



Prosper is a place where everyone matters.

MINUTES
Meeting of the Prosper Town Council
Prosper Independent School District
Central Administration Building
Board Room
605 East 7th Street, Prosper, TX 75078
Tuesday, November 11, 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 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
Matt Richardson, Senior Engineer
Dan Heischman, Senior Engineer
Will Mitchell, Parks & Recreation Manager
Paul Naughton, Landscape Architect
Kent Austin, Finance Director
Trish Featherston, Accounting Manager
Liz McDonald, Accountant
Doug Kowalski, Police Chief

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

Pastor Bo Thompson of Rhea's Mill Baptist Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. Announcements of upcoming events.

Councilmember Davis made the following announcements:

The Town Council would like to thank the Prosper Historical Society for holding their annual Veterans Day Program last Thursday, and for the Fire Department Honor Guard who participated in the event. We would also like to thank Prosper High School for holding their annual Veterans Day Luncheon today. Thank you for honoring our Veterans.

The Prosper Police Department is kicking off their annual "Cops with a Claus" holiday campaign to assist families in need by providing them with gift cards for grocery stores, department stores, and a variety of merchants. Tax-deductible donations of any amount may be dropped off at Prosper Town Hall, or the Prosper Police Dispatch Office through December 6. For more information, please contact Assistant Police Chief Gary McHone.

The Proper Centennial Christmas festival will be held on Saturday, December 6 in downtown Prosper. Free parking and shuttles will run from Reynolds Middle School starting at 1:30 p.m. The festivities will start with the annual Rotary Club Christmas Parade starting at 2:30 p.m., and will travel Rucker Elementary to downtown. Festival activities begin at 3:00 p.m. and will include activities for kids of all ages, a petting zoo, photo areas, a gingerbread house contest, food and craft vendors, musical performances and more. The festival will conclude at 6:00 p.m. with the lighting of the Christmas tree and fireworks set to music.

4. **Presentations.**

- **Presentation of a Proclamation to members of the Prosper Historical Society and local veterans proclaiming November 11, 2014, as *Veterans Day*.**

Members of the Prosper Historical Society, and several local veterans were present to receive the Proclamation.

- **Presentation of a Proclamation to members of the Pulmonary Hypertension (PH) Association proclaiming November 2014 as *Pulmonary Hypertension Awareness Month*.**

The Hebert family was present to receive the Proclamation. Alexah Hebert is currently a PH patient. Her mother, Heather Hebert, spoke of the "Prosper Goes Purple" event that was held earlier this year to promote awareness for PH.

- **Presentation to members of the Town of Prosper Finance Department for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013.**

Kent Austin, Trish Featherston, and Liz McDonald of the Town of Prosper Finance Department were present to receive the plaque.

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 – October 28, 2014**

- 5b. **Consider and act upon canceling the November 25, 2014, and the December 23, 2014, Prosper Town Council meetings. (RB)**

5c. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement with Collin County related to the Coleman Street between Prosper Trail and Preston Road project. (MR)

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. (AG)

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

Other Comments by the Public -

Jack Dixon, 810 Long Valley Court, Prosper, acknowledged Col. Jeff Payne for his presentation at the Prosper Historical Society Veterans Day Program.

Irwin "Cap" Parry, 850 Kingsview Drive, Prosper, encouraged the Town Council to appoint a volunteer citizen committee to study and make recommendations on the development of the downtown area.

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 for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street. (V14-0003). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. The property was recently rezoned from Single Family 15 to Downtown Office. The applicant is requesting a variance for the requirements for a monument sign. Town staff recommended approval of the variance. Mr. Glushko responded to questions about the setback, and the impact on parking. Hulon Webb, Executive Director of

Development and Community Services, responded to Council's inquiry about ensuring consistency of signage in the Downtown Office zoning district.

Mayor Smith opened the Public Hearing.

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

Town staff answered additional questions about the style and materials for the sign.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Davis seconded the motion to approve a request for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street. The motion was approved by a vote of 7-0.

DEPARTMENT ITEMS:

8. **Consider and act upon authorizing the Town Manager to execute a Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The Town Council approved funding for the design of Coleman Street from Prosper Trail to Prosper High School in March of 2014. Since that time, the Town has received additional discretionary bond funding from Collin County to extend Coleman Street to Preston Road. The proposed contract amendment would fund the remaining design services for the new extension. Mr. Richardson answered questions about the timeline of the project, landscaping of adjacent residential property, and possible wetland mitigation. Council inquired about the timing to improve Victory Way. Mr. Richardson responded that the timing will depend on the future plans for the Talon Road and Frontier Parkway intersection. The Coleman Street project will include a sidewalk on the east side of Coleman Street.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project. The motion was approved by a vote of 7-0.

9. **Consider and act upon approving the Prosper Youth Sports Commission (PYSC) inaugural by-laws. (WM)**

Parks and Recreation Manager Will Mitchell gave an overview of the item, then introduced Troy Brock, President of the PYSC. Mr. Brock responded to questions from the Town Council on the definition of "recognized" sports leagues. The appeal process was also discussed, as well as the procedure for determining board members. Mr. Brock stated that most PYSC meetings are open to the public; however, Terry Welch, the Town Attorney, confirmed for the Town Council that since the PYSC is not a Council-appointed board, or part of a governing body, it is not required to hold meetings in accordance with the Open Meetings Act. The Town Council added language to the bylaws that requires Town Council approval of the bylaws, liability insurance coverage for the PYSC Board members, and minor

changes to the language related to facility use. Terry Welch drafted the changes, and read them into the record.

Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve the Prosper Youth Sports Commission (PYSC) inaugural bylaws, to include changes as read by the Town Attorney. The motion was approved by a vote of 7-0.

10. Discussion on implementing the Stormwater Management Program requirement to meet conditions of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System. (DH)

Senior Engineer Dan Heischman presented this item before the Town Council. The Town has reached a population which requires it to comply with the Texas Commission on Environmental Quality (TCEQ) General Permit requirements to discharge under the Texas Pollutant Discharge Elimination System. One component of compliance is to develop and implement a Stormwater Management Program (SWMP). A draft program was submitted to TCEQ in June of 2014. Town staff has addressed TCEQ's comments on the draft program, and it is now ready for implementation. The program incorporates current best management practices that the Town already implements, and shall develop new policies to address TCEQ requirements. The FY 2014-2015 budget includes a Stormwater Specialist, funded by the Town's Drainage Utility Fee, who will oversee implementation of the program. Additional funds may be required in the future to achieve the goals set forth in the SWMP.

After discussion, Town staff was directed to report back to Council on the amount the Town has collected in stormwater drainage fees, and how those funds have been spent in the past. No further action was taken.

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

Senior Engineer Matt Richardson presented this item before the Town Council. The original scope of the project included street lighting in the downtown area. In May of 2014, Town staff was directed to proceed with the design of the Downtown Enhancements, with the addition of sidewalk and landscape improvements. Council expressed concern over the scope of the project, and the potential that any improvements made now may need to be removed and relocated in the future.

Mayor Smith recognized the following individual who requested to speak:

Jack Dixon, 810 Long Valley Court, Prosper, spoke in favor of installing the originally-proposed street lighting only, and to develop a long range plan for downtown, including a new Town Hall. He emphasized the need for a downtown committee to study the issue.

After discussion, the Town Council directed staff to place this issue as a discussion item for the Strategic Planning Session in January. No further action was taken.

12. **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:

12a. Section 551.087 – To discuss and consider economic development incentives.

12b. 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.

12c. Section 551.071 – To discuss possible litigation regarding claims related to landscaping and irrigation projects, and all matters incident and related thereto.

12d. 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 8:02 p.m.

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

The Town Council reconvened the Regular Session at 9:04 p.m. No action was taken as a result of Executive Session.

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

- **Proration of utility bill fixed charges for partial month customers. (KA)**

This item was not discussed.

- **School Zone Times at Rogers Middle School. (MR)**

The school zone times are being adjusted for Rogers Middle School. An ordinance will be brought for Council consideration at the December 9, 2014, Town Council Meeting.

- **TXDOT recommendations for Preston Road speed limit. (MR)**

Town staff has received a recommendation from TxDOT to adjust the speed limit on Preston Road to 55 mph. An ordinance will be brought for Council consideration at the December 9, 2014, Town Council Meeting.

- **Joint Town Council and Planning & Zoning Commission meeting agenda. (JW)**

John Webb, Director of Development Services, reviewed the proposed agenda for the Joint Town Council and Planning & Zoning Commission Work Session to be held on December 2, 2014.

- **Centennial Celebration Committee update. (RB)**

Town Secretary Robyn Battle, chairman of the Centennial Committee, provided an update on Centennial Committee activities. The Committee is planning to sell commemorative Christmas ornaments at the Christmas Festival, Bill Hays with the Prosper Historical Society will provide two educational presentations on Prosper's history in February, and Committee will hold a final event on April 18, 2015, at Frontier Park. The Town Council expressed their support of the planned activities.

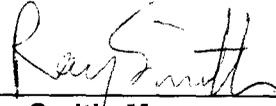
- Councilmember Korbuly requested that Town staff research the placement of a street light at the intersection of Custer Road and Frontier Parkway.

15. Adjourn.

The meeting was adjourned at 9:17 p.m.

These minutes approved on the 9th day of December, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary