



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, October 14, 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.  
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  
Paul Naughton, Landscape Architect  
Matt Richardson, Senior Engineer  
Will Mitchell, Parks & Recreation Manager  
Kent Austin, Finance Director  
January Cook, Purchasing Agent  
Baby Raley, Human Resources Director  
Leslie Scott, Library Director  
Robert Winningham, Economic Development Corporation Executive Director  
Doug Kowalski, 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.**

Councilmember Korbuly made the following announcements:

The Senior Citizen luncheon with the Mayor will be held tomorrow, October 15, from 11:30 a.m. - 1:00 p.m. The event will be held at Prosper United Methodist Church, located at 205 S. Church Street.

Residents are invited to attend the Prosper Community Library's fall event on Saturday, October 25. The children's pumpkin and craft event will be held from 11:00 a.m. - Noon, and there will be a used book sale from 10:00 a.m. – 4:00 p.m. The event will be featured on the Texas Library Association's website to showcase our Community Library.

Early voting for the November 4 General Election will be held in Municipal Chambers from October 20 through October 31 for Collin County voters. More election information is available on the Town's website. Due to the early voting schedule, the October 28 Town Council meeting will be held in the Prosper ISD Central Administration Building located at 605 E. 7th Street.

The 5th Annual Cory Ausenbaugh Memorial 5k and One-Mile Fun Run will be held on Saturday, October 18, at Frontier Park. Registration information is available on the Town's website. Proceeds will be donated to a scholarship fund for a Prosper High School Senior who is pursuing a degree in education. Contact Assistant Fire Chief Stuart Blasingame for more information.

Residents are invited to join the fun at Prosper's Homecoming Parade, to be held on Wednesday, October 22, starting at 5:30 p.m. Come see a variety of floats representing Prosper's community and school groups at one of the Town's biggest fall events.

#### 4. **Presentations.**

- **Presentation of Certificates of Appreciation to former members of the Town's Boards and Commissions.**

Mayor Smith presented Certificates of Appreciation to the following former Town Board and Commission members:

Thomas Frazer – Board of Adjustment/Construction Board of Appeals  
Mary Helen Sanders – Board of Adjustment/Construction Board of Appeals  
Chris Sanchez – Parks & Recreation Board  
Roger Flood – Library Board  
Bruce Carlin – Planning & Zoning Commission

The following individuals were not present at the meeting, but will also receive Certificates of Appreciation for their service to the Town:

Bill Senkel – Planning & Zoning Commission  
Mark DeMattia – Planning & Zoning Commission  
Tena Worthy – Parks & Recreation Board  
Barbara Newell – Parks & Recreation Board  
Rick Turner – Planning & Zoning Commission

#### 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.)

Councilmember Davis removed Items 5b and 5g from the Consent Agenda.

Deputy Mayor Pro-Tem Dugger removed Items 5d and 5f from the Consent Agenda.

**5a. Consider and act upon minutes from the following Town Council meeting. (RB)**

- **Regular Meeting – September 23, 2014**

**5c. Consider and act upon Ordinance 14-70 rezoning 60.9± acres, located 2,000± feet south of First Street, 3,000± feet west of Dallas Parkway, from Planned Development-47 (PD-47) to Planned Development-Single Family-10 (PD-SF-10). (Z14-0013). (AG)**

**5e. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement for Geographic Information System (GIS) Services between the Town of Prosper and City of Frisco. (AG)**

Deputy Mayor Pro-Tem Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve Items 5a, 5c, and 5e on the Consent Agenda. The motion was approved by a vote of 7-0.

**5b. Consider and act upon awarding CSP No. 2014-40-A to Imaginuity Interactive, Inc., for website enhancement, website hosting, and support services; and authorizing the Town Manager to execute same. (BR)**

Human Resources Director Baby Raley presented this item before the Town Council. Ms. Raley answered questions from the Town Council regarding web hosting, website speed, the scope of work in the contract, and security of the new website.

After discussion, Councilmember Davis made a motion and Councilmember Korbuly seconded the motion to award CSP No. 2014-40-A to Imaginuity Interactive, Inc., for website enhancement, website hosting, and support services; and authorize the Town Manager to execute same. The motion was approved by a vote of 7-0.

**5d. Consider and act upon Ordinance No. 14-71 for a Specific Use Permit (SUP) for a New Automobile Sales/Leasing facility, on 16.1± acres, located on the north side of US 380, 4,000± feet west of Dallas Parkway. The property is zoned Planned Development-43 (PD-43). (S14-0003). (JW)**

Development Services Director John Webb presented this item before the Town Council. The Town Council approved this item at the September 23, 2014, Town Council meeting subject to conditions related to outdoor intercoms, garage bay doors, and outdoor lighting. Since that meeting, the applicant has requested slight modifications to the language in the proposed ordinance, and Town staff has recommended revisions to the requirements related to garage bay doors and outdoor lighting.

After discussion, Deputy Mayor Pro-Tem made a motion and Mayor Pro-Tem Miller seconded the motion to approve Ordinance No. 14-71 for a Specific Use Permit (SUP) for a New Automobile Sales/Leasing facility, on 16.1± acres, located on the north side of US 380, 4,000± feet west of Dallas Parkway. The property is zoned Planned Development-43 (PD-43), subject to the following conditions:

1. Revise condition #2 of the proposed ordinance to clarify "Any structures with a garage or bay shall include an automatic door closing device for such garage or bay, exclusive of the Automatic Car Wash."
2. Revise condition #3 of the proposed ordinance to clarify "After-hours reduction of outdoor lighting, by 90%, to 10%, at midnight."

The motion was approved by a vote of 7-0.

- 5f. 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)**

John Webb responded to questions from the Town Council related to the Landscape Plan and Open Space requirements for the Shops at Prosper Trail.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Dixon seconded the motion to approve Item 5f. The motion was approved by a vote of 7-0.

- 5g. Consider and act upon approving the purchase of lighting and installation services for the Frontier Park Southwest Corner and Batting Cage Lighting project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative. (PN)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. The item was approved as part of the FY 2014-2015 budget. Mr. Webb responded to questions related to the materials for the project, and the project timeline.

After discussion, Councilmember Dixon made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve the purchase of lighting and installation services for the Frontier Park Southwest Corner and Batting Cage Lighting project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

**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 Kingsview Drive, Prosper, expressed his approval and appreciation for the review of the Comprehensive Plan, which will be discussed as part of Item 8 of this agenda.

## **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 Ordinance No. 14-72 amending Section 8, "Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures," of Chapter 1, "General Provisions, Administration and Procedures," of the Zoning Ordinance, Ordinance No. 05-20, as amended, regarding procedures for denial recommendations by the Planning and Zoning Commission, written protest procedures and petitions in opposition to a zoning amendment, and officers of the Board of Adjustment, their appointment and duties; and repealing existing provisions related thereto. (Z14-0014). (JW)**

Development Services Director John Webb presented this item before the Town Council. The proposed amendments to the Zoning Ordinance include changes to the appeal process for denial of a zoning change request by the Planning & Zoning Commission, protest procedures in opposition to a zoning amendment, and the appointment process for officers of the Board of Adjustment.

Mayor Smith opened the Public Hearing.

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

Councilmember Dixon expressed concern with the protest procedures, indicating that if the proposed ordinance amendment requires a written protest to be submitted four working days prior to the Public Hearing, then withdrawal of a protest should be required to meet the same deadline. Mr. Webb, Town Attorney Terrence Welch, and Town Manager Harlan Jefferson responded to questions from the Council on the current verification process for determining the 20% of land owners that must file written opposition in order to require a three-fourths vote of the entire Town Council for approval.

After discussion, Councilmember Dixon made a motion and Councilmember Davis seconded the motion to approve the proposed changes to Section 8.4 and 8.6 of the Zoning Ordinances, but that Section 8.5 should remain unchanged. The motion was denied by a vote of 2-5, with Mayor Smith, Mayor Pro-Tem Miller, Deputy Mayor Pro-Tem Dugger, Councilmember Korbuly, and Councilmember Vogelsang casting the opposing votes.

Councilmember Korbuly made a motion and Councilmember Vogelsang seconded the motion to approve Ordinance No. 14-72 amending Section 8, "Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures," of Chapter 1, "General Provisions, Administration and Procedures," of the Zoning Ordinance, Ordinance No. 05-20, as amended, regarding procedures for denial recommendations by the Planning and Zoning Commission, written protest procedures and petitions in opposition to a zoning amendment, and officers of the Board of Adjustment, their appointment and duties; and repealing existing provisions related thereto. The motion was approved by a vote of 5-2, with Councilmember Davis and Councilmember Dixon casting the opposing votes.

**DEPARTMENT ITEMS:**

**8. Conduct an annual review of the Town's Comprehensive Plan with respect to current conditions and trends. (JW)**

Development Services Director John Webb presented this item before the Town Council. Mr. Webb reviewed the prioritized action items for the Comprehensive Plan, and the recommendations provided by Masterplan, the consulting firm that completed the annual review of the Comprehensive Plan. Mr. Webb indicated that in future discussions with the Town Council, Town staff will continue to seek feedback from the Town Council in order to identify Council priorities, and discuss what action items can be accomplished by staff, and which projects may require the services of a consultant. Mayor Smith proposed a joint meeting of the Town Council and the Planning & Zoning Commission to discuss the Comprehensive Plan.

After discussion, Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to receive the annual review of the Town's Comprehensive Plan with respect to current conditions and trends. The motion was approved by a vote of 6-1, with Deputy Mayor Pro-Tem Dugger casting the opposing vote.

**9. Discussion on the design of the Downtown Enhancements project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. Mr. Richardson reviewed the scope of the project which includes sidewalk expansion, roadway improvements, redesigned parking, landscaping, and decorative street lighting, and responded to questions from the Town Council on the timing of the project, street width, parking, and landscaping. The Town Council was encouraged to contact staff with any additional comments or feedback related to the Downtown Enhancements project.

**10. 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:**

**10a. *Section 551.087 – To discuss and consider economic development incentives.***

**10b. *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.***

**10c. Section 551.071 – To discuss possible litigation regarding claims related to landscaping and irrigation projects, and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 8:03 p.m.

Mayor Smith left the Executive Session at 8:32 p.m.

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

The Town Council reconvened the Regular Session at 8:43 p.m. No action was taken as a result of Executive Session.

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

- **Discuss the date for the Strategic Planning Session in January 2015**

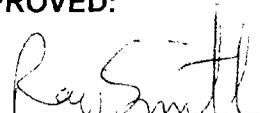
Town Secretary Robyn Battle proposed a tentative date of January 28, 2015, for the Town Council Strategic Planning Session.

**13. Adjourn.**

The meeting was adjourned at 8:45 p.m.

These minutes approved on the 28th day of October, 2014.

**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**