recognized the following individuals who requested to speak:

Chris Blair, 841 Sibyl Lane, Prosper, encouraged the Town Council to consider the effect the ordinance may have on small business owners.

Ann Lieber, 1190 Crooked Stick, Prosper, spoke in opposition to continuing the permit fee.

**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 551.071. 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 7:48 p.m.

Mayor Smith left the Executive Session at 8:15 p.m.

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

The Regular Session was reconvened at 8:30 p.m.

No action was taken as a result of Executive Session.

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

**• Update to Building Codes. (WS)**

Wayne Snell, Building Official, presented information on increasing the wind load requirement for new residential construction with the adoption of the 2012 Building Codes. Staff was directed to increase the wind load requirement in the proposed update to the Building Codes.

- **Cement Truck Ordinance Discussion. (DK)**

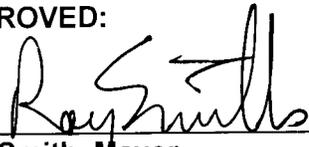
Interim Police Chief Doug Kowalski updated the Town Council on a proposed ordinance related to the spillage of concrete from concrete truck on Town roadways. Chief Kowalski reviewed the details of the ordinance. Two representatives from local concrete companies were present to answer questions related to their current procedures. Both representatives support the ordinance, with the exception of the requirement for a reflective surface on the chute of the truck. The Town Council directed staff to change the ordinance to reflect this suggestion, and to bring the ordinance back to the Town Council for adoption at a future meeting.

**16. Adjourn.**

The meeting was adjourned at 8:45 p.m., on Tuesday, January 28, 2014.

These minutes approved on the 11th day of February, 2014.

**APPROVED:**

  
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Ray Smith, Mayor

**ATTEST:**

  
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Robyn Battle, Town Secretary