



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, June 23, 2015

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

The meeting was called to order at 6:01 p.m.

**Council Members Present:**

Mayor Ray Smith  
Councilmember Kenneth Dugger  
Councilmember Michael Korbuly  
Councilmember Mike Davis  
Councilmember Jason Dixon

**Council Members Absent:**

Mayor Pro-Tem Meigs Miller  
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.

**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  
Frank Jaromin, Public Works Director  
Cheryl Davenport, Finance Director  
January Cook, Purchasing Agent  
Doug Kowalski, Police Chief

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

Bishop John Sallaway of the Church of Jesus Christ of Latter-Day Saints led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of upcoming events.**

Councilmember Dugger read the following announcements:

Congratulations to the Prosper Eagles Baseball Team for winning the UIL Class 5A State Baseball Championship. Their victory in Round Rock marks the first state title for the baseball team since 1984. Their record setting-season ended with 35 wins and just 3 losses. The Town Council commends the players, coaches, managers, trainers, and everyone who has supported the team.

The suspect who allegedly robbed the Independent Bank branch in Prosper last Wednesday was arrested on Friday thanks to the quick work of the Town of Prosper Police Department, McKinney Police Department, Collin County Sheriff's Office, Office of Homeland Security Investigations, and Texas Rangers. Thanks to their

outstanding teamwork, and several tips from the public, the suspect was arrested without incident.

The Library Summer Programs are off to a great start. During the first week of summer break, the library held 3 events with a total of 276 in attendance. 177 children have signed up for the "500 Minute Challenge." Participation in these programs has almost doubled since last year, and several people have checked out the "One Book, One Town" selection, "Unbroken." Please visit the Town of Prosper website for more information on the Library's summer activities.

Registration is open for several Parks & Recreation Programs including Bricks 4 Kids, Archery, Tennis, and Engineering Camps, adult fitness classes, and much more. Visit the Town of Prosper website for more information on how to register.

The Prosper Summer Series "Pride in the Sky" Event will take place on Friday, July 3, at Frontier Park. Come out and enjoy this Independence Day Event from 4:00-10:00 p.m. that will include a classic car and truck show, live music, a charity softball game, kid zone, vendors, and fireworks. For more information, visit [www.prideinthesky.com](http://www.prideinthesky.com).

Councilmember Dixon thanked the 8,000+ Prosper fans who attended the state championship baseball game in support of the Prosper Eagles.

Councilmember Dugger thanked those who attended and supported the recent Lions Club Charter Banquet.

Councilmember Korbuly announced that youth football and soccer registration is now open.

Mayor Smith skipped to Items 6, 7, and 8 at this time.

Mayor Smith announced that due to the absence of two Council Members from tonight's meeting, he is requesting that Items 6, 7, and 8 be tabled to the July 14, 2015, Town Council meeting.

#### **PUBLIC HEARINGS:**

6. **Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan, located on the northwest corner of Prosper Trail and future Shawnee Trail, from Medium Density Residential to Dallas North Tollway District. The property is zoned Single Family-15 (SF-15) and Commercial Corridor (CC). (CA15-0002). [Companion Case Z14-0005] (JW)**
7. **Conduct a Public Hearing, and consider and act upon a request to rezone 67.7± acres, located on the northwest corner of Prosper Trail and Dallas Parkway, from Single Family-15 (SF-15) and Commercial Corridor (CC) to Planned Development-Single Family/Office/Retail (PD-SF/O/R). (Z14-0005). [Companion case CA15-0002] (JW)**
8. **Conduct a Public Hearing, and consider and act upon a request to amend Chapter 2, Zoning Districts and Chapter 4, Development Requirements of the Zoning Ordinance regarding Alternating Single Family Plan Elevations, Exterior Residential Masonry Construction, Impervious Coverage of Residential Front Yards, Single Family Corner Lot Landscaping, Residential Garage Standards,**

**Residential Driveway Standards, Carports and Size of Garages; and amend Chapter 3, Building Regulations of the Code of Ordinances regarding residential fences and exterior masonry construction. (Z15-0005). (JW)**

Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to table Items 6, 7, and 8 to the July 14, 2015, Town Council meeting. The motion was approved by a vote of 5-0.

**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 – June 9, 2015**

**4b. Receive the April 2015 Financial Report. (CD)**

**4e. Consider and act upon approving an amendment to the Tower Site Lease Agreement between T-Mobile West LLC, a Delaware corporation, as successor in interest to Voicestream GSMI Operating Company LLC, and the Town of Prosper; and authorizing the Town Manager to execute same. (JC)**

**4f. Consider and act upon Resolution No. 15-38 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the design of Frontier Park North. (PN)**

Councilmember Korbuly removed Item 4c from the Consent Agenda.

Councilmember Davis removed Item 4d from the Consent Agenda.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve the remaining items on the Consent Agenda. The motion was approved by a vote of 5-0.

**4c. Consider and act upon Resolution No. 15-37 authorizing various individuals as signers of specific accounts and certain investment matters. (CD)**

Town Manager Harlan Jefferson responded to questions from Council related to the purpose of the resolution. Because of the recent changes in staff, a new resolution is required to update the list of authorized individuals as signers on certain Town accounts.

Councilmember Korbuly made a motion and Councilmember Davis seconded the motion to approve Resolution No. 15-37 authorizing various individuals as signers of specific accounts and certain investment matters. The motion was approved by a vote of 5-0.

**4d. Consider and act upon approving an amendment to the IT Managed Services Agreement between NCC Data, LLC, and the Town of Prosper; and authorizing the Town Manager to execute same. (JC)**

Purchasing Agent January Cook responded to questions from the Council related to the terms of the agreement, and how the Town will transition to potentially providing in-house Information Technology services in conjunction with the IT Managed Services agreement.

Councilmember Davis made a motion and Councilmember Dugger seconded the motion to approve an amendment to the IT Managed Services Agreement between NCC Data, LLC, and the Town of Prosper; and authorizing the Town Manager to execute same. 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.)**

**Other Comments by the Public -**

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.)**

**DEPARTMENT ITEMS:**

**9. Discussion of the Town of Prosper Records Management Master Plan. (RB)**

Town Secretary Robyn Battle presented this item before the Town Council. The Records Management Master Plan has been developed to improve all components of the Town’s records management program. Ms. Battle reviewed each section of the plan, which includes the basics of records management, an assessment of current conditions, recommendations for improvement, and a timeline to implement the plan over the next three years. Ms. Battle responded to questions from the Town Council related to prioritization of action items, and the budgetary implications of some of the items in the plan. The Town Council supported the plan and took no further action.

**10. Update on the Parks, Recreation, and Open Space Master Plan. (PN)**

Hulon Webb, Executive Director of Development and Community Services, requested that this item be postponed and discussed at the June 30, 2015, Strategic Planning/Budget Work Session. Mayor Smith agreed and no further action was taken.

11. **Consider and act upon an ordinance amending Subsection 4.10.006, "Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations," of Article 4.10, "Garage Sales," of Chapter 4, "Business Regulations," of the Code of Ordinances by amending the permitted number of garage sales conducted by a Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations that may be conducted in a calendar year and the amount of time between garage sales on the same property. (JW)**

Development Services Director John Webb presented this item before the Town Council. The Town's current ordinance limits the number of garage sales to a maximum of three per calendar year. The proposed ordinance would allow nonprofit organizations to conduct up to twelve garage sales per year for each property, with at least a twenty-eight day lapse between garage sales occurring on the same property.

After discussion, the Town Council gave direction to amend the ordinance to allow twelve garage sales per year, but omit the limitation on location, and omit the requirement of the twenty-eight day lapse between garage sales.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to adopt Ordinance No. 15-39 amending Subsection 4.10.006, "Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations," of Article 4.10, "Garage Sales," of Chapter 4, "Business Regulations," of the Code of Ordinances by amending the permitted number of garage sales conducted by a Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations to twelve per calendar year. The motion was approved by a vote of 5-0.

12. **Consider and act upon awarding Bid No. 2015-30-B to Dickerson Construction Company, Inc., related to construction services for the Lakes of La Cima Outfall Repair project; and authorizing the Town Manager to execute a construction agreement for same. (FJ)**

Frank Jaromin, Public Works Director, presented this item before the Town Council. Dickerson Construction has been selected for this project as a result of the bidding process. The project will include repair of the outfall, provide additional channel improvements, stabilization of the creek bed, installation of a concrete spill way, construction of wing walls, and the establishment of turf to preserve the deterioration of the pond.

After discussion, Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to award Bid No. 2015-30-B to Dickerson Construction Company, Inc., related to construction services for the Lakes of La Cima Outfall Repair project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-0.

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.**

The Town Council recessed into Executive Session at 6:53 p.m.

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

The Town Council reconvened the Regular Session at 7:37 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.**

- **Discussion of Backflow Prevention Program (FJ)**

Frank Jaromin gave an overview of the Town's proposed Backflow Prevention Program. The program has been approved and is ready for implementation. Mr. Jaromin reviewed and responded to questions from the Town Council related to the proposed registration and testing fees associated with the program, which will be brought forward for consideration by Council on July 28, 2015.

- **CIP Projects (HW)**

- **SH 289 Median Lighting and Landscaping**

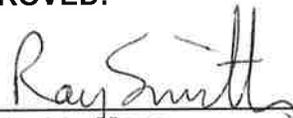
Town Manager Harlan Jefferson announced that all of the landscaping will be completed by mid July. Mr. Webb provided the Town Council with an update on the installation of median lighting.

**16. Adjourn.**

The meeting was adjourned at 7:45 p.m.

These minutes approved on the 14th day of July, 2015.

**APPROVED:**

  
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Ray Smith, Mayor

**ATTEST:**

  
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Robyn Battle, Town Secretary