



*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 13, 2015

### 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 Curry Vogelsang, Jr. (arrived at 6:12 p.m.)  
Councilmember Kenneth Dugger  
Councilmember Michael Korbuly

#### **Council Members Absent:**

Councilmember Mike Davis  
Councilmember Jason Dixon

#### **Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary  
Terry Welch, Town Attorney  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Alex Glushko, Senior Planner  
Paul Naughton, Landscape Architect  
Dan Heischman, Senior Engineer  
Matt Richardson, Senior Engineer  
Leslie Scott, Library Director  
Cheryl Davenport, Finance Director  
Ronnie Tucker, Fire Chief  
Doug Kowalski, Police Chief

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

Jeremy Nottingham of Prestonwood Baptist 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 Dugger read the following announcements:

Thanks to everyone who participated in National Night Out on October 6th. There were over 22 block parties registered this year, and the Town Council, Police Department, and

Fire Department had a great time stopping by to visit with residents. The Town appreciates the support of the community in keeping our Town safe.

Residents are invited to join the fun at Prosper's Homecoming Parade, to be held on Wednesday, October 14th, starting at 5:30 p.m. Coleman will become a one-way southbound road from Prosper Trail to Broadway at 4:45 p.m. Broadway will be closed from Church Street to Craig Road at 4:00 p.m. Come see a variety of floats representing Prosper's community and school groups at one of the Town's biggest Fall events. The parade will be followed by a Pep Rally at the High School.

The Public Works Department is hosting a Composting Course on Monday, October 19th, at the Public Works Office located at 601 W. Fifth Street. Please pre-register by contacting Tristan Cisco in the Public Works Department.

The Friends of the Prosper Community Library Used Book Sale will be held at the Library on Saturday, October 24th, from 10:00 a.m. - 3:00 p.m. The Children's Fall Event at the library, which will include pumpkin painting, will begin at 11:00 a.m.

#### **4. Presentations**

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

Craig Andres, Leray Meeks, and Craig Moody were present to receive their certificates.

- **Presentation of a Scenic City Award to members of the Development and Community Services Department.**

Paul Naughton, Dan Heischman, and Alex Glushko were present to receive the award.

#### **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 22, 2015**
- **Town Council Work Session – September 30, 2015**

- 5b. 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 the City of Frisco. (JW)**

- 5c. Consider and act upon Ordinance No. 15-63 amending 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)
- 5d. Consider and act upon Ordinance No. 15-64 rezoning 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)
- 5e. Consider and act upon Ordinance No. 15-65 amending Planned Development-38 (PD-38), on 83.6± acres, located on the northeast corner of US 380 and Coit Road. (Z15-0008). (JW)

Councilmember 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 5-0.

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.)

Bruce Carlin, 921 Grapevine Court, Prosper, thanked the Town Council for the improvements to Preston Road. He also urged the Council to modify the current truck route ordinance to minimize truck traffic on Prosper Trail.

Mark Wilson, 3B Rhea Mills Circle, Prosper, submitted a Public Meeting Appearance Card via email regarding a commercial building being build in his neighborhood, but was not present to speak.

**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 an ordinance amending Article 1.10, "Code of Ethics," of Chapter 1, "General Provisions," of the Town's Code of Ordinances by repealing the existing Code of Ethics and replacing it with a new Code of Ethics. (TW)

Terrence Welch, Town Attorney, presented this item before the Town Council. The current Code of Ethics warrants review as a result of recent changes in state legislation. There are two components to the proposed revised Code of Ethics: the definition of what constitutes a violation, and the process for dealing with complaints. The Town's current Code of Ethics has some deficiencies with definitions and the complaint process, and raises questions of impartiality due to the nature of the investigative process mandated by the current ordinance. The proposed ordinance more clearly defines actions that would constitute a violation, relegates investigations of ethics violations to the municipal court, rather than the Town Council, is a more fair process which eliminates any question of impartiality, and guarantees due process to any individual alleged to have violated the Code of Ethics.

Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to adopt Ordinance No. 15-66 amending Article 1.10, "Code of Ethics," of Chapter 1, "General Provisions," of the Town's Code of Ordinances by repealing existing Article 1.10 and replace it with a new Article 1.10, "Code of Ethics." The motion was approved by a vote of 5-0

**8. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Alan Plummer Associates, Inc., related to the BNSF Pressure Reducing Valve project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The proposed Pressure Reducing Valves (PRVs) will reduce pressure in the Town's water lines. This project will install a PRV on the 12" water line on Prosper Trail. Mr. Richardson discussed the terms of the agreement.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Alan Plummer Associates, Inc., related to the BNSF Pressure Reducing Valve project. The motion was approved by a vote of 5-0.

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

Hulon Webb, Executive Director of Development and Community Services, introduced Jeff Payne, of Freese and Nichols to discuss site options for the Lower Pressure Plan Ground Storage Tank and Pump Station. At the September 22, 2015, Town Council meeting, Town staff was given direction to pursue Option 2 near Richland Boulevard west of Prosper Commons Boulevard, and Option 3 near Richland Boulevard east of Coit Road. Mr. Payne provided photo examples of buried tanks, similar to what is proposed for the two potential site options. He then provided cost estimate for both options, and responded to questions from the Town Council. The consensus from the Town Council was to pursue Option 2, since there is better access to the site already in place, and the site is closer to the west side of Town.

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.*

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

Mayor Smith left the Executive Session at 8:15 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 8:27 p.m.

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

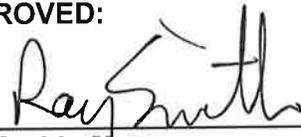
The Town Council directed staff to research the truck route ordinance as it pertains to Prosper Trail.

13. **Adjourn.**

The meeting was adjourned at 8:30 p.m. on Tuesday, October 13, 2015.

These minutes approved on the 27th day of October, 2015.

APPROVED:

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

ATTEST:

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