



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway, Prosper, Texas  
Tuesday, September 22, 2015

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

The meeting was called to order at 6:05 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Meigs Miller  
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Kenneth Dugger  
Councilmember Michael Korbuly  
Councilmember Mike Davis (arrived at 6:11 p.m.)  
Councilmember Jason Dixon

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary  
Edwin Voss, Town Attorney  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Alex Glushko, Senior Planner  
Jonathan Hubbard, Planner  
Paul Naughton, Landscape Architect  
Will Mitchell, Parks and Recreation Manager  
Julie Shivers, Recreation Services Coordinator  
Leslie Scott, Library Director  
Cheryl Davenport, Finance Director  
January Cook, Purchasing Agent  
Baby Raley, Human Resources Director  
Doug Kowalski, Police Chief  
Ronnie Tucker, Fire Chief  
Stuart Blasingame, Assistant Fire Chief  
Bryan Ausenbaugh, Fire Marshal

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

Doug Kriz of Grace Christian Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of recent and upcoming events.**

Councilmember Dixon read the following announcements:

The Prosper Police and Fire Departments are hosting a "Drug Take Back Day" on Saturday, September 26, to provide a safe, convenient way to dispose of over-the-counter or prescription medications. Residents may drop off unwanted or expired drugs at the entry lobby of the Prosper Fire Station from 10:00 a.m. - 2:00 p.m.

On Tuesday, October 6, residents are encouraged to participate in National Night Out by spending the evening outside visiting with neighbors and Prosper's public safety personnel. This annual event was created to heighten awareness and strengthen participation in local anti-crime efforts. Contact Officer Chris Peacock for more information or to schedule a block party.

The 6th Annual Cory Ausenbaugh Memorial 5k and 1 Mile Fun Run will be held on Saturday, October 10, at Windsong Ranch. Proceeds will benefit the Cory Ausenbaugh Memorial Scholarship Foundation for a deserving Prosper High School Senior who is pursuing a degree in education, and children of firefighters, police officers, and educators who pass away prematurely. Contact Assistant Fire Chief Stuart Blasingame for more information.

Senior Citizen residents are invited to attend a Senior Luncheon with the Mayor on Wednesday, October 14, from 11:30 a.m. - 1:00 p.m. in Prosper Municipal Chambers. Please RSVP to Julie Shivers in the Parks and Recreation Department by October 9.

Residents are invited to join the fun at Prosper's Homecoming Parade, to be held on Wednesday, October 14, 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 a Proclamation to members of the Prosper Police Department and Prosper Fire Department declaring October 6, 2015 as *National Night Out*. (DK/RT)**

Mayor Smith presented the Proclamation to Police Chief Kowalski, Fire Chief Tucker, Assistant Fire Chief Blasingame, and Fire Marshal Ausenbaugh.

- **Presentation of a Certificate of Recognition to Assistant Fire Chief Stuart Blasingame. (RB)**

Mayor Smith presented the Certificate of Recognition to Assistant Chief Blasingame for his recent assistance in helping to apprehend a robbery suspect in Frisco. Assistant Chief Blasingame was also recognized at a ceremony hosted by the Plano Police Department.

- **Presentation of a Proclamation to members of the Clothe a Child Program declaring October 2015 as *Clothe a Child Month*. (RB)**

Mayor Smith presented the Proclamation to John Taylor of the Clothe a Child program.

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 meetings.  
(RB)
- Regular Meeting – September 8, 2015
- 5b. Receive the August 2015 Financial Report (CD)
- 5c. Consider and act upon Resolution No. 15-54 designating *The Prosper Press* as the official newspaper of the Town of Prosper for Fiscal Year 2015-2016. (RB)
- 5e. Consider and act upon Ordinance No. 15-56 amending Article 3.19, "Fence Regulations" of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, by amending and establishing standards for wooden fences adjacent to and visible from streets and requirements for open fencing. (MD15-0003) (JW)

Councilmember Dixon removed Item 5d from the Consent Agenda.

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

- 5d. Consider and act upon an ordinance amending the Town's Zoning Ordinance, Ordinance No. 05-20, as amended, by amending Subsection 4.2, of Section 4, of Chapter 2; Subsection 5.2, of Section 5, of Chapter 2; Subsection 6.2, of Section 6, of Chapter 2; Subsection 7.2, of Section 7, of Chapter 2; Subsection 8.2, of Section 8, of Chapter 2; Subsection 9.2, of Section 9, of Chapter 2; Subsection 2.6(a)(1), of Subsection 2.6, of Section 2, of Chapter 4; Section 7, of Chapter 4, by adding thereto a new subsection, 7.7, "Carport Design Standards"; Subsection 9.8, of Section 9, of Chapter 4; Section 9, of Chapter 4, by adding thereto new subsections, 9.19, "Alternating single family plan elevations" and 9.20, "Residential garage standards." (Z15-0005) (JW)

Development Services Director John Webb responded to questions from the Town Council regarding masonry and fence requirements in the proposed ordinance. Mr. Webb amended the language in Section 9.8, A., 4., with the agreement of the Town Attorney to read: "Unless an alternate material is approved by the Town Council, any portion of an upper story, excluding windows, that faces a street, public or private open space, public or private parks, or hike and bike trails, shall be 100% masonry and shall not be comprised of cementitious fiber board."

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 15-55, subject to the amended language in Section 9.8, A., 4.

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 15.7± acres, from Commercial (C) and Planned Development-25 (PD-25) to Planned Development-Retail (PD-R), located on north side of US 380, 580± feet west of Custer Road. (Z15-0011). (JW)**

Development Services Director John Webb presented this item before the Town Council. The purpose of the request is to develop a big box grocery store (Kroger) and associated convenience store with gas pumps. Mr. Webb reviewed the proposed development standard of the request. The applicant's proposed elevations were designed to coordinate with the adjacent Lowe's elevations, and therefore, differ from the elevations of the other Kroger developments in Town. The Planning & Zoning Commission recommended approval of the request, subject to the applicant including a minimum of 20% stone on the southern elevation.

Councilmember Korbuly left the meeting at 6:35 p.m.

Mayor Smith opened the Public Hearing.

Greg Winkler, representing the applicant, stated that he agreed with staff to coordinate the elevations of the Kroger development with the adjacent Lowe's development, but did not agree to include barn doors as part of the building's façade.

Mayor Smith closed the Public Hearing.

Mr. Webb responded to questions from the Town Council related to the minimum standards for stone as an exterior material, since the request does not meet the minimum 20%. Council requested that the applicant return with a revised elevation that includes the minimum requirement for stone, barn doors on the building façade, and a sign plan.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to table the item to the October 27, 2015, Town Council meeting. The motion was approved by a vote of 5-2, with Councilmember Davis casting the opposing vote, and Councilmember Korbuly being absent for the vote.

### **DEPARTMENT ITEMS:**

#### **8. Discussion on Town Hall/Multi-Purpose Facility. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Mr. Webb reviewed the feedback that Town staff and Randall Scott Architects have received thus far: the facility is to be designed as an interim facility, to be an economical as possible, and to be designed with the intent of repurposing the building for another municipal use sometime in the future. The facility's entrance should face south with an entrance on the north and south sides, and parking available along Main Street. The Town Council would also like to see designs for a two-story option with architectural features similar to Prosper High School. Pogue Construction Co., L.P., was approved as the Construction Manager-At-Risk for the Town Hall/Multi-Purpose Facility at the September 8, 2015, Town Council meeting. Based on feedback received from the Town Council, Randall Scott Architects and Pogue Construction have been able to further refine cost estimates in an effort to address Council's comments on the square footage cost of the proposed facility.

Mr. Webb introduced Zach Walker from Pogue Construction who reviewed the square footage costs of similar facilities, escalated to today's prices. The Town Council was provided with handouts of updated cost estimates. Randall Scott explained some of the cost reductions in the additional building-related costs portion of the estimate. David Karcher of Pogue Construction explained that some portions of the building may have a higher cost per square footage than others, and that some of the costs are still unknown, such as some of the utility installation and site preparation costs. Town Manager Harlan Jefferson explained that items such as sewer and drainage for the project are included in the Town's Capital Improvement Program, and are not included in the cost estimate. The Town Council asked that information on the Collin Central Appraisal District building be brought forward in the next discussion. No further action was taken.

#### **9. Consider and act upon an ordinance amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Appendix A, "Fee Schedule," and adopting a new Appendix A, "Fee Schedule." (RB)**

Town Secretary Robyn Battle presented this item before the Town Council. Earlier this year, the Town Secretary's Office began a project to audit and update Appendix A, the Fee Schedule, in the Town's Code of Ordinances. In addition to some fee increases, Town staff has identified several errors and omissions in the Fee Schedule. The Fee Schedule is composed of the 18 sections; however, the proposed fee changes will only affect six of those sections.

#### **Sec. 1 Construction Permits and Fees**

The Building Inspections division is not proposing any fee increases at this time; however, there are several fees that were adopted by ordinance, but never codified.

The Fee Schedule will be updated to reflect the correct fees. This entire section will be reviewed at a later date for potential fee changes.

#### Sec. V Development Fees

Development Services is proposing to increase their application fees for zoning changes and plat filings, simplifying the ways the fees are calculated, and removing the required number of copies of plats that must be submitted at the time of application. The department has also introduced a new property owner notification fee.

#### Sec. VIII Miscellaneous

Miscellaneous fees are stand-alone fees that do not belong in other sections of the Fee Schedule. The Library Fees have been included in this section. The Library Director is not proposing an increase in late fees for books or DVD's, but is recommending a fee for lost items and a fee to patrons to recover the cost of shipping for Inter-Library Loan materials. This fee is a standard fee set by the Texas State Library. Another proposed fee for this section is the fee the Town charges for notary services, which is \$5.00 for the first signature, and \$1.00 for each additional signature. This is the maximum fee allowed to be charged by the Texas Secretary of State.

#### Sec. IX Water and Sewer Rates

Utility billing is not recommending a change in rates at this time; however, there are some corrections that need to be made in this section of the Fee Schedule related to turnoffs and reconnects, and the fee for irrigation service initiation.

#### Sec. XI Rates for Collection of Solid Waste and Recyclables

There are no proposed fee changes in this section, however the bulk pickup schedule needs to be updated to clarify language regarding Household Hazardous Waste vouchers.

#### Sec. XIII Parks and Recreation User Fees

The Parks and Recreation Department is proposing a new fee structure for the rental of Frontier Park Pavilion. The proposal is a three-tiered structure based on the number of participants, there will continue to be different fee structures for residents versus non-residents. The deposit and cancellation policies will remain the same.

All of the proposed updates to the Fee Schedule have been determined by Town staff to be reasonable changes that will increase revenue and help offset the cost of staff time and maintenance requirements. This update will also serve as a housekeeping effort to eliminate outdated language and streamline the Fee Schedule to make it easier to read and understand.

After discussion, Councilmember Dugger made a motion and Councilmember Vogelsang seconded the motion to adopt Ordinance No. 15-57 amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Appendix A, "Fee Schedule," and adopting a new Appendix A, "Fee Schedule. The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

10. **Consider and act upon an ordinance adopting the Fiscal Year 2015-2016 Annual Budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016. (HJ)**

Mayor Smith opened Item 10 and Item 11 concurrently. Town Manager Harlan Jefferson presented both items concurrently. Mr. Jefferson stated that the FY 2015-2016 does not include a tax rate increase, or fee increases for water, sewer, solid waste or storm drainage services. The focus on the budget is public safety, streets and parks. He reviewed the consolidated fund summaries, the Town's tax rate history, and the effect the proposed tax rate will have on the average homeowner. Mr. Jefferson then addressed a list of specific discussion items related to the budget about which the Council has requested further information.

After discussion, Councilmember Dixon made a motion and Councilmember Vogelsang seconded the motion to adopt Ordinance No. 15-58, adopting the Fiscal Year 2015-2016 Annual Budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016, as proposed. Town Secretary Robyn Battle called the roll, and Council Members responded as follows:

Councilmember Dixon – approved  
Councilmember Davis – opposed  
Councilmember Dugger – approved  
Deputy Mayor Pro-Tem Vogelsang – approved  
Mayor Smith – approved  
Mayor Pro-Tem Miller – approved  
Councilmember Korbuly – absent

The motion was approved by a vote of 5-2.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to ratify the property tax revenue increase as reflected in the Fiscal year 2015-2016 Adopted Budget. The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

**11. Consider and act upon an ordinance adopting the Town of Prosper 2015 Property Tax Rate. (HJ)**

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 15-59, that the property tax rate be increased by the adoption of a tax rate of \$0.52 per \$100 assessed valuation, which is effectively an 8.20 percent increase in the tax rate. Town Secretary Robyn Battle called the roll, and Council Members responded as follows:

Councilmember Dixon – approved  
Councilmember Davis – approved  
Councilmember Dugger – approved  
Deputy Mayor Pro-Tem Vogelsang – approved  
Mayor Smith – approved  
Mayor Pro-Tem Miller – approved  
Councilmember Korbuly – absent

The motion was approved by a vote of 6-1

**12. Consider and act upon an ordinance establishing a Homestead Tax Exemption. (CD)**

Finance Director Cheryl Davenport presented this item before the Town Council. She reviewed an analysis of the effect of a Homestead Exemption on the Town's assessed values ranging from a 1% to 20% exemption, and the effect such exemptions would have on the Town's revenue and the average homeowner. She responded to various scenarios related to the exemption rate, and the corresponding effects on the Town's fund balance and tax rate.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 15-60 establishing a Homestead Tax Exemption of seven and one-half percent (7.5%). The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

**13. Consider and act upon a resolution adopting the Fiscal Year 2015-2016 Capital Improvement Program. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Town staff has prepared the FY 2015-2016 Proposed Capital Improvement Program (CIP), which includes budgeted capital projects for FY 2015-2016, and major planned capital projects for a ten-year planning window. Mr. Webb provided an overview of the CIP and responded to questions from the Town Council.

Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to adopt Resolution No. 15-61 adopting the Fiscal Year 2015-2016 Capital Improvement Program. The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

**14. Consider and act upon authorizing the Town Manager to execute a Water Improvement Development Agreement between Bloomfield Homes, LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Prosper Lake on Preston development. (HW)**

Hulon Webb, Executive Director of Development and Community Services, presented this item before the Town Council. Bloomfield Homes, LP, is developing Prosper Lake on Preston, and in order to facilitate the development, they will be required to extend a 20" water line. Since the proposed water line is depicted on the Town of Prosper Water System Capital Improvement Plan, the actual costs for the design and construction of the improvements are eligible for reimbursement of water impact fees owed by the development. The purpose of the Water Improvement Development Agreement is to outline the obligations of the Town of Prosper and Bloomfield Homes, LP, related to the design, construction, and reimbursement of water impact fees to fund the project. Mr. Webb reviewed the terms of the agreement.

Councilmember Vogelsang made a motion and Councilmember Dixon seconded the motion authorizing the Town Manager to execute a Water Improvement Development Agreement between Bloomfield Homes, LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Prosper Lake on Preston development. The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

15. **Consider and act upon a resolution authorizing the Town Manager to execute an application to the Texas Parks & Wildlife Department Outdoor Recreation Grant for the development of Frontier Park North. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. Town staff is developing an application for the Texas Parks & Wildlife Department Outdoor Recreation Grant to assist in the development of Frontier Park North. The grant program assists local units of government with the acquisition and/or development of public recreation areas and facilities, providing 50% matching grants on a reimbursement basis to eligible applicants. The project will add amenities to the existing Frontier Park such as additional sports fields, a covered pavilion for community gatherings, a hike and bike trail, and additional parking. Mr. Naughton stated that the Town is pursuing additional grant funding through Collin County.

Councilmember Dugger made a motion and Councilmember Davis seconded the motion to adopt Resolution No. 15-62 authorizing the Town Manager to execute an application to the Texas Parks & Wildlife Department Outdoor Recreation Grant for the development of Frontier Park North. The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

16. **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:**

- 16a. Section 551.087 – To discuss and consider economic development incentives.**
- 16b. 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.**
- 16c. Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.**

The Town Council recessed into Executive Session at 8:25 p.m.

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

The Town Council reconvened the Regular Session at 9:25.

Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to authorize the Town Manager to execute on behalf of the Town an Economic Development Incentive Agreement with Lowe's Home Centers, LLC, and the Prosper Economic Development Corporation. The motion was approved by a vote of 6-1 with Councilmember Korbuly being absent for the vote.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to appoint the following individuals to the Town's Boards and Commissions, with terms to begin on October 1, 2015:

BOARD NAME	TERM EXPIRES	APPOINTEE
<b>BOARD OF ADJUSTMENT / CONSTRUCTION BOARD OF APPEALS</b>		
Place No. 1 (Alt.)	09-30-2017	Brent Wells
Place No. 3	09-30-2017	George Dupont
Place No. 5	09-30-2017	Tracy Kirl
Place No. 7	09-30-2017	Phyllis Hoffschwelle
<b>ECONOMIC DEVELOPMENT CORPORATION</b>		
Place No. 5	09-30-2018	Reno Jones
Place No. 6	09-30-2018	Jordan Simms
Place No. 7	09-30-2018	Billy Hurst
<b>LIBRARY BOARD</b>		
Place No. 1	09-30-2017	Lucy Towle
Place No. 3	09-30-2017	Jeff Webster
Place No. 5	09-30-2017	Jennifer Stice
Place No. 7	09-30-2017	James Sanders
<b>PARKS AND RECREATION BOARD</b>		
Place No. 1	09-30-2017	Barbara Cottone
Place No. 3	09-30-2017	Bobby Atteberry
Place No. 5	09-30-2017	Amy Bartley
Place No. 7	09-30-2017	Mandy Goddard
<b>PLANNING AND ZONING COMMISSION</b>		
Place No. 1	09-30-2017	Chad Robertson
Place No. 3	09-30-2017	Craig Andres
Place No. 5	09-30-2017	Tripp Davenport
Place No. 7	09-30-2017	Brandon Daniel

The motion was approved by a vote of 6-1, with Councilmember Korbuly being absent for the vote.

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

- **TIRZ No. 1 and TIRZ No. 2 Board of Directors (HJ)**

Town Manager Harlan Jefferson asked for Council feedback on the appointment of the Board of the Directors for the Town's two TIRZ Boards, suggesting that each be given place numbers to ensure continuity and prevent confusion if and when board members change. Mayor Smith suggested that a County Commissioner or designee be assigned a place on the Board of Directors for each TIRZ Board.

- **Discussion on the Lower Pressure Plane Ground Storage Tank and Pump Station Project. (HW)**

Jeff Payne of Freese and Nichols provided an update to the Town Council on the proposed location of the Lower Pressure Plane Ground Storage Tank and Pump Station Project. He provided information on potential sites, with cost estimates for each location. To provide needed service to the Town, the project should be in service by 2018.

Councilmember Korbuly returned to the meeting and took his place at the Council bench at 9:52 p.m.

Mr. Payne stressed that the key to keeping costs down is to choose a site on higher ground. Staff was directed to explore the two options utilizing the North Texas Municipal Water District sites.

- **Discussion of portable restrooms at the southwest corner of Frontier Park. (HW)**

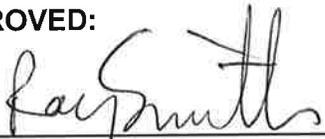
Hulon Webb provided information on parks in comparison cities related to number of restroom facilities and distance between restroom facilities and play areas. He also provided a cost estimate on constructing a permanent restroom facility at the location. Town staff was directed to install two portable restrooms near the batting cages in Frontier Park for the duration of the fall playing season.

**23. Adjourn.**

The meeting was adjourned at 10:21 p.m. on Tuesday, September 22.

These minutes approved on the 13th day of October, 2015.

**APPROVED:**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Robyn Battle, Town Secretary